Tab 1	**CS/SB 80** by **EN, Harrell (CO-INTRODUCERS) Bradley, Smith, Gaetz, Davis, Bernard, Avila;** Similar to CS/CS/H 00209 State Land Management

914540	A	S	FC	FP, Gruters	Delete L.243 - 409:	04/24 02:08 PM
428042	SA	S	UNFAV	FP, Gruters	Delete L.243 - 407:	04/24 02:08 PM

Tab 2	**SB 200** by **Berman;** Identical to H 00295 Comprehensive Waste Reduction and Recycling Plan

Tab 3	**CS/SB 306** by **HP, Sharief (CO-INTRODUCERS) Gaetz, Davis;** Similar to H 00389 Medicaid Providers

Tab 4	**CS/CS/SB 324** by **ATD, CM, Smith (CO-INTRODUCERS) Arrington;** Similar to H 00215 Construction Disruption Assistance

Tab 5	**CS/SB 468** by **CJ, Collins;** Similar to CS/CS/H 00113 Fleeing or Attempting to Elude a Law Enforcement Officer

Tab 6	**CS/SB 490** by **CJ, Collins;** Similar to CS/CS/H 00383 Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, Correctional Probation Officers, and Military Servicemembers

Tab 7	**CS/SB 494** by **CJ, Leek (CO-INTRODUCERS) Arrington;** Similar to CS/H 00255 Aggravated Animal Cruelty

Tab 8	**CS/SB 496** by **RI, McClain;** Similar to CS/H 00897 Timeshare Management Firms

Tab 9	**CS/SB 500** by **ACJ, Avila (CO-INTRODUCERS) Arrington;** Similar to H 00711 Spectrum Alert

440458	A	S	RS	FP, Avila	Delete L.86:	04/23 11:34 AM
209352	SA	S	RCS	FP, Avila	Delete L.39 - 46:	04/23 11:34 AM

Tab 10	**CS/SB 524** by **AHS, Harrell;** Similar to CS/CS/H 01089 Newborn Screenings

Tab 11	**CS/SB 572** by **JU, Collins (CO-INTRODUCERS) Wright;** Identical to CS/H 00593 Dangerous Dogs

825270	A	S	RCS	FP, Collins	Delete L.89 - 363:	04/23 11:38 AM

Tab 12	**CS/CS/SB 592** by **RI, BI, Leek (CO-INTRODUCERS) Pizzo;** Similar to CS/CS/H 00393 My Safe Florida Condominium Pilot Program

Tab 13	**CS/CS/SB 594** by **EN, TR, Rodriguez;** Similar to CS/CS/H 00795 Anchoring or Mooring at Seaports

Tab 14	**CS/SB 612** by **CJ, Burgess;** Similar to CS/H 00457 Murder

Tab 15	**CS/SB 614** by **CF, Polsky;** Similar to CS/CS/H 00531 Public Education of Background Screening Requirements

Tab 16	**CS/SB 622** by **RI, Rodriguez (CO-INTRODUCERS) Calatayud;** Compare to CS/H 00709 Jai Alai Permitholders

725608	D	S	RCS	FP, Rodriguez	Delete everything after	04/22 07:07 PM
669490	AA	S	RCS	FP, Rodriguez	Delete L.10 - 18:	04/22 07:07 PM

Tab 17	**CS/SB 716** by **CJ, Martin;** Similar to CS/CS/H 01455 Sexual Offenses by Persons Previously Convicted of Sexual Offenses

Tab 18	**CS/SB 742** by **ED, Simon;** Identical to CS/H 01145 Workforce Education

Tab 19	**CS/SB 754** by **ED, Burton;** Similar to H 00581 International Baccalaureate Bonus Funding

Tab 20	**SB 776** by **Ingoglia;** Identical to H 00653 Aggravating Factors for Capital Felonies

Tab 21	**CS/SB 890** by **AHS, Yarborough (CO-INTRODUCERS) Berman, Gruters, Rouson;** Similar to CS/CS/CS/H 01421 Improving Screening for and Treatment of Blood Clots

877818	D	S	RCS	FP, Yarborough	Delete everything after	04/23 12:34 PM
920966	AA	S	RCS	FP, Yarborough	Delete L.88 - 103:	04/23 12:34 PM

Tab 22	**SB 892** by **Simon;** Similar to H 01055 Florida State University Election Law Center

Tab 23	**SB 936** by **Davis;** Identical to H 00827 Statewide Study on Automation and Workforce Impact

Tab 24	**CS/SB 964** by **ACJ, Bernard;** Similar to CS/CS/H 00181 Parole

Tab 25	**CS/SB 976** by **CF, Bernard;** Identical to CS/H 00901 Court-appointed Psychologists

Tab 26	**SB 1054** by **Garcia (CO-INTRODUCERS) Avila;** Similar to CS/CS/H 00437 Tampering with an Electronic Monitoring Device

Tab 27	**CS/SB 1084** by **CJ, Martin;** Similar to CS/CS/H 01451 Sexual Cyberharassment

Tab 28	**CS/CS/SB 1136** by **ACJ, CJ, Collins;** Similar to CS/1ST ENG/H 00777 Age as an Element of a Criminal Offense

Tab 29	**CS/SB 1156** by **HP, Harrell;** Similar to CS/CS/H 01529 Home Health Aide for Medically Fragile Children Program

558220	D	S	RCS	FP, Harrell	Delete everything after	04/23 12:51 PM

Tab 30	**CS/CS/SB 1180** by **ACJ, CJ, Gaetz;** Similar to CS/CS/H 00757 Sexual Images

678830	D	S	RCS	FP, Gaetz	Delete everything after	04/22 06:23 PM

Tab 31	**CS/SB 1212** by **BI, DiCeglie (CO-INTRODUCERS) Sharief, Calatayud, Bernard, Arrington, Pizzo, Osgood, Smith, Collins, Gruters, Harrell, Berman;** Similar to CS/H 00929 Firefighter Health and Safety

307894	A	S	RCS	FP, DiCeglie	Delete L.72 - 84:	04/23 01:11 PM

Tab 32	**CS/SB 1252** by **ACJ, Yarborough;** Similar to CS/CS/H 01359 Feasibility Study Relating to a Statewide Pawn Data Database

181156	A	S	RCS	FP, Yarborough	btw L.40 - 41:	04/22 07:09 PM

Tab 33	**SB 1268** by **Simon;** Similar to CS/CS/H 01053 Department of Law Enforcement

Tab 34	**CS/SB 1354** by **CF, Trumbull;** Similar to CS/CS/H 00633 Behavioral Health Managing Entities

Tab 35	**CS/SB 1360** by **CJ, Leek;** Similar to CS/H 00057 Controlled Substances

Tab 36	**CS/SB 1382** by **AED, Calatayud;** Similar to CS/CS/H 00859 Access to School Readiness Programs for Economically Disadvantaged Households

Tab 37	**CS/SB 1388** by **AEG, Trumbull;** Similar to H 01001 Vessels

Tab 38	**CS/CS/SB 1444** by **ACJ, CJ, Collins;** Compare to CS/H 01211 Public Safety

370304	D	S	RCS	FP, Collins	Delete everything after	04/23 01:44 PM

Tab 39	**CS/SB 1458** by **HE, DiCeglie;** Identical to CS/H 00681 Apprenticeship and Preapprenticeship Program Funding

Tab 40	**CS/CS/SB 1490** by **AHS, HP, Harrell;** Similar to CS/CS/H 01085 Children's Medical Services Program

Tab 41	**CS/SB 1528** by **MS, Collins;** Compare to CS/CS/H 01255 Educational Opportunities for Military Children

Tab 42	**CS/SB 1574** by **RI, DiCeglie;** Similar to CS/H 01239 Energy Infrastructure Investment

379058	D	S	RCS	FP, DiCeglie	Delete everything after	04/22 06:30 PM
303246	AA	S	RCS	FP, DiCeglie	Delete L.15 - 17:	04/22 06:30 PM

Tab 43	**SB 1578** by **Davis;** Similar to H 00187 Coverage for Mammograms and Supplemental Breast Cancer Screenings

Tab 44	**CS/SB 1602** by **HP, Harrell;** Identical to CS/H 01119 Health Care Patient Protection

Tab 45	**CS/CS/SB 1604** by **ACJ, CJ, Martin;** Similar to CS/CS/H 00903 Corrections

Tab 46	**SB 1672** by **Truenow;** Identical to H 06033 Labor Pool Act

Tab 47	**CS/SB 1782** by **TR, Pizzo;** Similar to CS/CS/CS/H 00351 Dangerous Excessive Speeding

Tab 48	**CS/SB 1804** by **ACJ, Martin;** Identical to CS/CS/H 01283 Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation

373460	D	S	RCS	FP, Martin	Delete everything after	04/23 01:59 PM

Tab 49	**CS/SB 1838** by **CJ, Martin;** Similar to CS/H 01049 Tampering With, Harassing, or Retaliating Against Court Officials

892498	A	S	RS	FP, Martin	Delete L.199:	04/22 06:37 PM
751882	SA	S	RCS	FP, Martin	Delete L.199:	04/22 06:37 PM

Tab 50	**CS/CS/SB 1842** by **AHS, HP, Burton;** Compare to 1ST ENG/H 01101 Out-of-network Providers

317762	D	S	RCS	FP, Burton	Delete everything after	04/23 02:00 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Gruters, Chair
Senator Osgood, Vice Chair

MEETING DATE: Tuesday, April 22, 2025
TIME: 11:00 a.m.—6:00 p.m.
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	**CS/SB 80** Environment and Natural Resources / Harrell (Similar CS/CS/H 209)	State Land Management; Citing this act as the "State Park Preservation Act"; requiring public hearings for all updated conservation and nonconservation land management plans; requiring the Division of Recreation and Parks of the Department of Environmental Protection to comply with specified provisions when granting certain privileges, leases, concessions, and permits; requiring that individual management plans for parcels located within state parks be developed and updated with input from an advisory group, etc. EN 02/11/2025 Fav/CS AEG 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
2	**SB 200** Berman (Identical H 295, Compare H 189)	Comprehensive Waste Reduction and Recycling Plan; Requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan, etc. EN 02/11/2025 Favorable AEG 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
3	**CS/SB 306** Health Policy / Sharief (Similar H 389)	Medicaid Providers; Requiring the Agency for Health Care Administration to include specified requirements in its contracts with Medicaid managed care plans, etc. HP 04/01/2025 Fav/CS AHS 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/CS/SB 324** Appropriations Committee on Transportation, Tourism, and Economic Development / Commerce and Tourism / Smith (Similar H 215)	Construction Disruption Assistance; Citing this act as the “Construction Disruption Assistance Act”; establishing the Construction Impact Relief Revolving Loan Program within the Department of Commerce; requiring the department to provide specified financial assistance to eligible small businesses within construction zones; requiring the department to develop a public awareness and marketing campaign to promote the program in partnership with specified entities; requiring an applicant to agree to accept consultation from the Florida Small Business Development Center Network as a condition to participate in the program, etc. CM 03/31/2025 Fav/CS ATD 04/10/2025 Fav/CS FP 04/22/2025 Temporarily Postponed	Temporarily Postponed
5	**CS/SB 468** Criminal Justice / Collins (Similar CS/CS/H 113, Compare H 779, S 1824)	Fleeing or Attempting to Elude a Law Enforcement Officer; Revising the law enforcement patrol vehicle marking requirements for specified offenses; authorizing the impoundment of a motor vehicle involved in certain violations for a specified period, etc. CJ 03/25/2025 Fav/CS ACJ 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0
6	**CS/SB 490** Criminal Justice / Collins (Similar CS/CS/H 383)	Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, Correctional Probation Officers, and Military Servicemembers; Specifying that correctional probation officers have the right to carry concealed firearms, during off-duty hours, at the discretion of their superior officers; authorizing correctional probation officers to perform certain law enforcement functions under limited circumstances; revising the exceptions to the required 3-day waiting period between purchase and delivery of a firearm, etc. CJ 03/04/2025 Fav/CS AEG 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0
7	**CS/SB 494** Criminal Justice / Leek (Similar CS/H 255, Compare H 455, S 502)	Aggravated Animal Cruelty; Citing this act as "Dexter’s Law"; requiring the Department of Law Enforcement to post on its website the names of certain individuals who have violated specified animal cruelty provisions; providing a sentencing multiplier for specified offenses of aggravated animal cruelty, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	**CS/SB 496** Regulated Industries / McClain (Similar CS/H 897)	Timeshare Management Firms; Revising applicability for provisions governing conflicts of interest between community association managers or community association management firms and certain persons with a financial interest in such associations; deleting a provision requiring managing entities that perform community association management to comply with certain provisions related to community association management firms; requiring the board of administration of a timeshare condominium to meet once per year, etc. RI 04/01/2025 Fav/CS AEG 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
9	**CS/SB 500** Appropriations Committee on Criminal and Civil Justice / Avila (Similar H 711)	Spectrum Alert; Requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems, etc. CJ 03/25/2025 Favorable ACJ 04/10/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 18 Nays 0
10	**CS/SB 524** Appropriations Committee on Health and Human Services / Harrell (Similar CS/CS/H 1089)	Newborn Screenings; Subject to legislative appropriation and beginning on a specified date, requiring that the Department of Health's rules require that newborns be screened for Duchenne muscular dystrophy at the appropriate age, etc. HP 03/25/2025 Favorable AHS 04/10/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
11	**CS/SB 572** Judiciary / Collins (Identical CS/H 593)	Dangerous Dogs; Citing this act as the "Pam Rock Act"; requiring certain dog owners to securely confine their dogs in a proper enclosure; requiring, rather than authorizing, that dogs subject to certain dangerous dog investigations be confiscated, impounded, and held; requiring microchipping of a dog classified as a dangerous dog; requiring the owner of a dog classified as a dangerous dog to obtain dangerous dog liability insurance coverage, etc. AG 03/03/2025 Favorable JU 04/01/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	**CS/CS/SB 592** Regulated Industries / Banking and Insurance / Leek (Similar CS/CS/H 393)	My Safe Florida Condominium Pilot Program; Limiting participation in the My Safe Florida Condominium Pilot Program to certain structures or buildings; revising the improvements for which a grant may be used; requiring that improvements be verified during the final hurricane mitigation inspection to qualify for grant funds; specifying that mitigation grants may be awarded only for mitigation improvements that will result in a mitigation credit, discount, or other rate differential, etc. BI 03/03/2025 Fav/CS RI 03/25/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
13	**CS/CS/SB 594** Environment and Natural Resources / Transportation / Rodriguez (Similar CS/CS/H 795)	Anchoring or Mooring at Seaports; Authorizing the governing bodies of certain seaports to apply to the Fish and Wildlife Conservation Commission to prohibit anchoring or mooring within specified boundary limits for specified purposes; authorizing the commission to consult with certain entities when considering an application for seaports where anchoring and mooring will be prohibited and the boundaries of such prohibited areas; requiring certain seaports annually to review the boundaries of approved prohibitions and notify the commission of such review and proposed modifications if necessary, etc. TR 03/04/2025 Fav/CS EN 03/17/2025 Fav/CS FP 04/22/2025 Temporarily Postponed	Temporarily Postponed
14	**CS/SB 612** Criminal Justice / Burgess (Similar CS/H 457)	Murder; Creating the offense of murder in the third degree; providing criminal penalties, etc. CJ 03/25/2025 Fav/CS ACJ 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 14 Nays 4
15	**CS/SB 614** Children, Families, and Elder Affairs / Polsky (Similar CS/CS/H 531)	Public Education of Background Screening Requirements; Requiring the Agency for Health Care Administration and the Department of Law Enforcement, in consultation with certain agencies, to develop and maintain a care provider background screening education and awareness webpage; providing requirements for resources provided on the webpage; requiring that specified agencies provide a link to the webpage on their respective websites and promote the inclusion of the link in certain media, etc. CF 04/01/2025 Fav/CS AHS 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	**CS/SB 622** Regulated Industries / Rodriguez (Compare CS/H 709, CS/H 1467)	Jai Alai Permitholders; Providing that holders of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessee to apply for a license, rather than be entitled to a permit and license, to conduct specified gaming activities at the leased premises, etc. RI 03/25/2025 Fav/CS AEG 04/15/2025 Favorable FP 04/22/2025 Fav/CS	Fav/CS Yeas 18 Nays 0
17	**CS/SB 716** Criminal Justice / Martin (Similar CS/CS/H 1455)	Sexual Offenses by Persons Previously Convicted of Sexual Offenses; Providing mandatory minimum terms of imprisonment for specified sexual offenses when committed by registered sexual offenders or sexual predators; providing requirements for such sentences, etc. CJ 03/11/2025 Fav/CS ACJ 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 17 Nays 1
18	**CS/SB 742** Education Pre-K - 12 / Simon (Identical CS/H 1145, Compare CS/CS/S 140)	Workforce Education; Providing that charter schools are eligible for the Workforce Development Capitalization Incentive Grant Program; revising the number of programs school districts and Florida College System institutions must offer money-back guarantees for through the money-back guarantee program by a specified date; requiring school districts and Florida College System institutions to report such programs to the State Board of Education, etc. ED 03/25/2025 Not Considered ED 03/31/2025 Fav/CS AHE 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
19	**CS/SB 754** Education Pre-K - 12 / Burton (Similar H 581)	International Baccalaureate Bonus Funding; Revising the requirements for the calculation of additional full-time equivalent membership and certain bonuses based on International Baccalaureate examination scores of students to include students who earn a minimum grade in a specified course, etc. ED 03/11/2025 Fav/CS AED 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
20	**SB 776** Ingoglia (Identical H 653)	Aggravating Factors for Capital Felonies; Adding as an aggravating factor that the capital felony was committed against the head of a state, or in an attempt to commit such crime a capital felony was committed against another individual, etc. CJ 03/18/2025 Favorable ACJ 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 15 Nays 3
21	**CS/SB 890** Appropriations Committee on Health and Human Services / Yarborough (Similar CS/CS/CS/H 1421)	Improving Screening for and Treatment of Blood Clots; Citing this act as the "Emily Adkins Family Protection Act"; requiring hospitals with emergency departments and ambulatory surgical centers to develop and implement policies and procedures and conduct training for the rendering of appropriate medical attention for persons at risk of forming venous thromboembolisms; requiring the Agency for Health Care Administration to contract with a private entity to establish a statewide venous thromboembolism registry at no cost to the state; revising requirements for certain annual inservice training for certified nursing assistants employed by nursing home facilities, etc. HP 03/11/2025 Favorable AHS 04/15/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0
22	**SB 892** Simon (Similar H 1055)	Florida State University Election Law Center; Creating the center within the Florida State University College of Law; defining the term “election law”; authorizing the center to provide assistance to the Legislature and other governmental entities; providing mechanisms for the funding of the center, etc. HE 03/17/2025 Favorable AHE 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
23	**SB 936** Davis (Identical H 827)	Statewide Study on Automation and Workforce Impact; Requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date, etc. CM 03/31/2025 Favorable ATD 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
24	**CS/SB 964** Appropriations Committee on Criminal and Civil Justice / Bernard (Similar CS/CS/H 181)	Parole; Requiring the Florida Commission on Offender Review to provide a specified statistical analysis to the Legislature; requiring the Department of Corrections to provide specified information to the commission; requiring the commission to review specified information in certain circumstances, etc. CJ 03/25/2025 Favorable ACJ 04/15/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
25	**CS/SB 976** Children, Families, and Elder Affairs / Bernard (Identical CS/H 901)	Court-appointed Psychologists; Requiring a party to seek disqualification of a court-appointed psychologist before filing an administrative complaint against the psychologist; providing for disqualification motions; revising provisions for award of costs and attorney fees in supplemental actions against court-appointed psychologists, etc. CF 04/01/2025 Fav/CS AHS 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
26	**SB 1054** Garcia (Similar CS/CS/H 437)	Tampering with an Electronic Monitoring Device; Reclassifying the offense of tampering with an electronic monitoring device to provide graduated penalties; requiring termination of pretrial release of a person who tampers with such a device while on pretrial release, etc. CJ 03/11/2025 Favorable ACJ 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
27	**CS/SB 1084** Criminal Justice / Martin (Similar CS/CS/H 1451)	Sexual Cyberharassment; Providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; authorizing an aggrieved person to initiate a civil action to recover punitive damages; providing time limitations for commencing prosecution for violations of sexual cyberharassment, etc. CJ 03/18/2025 Fav/CS ACJ 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
28	**CS/CS/SB 1136** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Collins (Similar CS/H 777, Compare H 1503, S 1718)	Age as an Element of a Criminal Offense; Providing that ignorance of a victim's age, misrepresentation of a victim's age, and a bona fide belief concerning a victim's age are not defenses to certain offenses in which the victim's age is an element of the offense; providing an exception; revising the age requirements for committing the offenses relating to luring or enticing a child, etc. CJ 03/25/2025 Fav/CS ACJ 04/15/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0
29	**CS/SB 1156** Health Policy / Harrell (Similar CS/CS/H 1529, Compare S 1166)	Home Health Aide for Medically Fragile Children Program; Providing requirements for the annual assessment of the home health aide for medically fragile children program; revising the utilization cap of a Medicaid fee schedule; requiring a home health aide for medically fragile children who works more than 40 hours per week to provide specified justification; requiring the agency to seek federal approval, including a federal waiver or state plan amendment, for specified purposes, etc. HP 04/01/2025 Fav/CS AHS 04/10/2025 Favorable FP 04/22/2025 Fav/CS	Fav/CS Yeas 18 Nays 0
30	**CS/CS/SB 1180** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Gaetz (Similar CS/CS/H 757)	Sexual Images; Prohibiting a person from possessing with the intent to promote specified depictions that include a lewd or lascivious image; prohibiting a person from soliciting specified depictions of child pornography; prohibiting a person from knowingly possessing, controlling, or intentionally viewing a visual depiction he or she knows includes an altered sexual depiction of an identifiable minor; providing criminal penalties for persons who possess with the intent to promote an altered sexual depiction of an identifiable person without the consent of the identifiable person, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
31	**CS/SB 1212** Banking and Insurance / DiCeglie (Similar CS/H 929)	Firefighter Health and Safety; Requiring the Division of State Fire Marshal within the Department of Financial Services to assist in decreasing the frequency and severity of fatalities; authorizing the division to recommend a phased approach in adopting certain rules related to firefighting gear; requiring the division to adopt rules relating to education on chemical hazards and toxic substances in protective gear and mental health best practices, etc. BI 03/17/2025 Fav/CS AEG 04/10/2025 Favorable FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0
32	**CS/SB 1252** Appropriations Committee on Criminal and Civil Justice / Yarborough (Similar CS/CS/H 1359)	Feasibility Study Relating to a Statewide Pawn Data Database; Requiring the Department of Law Enforcement to conduct a feasibility study regarding the creation of a statewide pawn data database; specifying requirements for such database, etc. CM 03/17/2025 Favorable ACJ 04/10/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0
33	**SB 1268** Simon (Similar CS/CS/H 1053)	Department of Law Enforcement; Repealing provisions relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; revising the membership of the Domestic Security Oversight Council; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
34	**CS/SB 1354** Children, Families, and Elder Affairs / Trumbull (Similar CS/CS/H 633)	Behavioral Health Managing Entities; Requiring the Department of Children and Families to contract biennially for specified functions; requiring the department to contract for recommendations for certain transparency improvements; requiring the department to prepare and present to the Governor and Legislature a specified final report by a specified date; requiring managing entities to report required data to the department in a standardized electronic format, etc. CF 03/25/2025 Fav/CS AHS 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
35	**CS/SB 1360** Criminal Justice / Leek (Similar CS/H 57)	Controlled Substances; Excepting from the Schedule I controlled substance xylazine drug products approved by the United States Food and Drug Administration for certain use; creating the offense of trafficking in xylazine, etc. CJ 03/18/2025 Fav/CS ACJ 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 15 Nays 3
36	**CS/SB 1382** Appropriations Committee on Pre-K - 12 Education / Calatayud (Similar CS/CS/H 859)	Access to School Readiness Programs for Economically Disadvantaged Households; Revising the Department of Education's duties for adopting specific program support services to coordinate a comprehensive early learning program; revising duties of early learning coalitions relating to the creation of a uniform waiting list; revising requirements for the school readiness program plan, etc. ED 03/17/2025 Favorable AED 04/10/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
37	**CS/SB 1388** Appropriations Committee on Agriculture, Environment, and General Government / Trumbull (Similar H 1001, Compare H 735, S 1162)	Vessels; Citing this act as the "Boater Freedom Act"; including Clean Marine Manufacturers within the Clean Marine Program; specifying that the Fish and Wildlife Conservation Commission's authorization to establish protection zones includes modifying the allowable means of certain vessel positioning to prevent significant harm to certain springs; authorizing certain grants to be awarded for the construction and maintenance of publicly owned parking for boat-hauling vehicles and trailers; requiring the commission, in coordination with the Department of Highway Safety and Motor Vehicles, to create the "Florida Freedom Boater" safety inspection decal for specified purposes, etc. EN 03/25/2025 Favorable AEG 04/10/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
38	**CS/CS/SB 1444** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Collins (Compare CS/H 1211, CS/CS/CS/H 1371, S 1042, S 1100, S 1214, S 1554)	Public Safety; Authorizing first responder amputees to continue to serve as first responders under certain circumstances; prohibiting the use of motor vehicle kill switches; providing that specified persons may carry concealed firearms under certain circumstances and use them in the same manner as on-duty law enforcement officers; prohibiting a person from depriving certain officers of digital recording devices or restraint devices, etc. CJ 04/01/2025 Fav/CS ACJ 04/15/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
39	**CS/SB 1458** Education Postsecondary / DiCeglie (Identical CS/H 681, Compare CS/CS/S 1618, CS/CS/S 1624)	Apprenticeship and Preapprenticeship Program Funding; Revising requirements for the uniform minimum standards and policies governing apprenticeship and preapprenticeship programs and agreements to include requirements for partnerships between local educational agencies and apprenticeship and preapprenticeship programs; requiring the Department of Education to develop a standard model contract template for local educational agencies and apprenticeship and preapprenticeship programs; providing requirements for District Workforce Education Funding Steering Committee meetings, etc. HE 03/31/2025 Fav/CS AHE 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0
40	**CS/CS/SB 1490** Appropriations Committee on Health and Human Services / Health Policy / Harrell (Similar CS/CS/H 1085, S 1166)	Children's Medical Services Program; Transferring operation of the Children's Medical Services Managed Care Plan from the Department of Health to the Agency for Health Care Administration, effective on a specified date; requiring the CMS program to conduct clinical eligibility screening for certain children and youth with special health care needs; revising the purposes and functions of the CMS program, etc. HP 04/01/2025 Fav/CS AHS 04/10/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 17 Nays 0
41	**CS/SB 1528** Military and Veterans Affairs, Space, and Domestic Security / Collins (Compare CS/CS/H 1255)	Educational Opportunities for Military Children; Requiring that strategies addressed in specified memoranda of agreement between school districts and military installations include the development and implementation of a specified training module; requiring the Department of Education to provide the training module to each district school board, etc. MS 03/18/2025 Fav/CS AED 04/10/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0
42	**CS/SB 1574** Regulated Industries / DiCeglie (Similar CS/H 1239)	Energy Infrastructure Investment; Authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investment in gas; providing requirements for gas infrastructure investments, etc. RI 04/01/2025 Fav/CS AEG 04/15/2025 Favorable FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
43	**SB 1578** Davis (Similar H 187)	Coverage for Mammograms and Supplemental Breast Cancer Screenings; Requiring the Agency for Health Care Administration to provide Medicaid coverage for annual mammograms and supplemental breast cancer screenings for certain women meeting specified criteria, subject to the availability of funds and any limitations or directions the Legislature provides in the General Appropriations Act; revising coverage for mammograms under certain individual accident and health insurance policies, certain group, blanket, and franchise accident and health insurance policies, and certain health maintenance contracts, respectively, etc. BI 03/25/2025 Favorable AHS 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
44	**CS/SB 1602** Health Policy / Harrell (Identical CS/H 1119)	Health Care Patient Protection; Requiring hospital emergency departments to develop and implement policies and procedures, conduct training, record weights in a certain manner, designate a pediatric emergency care coordinator, and conduct specified assessments; requiring the Agency for Health Care Administration to adopt certain rules for comprehensive emergency management plans; requiring the agency to collect and publish the results of specified assessments submitted by hospitals by specified dates, etc. HP 04/01/2025 Fav/CS AHS 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 18 Nays 0
45	**CS/CS/SB 1604** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Martin (Similar CS/CS/H 903)	Corrections; Revising provisions relating to deferral of prepayment of court costs and fees for indigent prisoners for actions involving challenges to prison disciplinary reports; providing for a 1-year period of limitation for bringing certain actions relating to the condition of confinement of prisoners; requiring exhaustion of administrative remedies before certain actions concerning confinement of prisoners may be brought; requiring a court to impose consecutive terms of imprisonment if the offender is convicted of multiple specified felony offenses, etc. CJ 03/25/2025 Fav/CS ACJ 04/15/2025 Fav/CS FP 04/22/2025 Favorable	Favorable Yeas 14 Nays 4

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
46	**SB 1672** Truenow (Identical H 6033)	Labor Pool Act; Repealing provisions relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively, etc. CM 03/31/2025 Favorable FP 04/17/2025 Temporarily Postponed FP 04/22/2025 Temporarily Postponed RC 04/21/2025 Not Received	Temporarily Postponed
47	**CS/SB 1782** Transportation / Pizzo (Similar CS/CS/CS/H 351)	Dangerous Excessive Speeding; Specifying conduct that constitutes dangerous excessive speeding; authorizing the revocation of a person's driving privilege for a specified period upon a second or subsequent conviction of dangerous excessive speeding; providing exceptions to the requirement that an officer indicate the applicable civil penalty on a specified traffic citation, etc. TR 04/01/2025 Fav/CS ACJ 04/15/2025 Favorable FP 04/22/2025 Favorable	Favorable Yeas 19 Nays 0
48	**CS/SB 1804** Appropriations Committee on Criminal and Civil Justice / Martin (Identical CS/CS/H 1283)	Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation; Prohibiting a person 18 years of age or older from knowingly initiating, organizing, planning, financing, directing, managing, or supervising a venture that has subjected a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, to human trafficking for sexual exploitation; providing a criminal penalty; providing for separate death penalty proceedings in certain cases; authorizing the state to appeal from a certain sentence on the ground that it resulted from the failure of the circuit court to comply with specified sentencing procedure requirements, etc. CJ 04/01/2025 Favorable ACJ 04/15/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 15 Nays 4

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
49	**CS/SB 1838** Criminal Justice / Martin (Similar CS/H 1049)	Tampering With, Harassing, or Retaliating Against Court Officials; Providing criminal penalties for persons who knowingly and willfully threaten specified court personnel; providing criminal penalties for persons who knowingly and willfully harass specified court personnel with certain intent; providing criminal penalties for persons who intentionally harass court officials when such harassment has a specified outcome; providing criminal penalties for persons who retaliate against court officials for their participation in official investigations or proceedings, etc. CJ 03/18/2025 Fav/CS ACJ 04/15/2025 Favorable FP 04/22/2025 Fav/CS	Fav/CS Yeas 19 Nays 0
50	**CS/CS/SB 1842** Appropriations Committee on Health and Human Services / Health Policy / Burton (Compare H 1101, CS/H 1427)	Out-of-network Providers; Requiring a health care practitioner or his or her employee to confirm whether a referral provider participates in the provider network of the patient's health insurer or health maintenance organization under certain circumstances; requiring a health care practitioner to notify a patient in writing that certain services are not covered services under the patient's health coverage; providing for health care practitioner disciplinary action under certain conditions, etc. HP 03/25/2025 Fav/CS AHS 04/10/2025 Fav/CS FP 04/22/2025 Fav/CS	Fav/CS Yeas 18 Nays 0
	Other Related Meeting Documents		

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:	CS/SB 80
INTRODUCER:	Environment and Natural Resources Committee and Senator Harrell and others
SUBJECT:	State Land Management
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	**Fav/CS**
2.	Reagan	Betta	AEG	**Favorable**
3.	Carroll	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 80, the State Park Preservation Act, directs state parks and preserves to be managed for conservation-based public outdoor recreational uses, public access and related amenities, and scientific research.

The bill specifies that "conservation-based public outdoor recreational uses" do not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities. The bill requires the Department of Environmental Protection (DEP) to manage recreational uses in a manner that is compatible with and that ensures the conservation of the state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

The bill allows for the installation or operation of camping cabins at state parks with certain constraints and it prohibits the DEP from authorizing use or construction activities within a state park that may cause significant harm to the park's resources. It directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts to a state park's critical habitat and natural and historical resources. The bill prohibits the installation or operation of certain lodging establishments at state parks.

The bill directs the DEP to submit a report on the state park system to the Governor and the Legislature by December 1, 2025.

Regarding land management plans, the bill requires public hearings for plan updates, adds a deadline for publication of a land management plan before a public hearing, requires plans for state parks to be published by that deadline, directs plans for state parks to be developed with input from an advisory group, and adds a notice deadline for advisory group public hearings.

The bill has no fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement below.

The bill has an effective date of July 1, 2025.

II. Present Situation:

The Florida Park Service is one of the largest in the country and manages the state's trails, historic sites, and 175 state parks. [1] This includes over 813,000 acres and 100 miles of beach.[2] The Florida park system is the first four-time winner of the Gold Medal awarded by the National Recreation and Parks Association and the American Academy for Park and Recreation Administration.[3]

The DEP's Division of Recreation and Parks is responsible for supervising, administering, regulating, and controlling the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and certain sites of archaeological interest and value.[4] The Division of Recreation and Parks is also tasked with preserving, managing, and protecting all parks and recreational areas held by the state, as well as studying and appraising the recreation needs of the state and assembling and disseminating information relating to recreation.[5]

The Division of Recreation and Parks' policy is to:

- Promote the state park system for the use, enjoyment, and benefit of Floridians and visitors.
- Acquire typical portions of the original domain of the state, which will be accessible to the public and of such character as to emblemize the state's natural values.
- Conserve these natural values for all time.
- Administer the development, use, and maintenance of these lands and enable Floridians and visitors to enjoy these values without depleting them.
- Contribute materially to the development of a strong mental, moral, and physical fiber in the public.
- Provide for perpetual preservation of historic sites and memorials of statewide significance and interpretation of their history to the people.
- Contribute to the tourist appeal of Florida.[6]

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[1] DEP, *Division of Recreation and Parks*, https://floridadep.gov/parks (last visited Jan. 2025).
[2] *Id*.
[3] *Id*.; DEP, *2019 National Gold Medal Winner*, https://www.floridastateparks.org/learn/2019-national-gold-medal-winner#:~:text=On%20Tuesday%2C%20September%2024%2C%20the%20National%20Recreation%20and,the%20nation%20to%20win%20a%20fourth%20Gold%20Medal (last visited Jan. 2025).
[4] Section 258.004(1), F.S.
[5] Section 258.004(2) and (3), F.S.
[6] Section 258.037, F.S.

State Park Experiences and Amenities

Visitors can experience state parks through hiking, biking, swimming, boating, camping, birding, geo-seeking, fishing, horseback riding, scuba diving, and more.[7] State parks also offer amenities including, but not limited to, boat ramps, trails, gardens, picnic pavilions, restroom facilities, parking areas, playgrounds, amphitheaters, shower stations, visitor centers, and museums.[8] Many state parks offer overnight stays in campgrounds, glamping tents, or four- to six-person cabins.[9] There are 19 parks that provide cabins, a majority of which offer fewer than 10.[10] The park with the most cabins is Grayton Beach State Park, which has 30.[11] Wakulla Springs State Park in the Big Bend region of Florida is the only state park that includes a lodge, which offers 27 guest rooms among its amenities.[12] The Wakulla Springs Lodge was built in the 1930s and was already constructed when Wakulla Springs was designated a state park.[13] William J. "Billy Joe" Rish Recreational Area in the St. Joseph Peninsula State Park is the only state park with a swimming pool.[14] The Recreational Area provides recreation opportunities for people with disabilities and their families and caregivers. The park offers mobility equipment rentals and the swimming pool has a chair lift and wheelchair access ramp.[15] There are 31 state parks that offer concessions or restaurants.[16]

The 2024-2025 Great Outdoors Initiative

On August 19, 2024, the DEP announced the 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks (Initiative).[17] The DEP intended to "expand public access, increase outdoor activities and provide new lodging options across Florida's state parks" by increasing the number of campsites, cabins, and lodges on park property, as well as adding amenities like pickleball courts and golf courses.[18] The announcement noted that these plans will "reinforce the state's dedication to conservation, the outdoor recreation economy and a high quality of life for Floridians."[19]

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[7] DEP, *Experiences and Amenities*, https://www.floridastateparks.org/index.php/experiences-amenities (last visited Jan. 2025).
[8] *Id*.
[9] DEP, *Experiences and Amenities*.
[10] *Id*.
[11] DEP, *Grayton Beach State Park Cabins*, https://www.floridastateparks.org/learn/grayton-beach-state-park-cabins (last visited Feb. 2025).
[12] DEP, *Edward Ball Wakulla Springs State Park: Experiences and Amenities*, https://www.floridastateparks.org/parks-and-trails/edward-ball-wakulla-springs-state-park/experiences-amenities (last visited Jan. 2025).
[13] *Id*.
[14] DEP, *William J. "Billy Joe" Rish Recreation Area*, https://www.floridastateparks.org/parks-and-trails/william-j-billy-joe-rish-recreation-area (last visited Jan. 2025).
[15] *Id*.
[16] DEP, *Find a Park: Concession and Restaurant*, https://www.floridastateparks.org/parks-and-trails?parks%5B0%5D=amenities%3A269 (last visited Jan. 2025).
[17] DEP, *DEP Announces 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks*, https://content.govdelivery.com/accounts/FLDEP/bulletins/3afd277 (last visited Jan. 2025).
[18] *Id*.
[19] *Id*.

State parks that were included in the Initiative were Anastasia, Camp Helen, Dr. Von. D Mizell Eula Johnson, Grayton Beach, Hillsborough River, Honeymoon, Jonathan Dickinson, Oleta River, and Topsail Hill Preserve State Parks.[20]

Following strong bipartisan opposition, the Initiative was withdrawn.[21]

Land Management Plans

Conservation[22] and non-conservation land managers must submit land management plans to the DEP's Division of State Lands and update those plans at least every 10 years.[23] However, there are additional requirements for updating the land management plans for conservation lands. For conservation lands, managers must update land management plans if the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within one year after the addition of significant new lands.[24]

State conservation lands must be managed to ensure conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of Florida's residents and visitors.[25] To meet these goals, land management plans must address the following topics, as appropriate: habitat restoration and improvement, public access and recreational opportunities, hydrological preservation and restoration, sustainable forest management, exotic and invasive species maintenance and control, capital facilities and infrastructure, cultural and historical resources, and imperiled species habitat maintenance, enhancement, restoration, or population restoration.[26]

At least one public hearing to be held in any one affected county during the development of land management plans for both conservation and non-conservation lands.[27] If a parcel exceeds 160 acres in size, the Division of State Lands must make an electronic copy of the land management plan available to the public.[28] Land management plans for parcels over 160 acres must be developed with input from an advisory group.[29] The advisory group's membership includes, at a

[20] DEP, *Public Participation – Draft Unit Management Plans*, https://floridadep.gov/parks/public-participation (last visited Jan. 2025).
[21] *Id*.; Max Chesnes, *Florida agency says group behind state park golf course is withdrawing plan*, Tampa Bay Times, Aug. 25, 2024, https://www.tampabay.com/news/environment/2024/08/25/florida-agency-says-group-behind-state-park-golf-course-is-withdrawing-plan/.
[22] "Conservation lands" are defined in statute to mean "lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resources-based recreation, or archaeological or historic preservation…shall include, but not be limited to, the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that do not possess significant natural or historical resources." Section 253.034(2)(c), F.S.
[23] Section 253.034(5), F.S.
[24] *Id*.
[25] Section 253.034(5)(a), F.S.
[26] Section 253.034(5)(b), F.S.
[27] Section 253.034(f), F.S.
[28] Section 253.034(g), F.S.
[29] Section 259.032(8)(b), F.S.

minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. There are further requirements for membership if habitat or potentially restorable habitat for imperiled species is located on the lands included in the management plan.[30]

The advisory group must conduct at least one public hearing within the county in which the parcel or project is located.[31] If the parcel or parcels are within more than one county, at least one areawide public hearing must be conducted in the county where the core parcels are located and the lead managing agency must invite a local elected official from each county. Notice of the hearing must be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing.[32]

III. Effect of Proposed Changes:

Section 1 titles this act the "State Park Preservation Act."

Section 2 amends s. 253.034, F.S., to require at least one public hearing when conservation and nonconservation land management plans are *updated*. Current law only requires a public hearing when a land management plan is in development.

The bill also adds a deadline of at least 30 days before the public hearing by which the DEP's Division of State Lands must make an electronic copy of certain land management plans available to the public. The bill requires an electronic copy to be available for parcels located within a state park, amending the current requirement that the electronic copy be available only for parcels that exceed 160 acres in size.

Section 3 amends s. 258.004, F.S., to require all lands managed pursuant to the laws on state parks and preserves (ch. 258, F.S.) to be managed for the greatest combination of benefits to the public and to the lands' natural resources. The bill also requires lands to be managed for:

- Conservation-based public outdoor recreational uses;
- Public access and related amenities, including roads, parking areas, walkways, and visitor centers; and
- Scientific research, including archaeology.

The bill defines "conservation-based public outdoor recreational uses" to include fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and similar, conservation-based public recreational uses. The bill specifies that the term does not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities.

[30] *Id.*
[31] *Id.*
[32] *Id.*

The bill requires the DEP to manage these uses in a manner that is compatible with and that ensures the conservation of the state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

Section 4 amends s. 258.007, F.S., to highlight that the DEP's Division of Recreation and Parks may grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with certain provisions *in a manner that is consistent with s. 258.004, F.S.*, which is amended by Section 3 of this bill.

The bill authorizes the Division of Recreation and Parks to acquire, install, or permit the installation or operation of camping cabins that have a maximum occupancy of six guests at state parks. The installation and operation of any camping cabin in a state park must be compatible with the park's land management plan and must be approved pursuant to the statutory requirements for land management plan approval.[33] The bill also requires that camping cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

The bill prohibits the Division of Recreation and Parks from authorizing uses or construction activities within a state park that may cause significant harm to the resources of the state park. This includes building or altering structures. The bill directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts on a state park's critical habitat and natural and historical resources. The bill further prohibits the Division of Recreation and Parks from installing or permitting the installation at state parks of any lodging establishment.[34]

Section 5 amends s. 259.032, F.S., to require individual land management plans for parcels within a state park to be developed with input from an advisory group.

Current law requires the advisory group to hold at least one public hearing within the county in which the parcel or project is located and contains notice requirements for such hearing. The bill adds to the notice requirements that the public hearing must be noticed at least 30 days before it is held.

The bill also requires that individual land management plans for parcels within a state park must be updated with input from an advisory group.

Section 6 directs the DEP to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025, which includes the following information regarding the state park system:

- The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

[33] These requirements are amended by Section 2 of this bill.

[34] Lodging establishments are defined in s. 509.242, F.S., in which they are classified as a hotel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies listed criteria.

- The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.
- The estimated costs associated with the facility maintenance backlog by each state park, including a plan to reduce or eliminate the backlog for the state park system by July 1, 2035, to ensure access to and the safe enjoyment of such public lands for Florida residents and visitors.

Section 7 provides an effective date of 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 253.034, 258.004, 258.007, and 259.032.

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 Environment and Natural Resources on February 11, 2025:

- Removes language that might prevent the operation of Wakulla Lodge or prevent the state from acquiring properties with preexisting lodging establishments.
- Requires input from an advisory group when land management plans for parcels within a state park are updated. The underlying bill only requires input from an advisory group during the development of land management plans for parcels within a state park.
- Fixes a drafting error by restoring flush left language.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
04/24/2025	.	
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	.	
	.	

The Committee on Fiscal Policy (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 243 - 409

and insert:

recreation area within its boundaries.

1. All lands managed pursuant to this chapter must be:

a. Managed in a manner that will provide the greatest combination of benefits to the public and to the land's natural resources; and

b. Managed for conservation-based recreational uses; public

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access and related amenities, including roads, parking areas, walkways, and visitor centers; the preservation of Florida heritage tourism activities, such as glass bottom boat rides and riverboat tours and wildlife parks; and scientific research, including archaeology. Such uses must be managed in a manner that is compatible with and that ensures the conservation of this state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable. As used in this sub-subparagraph, the term "conservation-based recreational uses" means public outdoor recreational activities that do not significantly invade, degrade, or displace the natural resources, native habitats, or archeological or historical sites that are preserved within state parks. These activities include, but are not limited to, fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing and related paddlesports, horseback riding, diving, birding, sailing, and jogging.

2. To ensure the protection of state park resources, sporting facilities, including, but not limited to, golf courses, tennis courts, pickleball courts, ball fields, or other similar facilities, which cause substantial harm to the natural resources, native habitats, or archeological or historical sites within state parks may not be constructed in state parks.

(c) ~~(3) The Division of Recreation and Parks shall~~ Study and appraise the recreational ~~recreation~~ needs of the state and assemble and disseminate information related ~~relative~~ to recreation.

(d) ~~(4) The Division of Recreation and Parks shall~~ Provide consultation assistance to local governing units as to the

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protection, organization, and administration of local recreation systems and the planning and design of local recreational ~~recreation~~ areas and facilities.

(e) ~~(5) The Division of Recreation and Parks shall~~ Assist in recruiting, training, and placing recreation personnel.

(f) ~~(6) The Division of Recreation and Parks shall~~ Sponsor and promote recreation institutes, workshops, seminars, and conferences throughout this ~~the~~ state.

(g) ~~(7) The Division of Recreation and Parks shall~~ Cooperate with state and federal agencies, private organizations, and commercial and industrial interests in the promotion of a state recreation program.

(2) ~~(8) This part shall be enforced by~~ The Division of Law Enforcement of the Department of Environmental Protection and its officers and ~~by~~ the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers shall enforce this part.

Section 4. Present subsection (5) of section 258.007, Florida Statutes, is redesignated as subsection (7), a new subsection (5) and subsection (6) are added to that section, and subsection (3) of that section is amended, to read:

258.007 Powers of division.—

(3)(a) The division may, as consistent with s. 258.004, grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with all of the following provisions:

1. ~~, provided no~~ Natural curiosities or objects of interest may not ~~shall~~ be granted, leased, or rented on ~~such~~ terms that

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~~as shall~~ deny or interfere with free access to them by the public.~~;~~

2. ~~provided further,~~ Such grants, leases, and permits may be made and given without advertisement or securing competitive bids.~~; and~~

3. ~~provided further, that no~~ Such grants, leases, and permits may not ~~grant, lease, or permit shall~~ be assigned or transferred by any grantee without consent of the division.

(b) Notwithstanding paragraph (a), ~~after May 1, 2014,~~ the division may not grant new concession agreements for the accommodation of visitors in a state park that provides beach access and contains less than 7,000 feet of shoreline if the type of concession is available within 1,500 feet of the park's boundaries. This paragraph does not apply to concession agreements for accommodations offered at a park on or before May 1, 2014. ~~This paragraph shall take effect upon this act becoming a law.~~

(5) The division may acquire, install, or permit the installation or operation in state parks of campsites and cabins. The installation and operation of campsites and cabins must be compatible with the state park's land management plan and must be approved pursuant to s. 253.034(5). Campsites and cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

(6) The division may not authorize uses or construction activities, including the building or alteration of any structure, within a state park which may cause significant harm to the resources of the state park. Any use or any construction

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activity must, to the maximum extent practicable, be conducted in a manner that avoids impacts to a state park's critical habitat and natural and historical resources.

Section 5. Paragraphs (b) and (c) of subsection (8) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and recreation lands.—

(8)

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group.

1. Members of the ~~this~~ advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. If habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services must ~~shall~~ be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management without restricting other uses identified in the management plan.

2. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects ~~that are~~ within more than one county, at least one areawide public hearing is ~~shall be~~ acceptable and the lead managing agency shall invite a local

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elected official from each county. The areawide public hearing must ~~shall~~ be held in the county in which the core parcels are located. At least 30 days before the public hearing, notice of the ~~such public~~ hearing must ~~shall~~ be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body ~~before the actual public hearing~~.

3. The management prospectus required pursuant to paragraph (7)(b) must ~~shall~~ be available to the public for a period of 30 days before the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and manner adopted by rule of the board. Such updates, for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the council for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the

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Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

Section 6. By December 1, 2025, the Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes all of the following information regarding the state park system:

(1) The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

(2) The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.

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

And the title is amended as follows:

Delete lines 17 - 27

and insert:

uses"; prohibiting the construction of certain facilities in state parks; making technical changes; amending s. 258.007, F.S.; requiring the division to comply with specified provisions when granting certain privileges, leases, concessions, and permits; authorizing the division to acquire, install, or permit the installation or operation at state parks of

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campsites and cabins that meet certain requirements; prohibiting the division from authorizing certain uses or construction activities within a state park; amending s.

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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/24/2025	.	
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	.	
	.	

The Committee on Fiscal Policy (Gruters) recommended the following:

Senate Substitute for Amendment (914540) (with title amendment)

Delete lines 243 - 407
and insert:
recreation area within its boundaries.
1. All lands managed pursuant to this chapter must be:
a. Managed in a manner that will provide the greatest combination of benefits to the public and to the land's natural resources; and

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b. Managed for conservation-based recreational uses; public access and related amenities, including roads, parking areas, walkways, and visitor centers; Florida heritage and wildlife viewing, including preservation of historical structures and activities such as glass bottom and riverboat tours; and scientific research, including archaeology. Such uses must be managed in a manner that is compatible with and that ensures the conservation of this state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable. As used in this sub-subparagraph, the term "conservation-based recreational uses" means public outdoor recreational activities that do not significantly invade, degrade, or displace the natural resources, native habitats, or archeological or historical sites that are preserved within state parks. These activities include, but are not limited to, fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing and other paddlesports, horseback riding, diving, birding, sailing, and jogging.

2. To ensure the protection of state park resources, sporting facilities, including, but not limited to, golf courses, tennis courts, pickleball courts, ball fields, or other similar facilities, which cause substantial harm to the natural resources, native habitats, or archeological or historical sites within state parks may not be constructed in state parks.

(c) ~~(3) The Division of Recreation and Parks shall~~ Study and appraise the recreational ~~recreation~~ needs of the state and assemble and disseminate information related ~~relative~~ to recreation.

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(d) ~~(4) The Division of Recreation and Parks shall~~ Provide consultation assistance to local governing units as to the protection, organization, and administration of local recreation systems and the planning and design of local recreational ~~recreation~~ areas and facilities.

(e) ~~(5) The Division of Recreation and Parks shall~~ Assist in recruiting, training, and placing recreation personnel.

(f) ~~(6) The Division of Recreation and Parks shall~~ Sponsor and promote recreation institutes, workshops, seminars, and conferences throughout this ~~the~~ state.

(g) ~~(7) The Division of Recreation and Parks shall~~ Cooperate with state and federal agencies, private organizations, and commercial and industrial interests in the promotion of a state recreation program.

(2) ~~(8) This part shall be enforced by~~ The Division of Law Enforcement of the Department of Environmental Protection and its officers and ~~by~~ the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers shall enforce this part.

Section 4. Present subsection (5) of section 258.007, Florida Statutes, is redesignated as subsection (7), a new subsection (5) and subsection (6) are added to that section, and subsection (3) of that section is amended, to read:

258.007 Powers of division.—

(3)(a) The division may, as consistent with s. 258.004, grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with all of the following provisions:

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1. ~~, provided no~~ Natural curiosities or objects of interest may not ~~shall~~ be granted, leased, or rented on ~~such~~ terms that ~~as shall~~ deny or interfere with free access to them by the public.~~;~~

2. ~~provided further,~~ Such grants, leases, and permits may be made and given without advertisement or securing competitive bids.~~; and~~

3. ~~provided further, that no~~ Such grants, leases, and permits may not ~~grant, lease, or permit shall~~ be assigned or transferred by any grantee without consent of the division.

(b) Notwithstanding paragraph (a), ~~after May 1, 2014,~~ the division may not grant new concession agreements for the accommodation of visitors in a state park that provides beach access and contains less than 7,000 feet of shoreline if the type of concession is available within 1,500 feet of the park's boundaries. This paragraph does not apply to concession agreements for accommodations offered at a park on or before May 1, 2014. ~~This paragraph shall take effect upon this act becoming a law.~~

(5) The division may acquire, install, or permit the installation or operation in state parks of campsites and cabins. The installation and operation of campsites and cabins must be compatible with the state park's land management plan and must be approved pursuant to s. 253.034(5). Campsites and cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

(6) The division may not authorize uses or construction activities, including the building or alteration of any

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structure, within a state park which may cause significant harm to the resources of the state park. Any use or any construction activity must, to the maximum extent practicable, be conducted in a manner that avoids impacts to a state park's critical habitat and natural and historical resources. The division may not install or permit the installation at state parks of any public lodging establishment as defined in s. 509.242. However, this subsection may not be construed to prohibit the continued operation of any such public lodging establishment operating within a state park as of the effective date of this act, or to prohibit the acquisition of a public lodging establishment to be included in a state park.

Section 5. Section 258.152, Florida Statutes, is created to read:

258.152 Ney Landrum State Park designation.—The St. Marks River Preserve State Park located in Leon and Jefferson Counties is renamed and designated as the Ney Landrum State Park.

Section 6. Paragraphs (b) and (c) of subsection (8) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and recreation lands.—

(8)

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group.

1. Members of the ~~this~~ advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local

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conservation organization, and a local elected official. If habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services must ~~shall~~ be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management without restricting other uses identified in the management plan.

2. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects ~~that are~~ within more than one county, at least one areawide public hearing is ~~shall be~~ acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing must ~~shall~~ be held in the county in which the core parcels are located. At least 30 days before the public hearing, notice of the ~~such public~~ hearing must ~~shall~~ be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body ~~before the actual public hearing~~.

3. The management prospectus required pursuant to paragraph (7)(b) must ~~shall~~ be available to the public for a period of 30 days before the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and manner adopted by rule of the board. Such updates, for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group. Such plans


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may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the council for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

Section 7. By December 1, 2025, the Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes all of the following information regarding the state park system:

(1) The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

(2) The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the

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following categories: operations, maintenance and repair, park improvement, and administrative overhead.

(3) A plan for addressing any deferred maintenance or repairs in each state park identified in subsection (1), including estimated costs for opening all such amenities or areas no later than July 1, 2035, to ensure access to and the

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

And the title is amended as follows:

Delete lines 17 - 27

and insert:

uses"; prohibiting the construction of certain facilities in state parks; making technical changes; amending s. 258.007, F.S.; requiring the division to comply with specified provisions when granting certain privileges, leases, concessions, and permits; authorizing the division to acquire, install, or permit the installation or operation at state parks of campsites and cabins that meet certain requirements; prohibiting the division from authorizing certain uses or construction activities within a state park; providing requirements for any use of a state park or construction activity in a state park; prohibiting the division from installing or permitting the installation of any public lodging establishment at a state park; providing construction; creating s. 258.152, F.S.; renaming and designating the St. Marks River Preserve State Park as the Ney Landrum State Park; amending s.

By the Committee on Environment and Natural Resources; and
Senators Harrell, Bradley, Smith, and Gaetz

592-01943-25 202580c1

A bill to be entitled

An act relating to state land management; providing a short title; amending s. 253.034, F.S.; requiring public hearings for all updated conservation and nonconservation land management plans; requiring the Division of State Lands of the Department of Environmental Protection to make available to the public, within a specified timeframe, electronic copies of land management plans for parcels of a certain size and for parcels located in state parks; making technical changes; amending s. 258.004, F.S.; revising the duties of the Division of Recreation and Parks of the Department of Environmental Protection; specifying requirements for the management of parks and recreational areas held by the state; defining the term "conservation-based public outdoor recreational uses"; making technical changes; amending s. 258.007, F.S.; requiring the division to comply with specified provisions when granting certain privileges, leases, concessions, and permits; authorizing the division to acquire, install, or permit the installation or operation at state parks of camping cabins that meet certain requirements; prohibiting the division from authorizing certain uses or construction activities within a state park; prohibiting the division from installing or permitting the installation of any lodging establishment at a state park; amending s. 259.032, F.S.; requiring that individual management plans for parcels located within state parks be

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

592-01943-25 202580c1

developed and updated with input from an advisory group; requiring that the advisory group's required public hearings be noticed to the public within a specified timeframe; requiring the department to submit a report to the Governor and the Legislature by a specified date; specifying requirements for the report; providing an effective date.

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

Section 1. This act may be cited as the "State Park Preservation Act."

Section 2. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner adopted by rule of the board of trustees and in accordance with s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year after the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner adopted by rule of the board of trustees. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules adopted by the

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

board of trustees pursuant to this section. All nonconservation land use plans, whether for single-use or multiple-use properties, must ~~shall~~ be managed to provide the greatest benefit to the state. Plans for managed areas larger than 1,000 acres must ~~shall~~ contain an analysis of the multiple-use potential of the property which includes the potential of the property to generate revenues to enhance the management of the property. In addition, the plan must ~~shall~~ contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands and whether nonconservation lands would be more appropriately transferred to the county or municipality in which the land is located for the purpose of providing affordable multifamily rental housing that meets the criteria of s. 420.0004(3). If a newly acquired property has a valid conservation plan that was developed by a soil and water conservation district, such plan must ~~shall~~ be used to guide management of the property until a formal land use plan is completed.

(a) State conservation lands must ~~shall~~ be managed to ensure the conservation of this state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of this state, both present and future. Each land management plan for state conservation lands must ~~shall~~ provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals. Short-term goals must ~~shall~~ be achievable within a 2-year planning period, and long-term goals must ~~shall~~ be achievable within a 10-year planning period. These short-term and long-term management goals are ~~shall be~~ the

basis for all subsequent land management activities.

(b) Short-term and long-term management goals for state conservation lands must ~~shall~~ include measurable objectives for the following, as appropriate:

1. Habitat restoration and improvement.
2. Public access and recreational opportunities.
3. Hydrological preservation and restoration.
4. Sustainable forest management.
5. Exotic and invasive species maintenance and control.
6. Capital facilities and infrastructure.
7. Cultural and historical resources.
8. Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

(c) The land management plan must ~~shall~~, at a minimum, contain the following elements:

1. A physical description of the land.
2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features. The inventory must ~~shall~~ reflect the number of acres for each resource and feature, when appropriate. The inventory must ~~shall~~ be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected must ~~shall~~ be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of

Environmental Protection pursuant to s. 253.0325(2) must ~~shall~~ be available to the land manager and his or her assignee.

3. A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan, and if practicable, a land management objective may not be performed to the detriment of the other land management objectives.

4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule must ~~shall~~ include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower budgets. The schedule must ~~shall~~ provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees must ~~shall~~ be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget must ~~shall~~ be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan must be transmitted to the Acquisition and Restoration Council for

review. Within ~~The council shall have~~ 90 days after receipt of the plan, the council shall ~~to~~ review the plan and submit its recommendations to the board of trustees. During the review period, the land management plan may be revised if agreed to by the primary land manager and the council taking into consideration public input. The land management plan becomes effective upon approval by the board of trustees.

(e) Land management plans are to be updated every 10 years on a rotating basis. Each updated land management plan must identify any conservation lands under the plan, in part or in whole, that are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement.

(f) In developing or updating land management plans, at least one public hearing must ~~shall~~ be held in any one affected county.

(g) The Division of State Lands shall make available to the public at least 30 days before the public hearing required by paragraph (f) an electronic copy of each land management plan for parcels that exceed 160 acres in size and for parcels located within a state park. The division shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules adopted by the board of trustees pursuant to this section. The Acquisition and Restoration Council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the

possibility of disposal of the property by the board of trustees. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan. If the council fails to make a recommendation for a land management plan, the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees must ~~shall~~ submit the land management plan to the board of trustees.

(h) The board of trustees shall consider the land management plan submitted by each entity and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands which ~~that~~ is not in accordance with an approved land management plan is subject to termination by the board of trustees.

(i)1. State nonconservation lands must ~~shall~~ be managed to provide the greatest benefit to the state. State nonconservation lands may be grouped by similar land use types under one land use plan. Each land use plan must ~~shall~~, at a minimum, contain the following elements:

a. A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources.

b. A desired development outcome.

c. A schedule for achieving the desired development outcome.

d. A description of both short-term and long-term development goals.

e. A management and control plan for invasive nonnative plants.

f. A management and control plan for soil erosion and soil and water contamination.

g. Measurable objectives to achieve the goals identified in the land use plan.

2. Short-term goals shall be achievable within a 5-year planning period and long-term goals shall be achievable within a 10-year planning period.

3. The use or possession of any such lands that is not in accordance with an approved land use plan is subject to termination by the board of trustees.

4. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan.

Section 3. Section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(1) ~~It shall be the duty of~~ The Division of Recreation and Parks of the Department of Environmental Protection shall:

(a) ~~to~~ Supervise, administer, regulate, and control the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and sites of archaeological interest and value which are owned~~,~~ or ~~which~~ may

be acquired~~,~~ by the state, ~~or to the operation, development, preservation, and maintenance of~~ which the state may have made or may make contribution or appropriation of public funds for their operation, development, preservation, and maintenance.

(b)~~(2) The Division of Recreation and Parks shall~~ Preserve, manage, regulate, and protect all parks and recreational areas held by the state. The Division of Recreation and Parks ~~and~~ may provide these services by contract or interagency agreement for any water management district when the governing board of a water management district designates or sets aside any park or recreation area within its boundaries. All lands managed pursuant to this chapter must be:

1. Managed in a manner that will provide the greatest combination of benefits to the public and to the land's natural resources; and

2. Managed for conservation-based public outdoor recreational uses; public access and related amenities, including roads, parking areas, walkways, and visitor centers; and scientific research, including archaeology. Such uses must be managed in a manner that is compatible with and that ensures the conservation of this state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable. As used in this subparagraph, the term "conservation-based public outdoor recreational uses" includes fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and similar conservation-based public recreational uses. The term does not include sports that require sporting facilities, such as golf courses, tennis

courts, pickleball courts, ball fields, and other similar facilities.

(c)~~(3) The Division of Recreation and Parks shall~~ Study and appraise the recreational ~~recreation~~ needs of the state and assemble and disseminate information relative to recreation.

(d)~~(4) The Division of Recreation and Parks shall~~ Provide consultation assistance to local governing units as to the protection, organization, and administration of local recreation systems and the planning and design of local recreational ~~recreation~~ areas and facilities.

(e)~~(5) The Division of Recreation and Parks shall~~ Assist in recruiting, training, and placing recreation personnel.

(f)~~(6) The Division of Recreation and Parks shall~~ Sponsor and promote recreation institutes, workshops, seminars, and conferences throughout this ~~the~~ state.

(g)~~(7) The Division of Recreation and Parks shall~~ Cooperate with state and federal agencies, private organizations, and commercial and industrial interests in the promotion of a state recreation program.

(2)~~(8) This part shall be enforced by~~ The Division of Law Enforcement of the Department of Environmental Protection and its officers and ~~by~~ the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers shall enforce this part.

Section 4. Present subsection (5) of section 258.007, Florida Statutes, is redesignated as subsection (7), a new subsection (5) and subsection (6) are added to that section, and subsection (3) of that section is amended, to read:

258.007 Powers of division.—

(3)(a) The division may, as consistent with s. 258.004, grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with all of the following provisions:

1. ~~, provided no~~ Natural curiosities or objects of interest may not ~~shall~~ be granted, leased, or rented on ~~such~~ terms that ~~as shall~~ deny or interfere with free access to them by the public.~~;~~

2. ~~provided further,~~ Such grants, leases, and permits may be made and given without advertisement or securing competitive bids.~~; and~~

3. ~~provided further, that no~~ Such grants, leases, and permits may not ~~grant, lease, or permit shall~~ be assigned or transferred by any grantee without consent of the division.

(b) Notwithstanding paragraph (a), ~~after May 1, 2014,~~ the division may not grant new concession agreements for the accommodation of visitors in a state park that provides beach access and contains less than 7,000 feet of shoreline if the type of concession is available within 1,500 feet of the park's boundaries. This paragraph does not apply to concession agreements for accommodations offered at a park on or before May 1, 2014. ~~This paragraph shall take effect upon this act becoming a law.~~

(5) The division may acquire, install, or permit the installation or operation at state parks of camping cabins that have a maximum occupancy of six guests. The installation and operation of camping cabins must be compatible with the state park's land management plan and must be approved pursuant to s.

253.034(5). Camping cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

(6) The division may not authorize uses or construction activities, including the building or alteration of structures, within a state park which may cause significant harm to the resources of the state park. Any use or any construction activity must, to the maximum extent practicable, be conducted in a manner that avoids impacts to a state park's critical habitat and natural and historical resources. The division may not install or permit the installation at state parks of any lodging establishment as defined in s. 509.242.

Section 5. Paragraphs (b) and (c) of subsection (8) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and recreation lands.—

(8)

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group.

1. Members of the ~~this~~ advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. If habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services must ~~shall~~ be included on any advisory group required

under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management without restricting other uses identified in the management plan.

2. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects ~~that are~~ within more than one county, at least one areawide public hearing is ~~shall be~~ acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing must ~~shall~~ be held in the county in which the core parcels are located. At least 30 days before the public hearing, notice of the ~~such public~~ hearing must ~~shall~~ be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body ~~before the actual public hearing~~.

3. The management prospectus required pursuant to paragraph (7)(b) must ~~shall~~ be available to the public for a period of 30 days before the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and manner adopted by rule of the board. Such updates, for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the council for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their

resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

Section 6. By December 1, 2025, the Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes all of the following information regarding the state park system:

(1) The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

(2) The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.

(3) The estimated costs associated with the facility maintenance backlog by each state park, including a plan to reduce or eliminate the facility maintenance backlog for the

state park system by July 1, 2035, to ensure access to and the safe enjoyment of such public lands for the residents of this state and its visitors.

Section 7. This act shall take effect July 1, 2025.

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

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

80
Bill Number or Topic

428042
Amendment Barcode (if applicable)

Name Travis Moore

Phone 727.421.6902

Address P.O. Box 2020
Street

Email travis@moore-Relations.com

St. Petersburg FL 33731
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:
Friends of the Everglades
Florida Native Plant Society

☐ 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)

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4/22/2025
Meeting Date

Fiscal Policy
Committee

80
Bill Number or Topic

428042
Amendment Barcode (if applicable)

Name Elizabeth Alvi

Phone 850-999-1028

Address 3484 Lakeshore Drive
Street

Email Beth.Alvi@Audubon.Org

Tallahassee FI 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:
Audubon Florida

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

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04.22.25
Meeting Date

Fiscal Policy
Committee

SB80
Bill Number or Topic

428042
Amendment Barcode (if applicable)

Name Laura Munoz

Phone 305 680 6640

Address
Street

Email

Lake Worth FL 33460
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:
FLSP

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S-001 (08/10/2021)

The Florida Senate

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4/22/25
Meeting Date

Fiscal Policy
Committee

SB 80
Bill Number or Topic

428042
Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone 407 954 0605

Address 308 N. Monroe
Street

Email

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:
1000 Friends of Florida

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

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S-001 (08/10/2021)

4.22.2025
Meeting Date

Fiscal Policy
Committee

The Florida Senate

APPEARANCE RECORD

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Golfcourse Amendment to State Parks Bill SB80
SB80, [redacted]
Bill Number or Topic

428042
Amendment Barcode (if applicable)

Name Katrina Shadix

Phone 407 702 3576

Address 1011 Seneca Oak Trail
Street

Email BearWarriorsUnited@gmail.com

Geneva FL 32732
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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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S-001 (08/10/2021)

The Florida Senate

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4.22.2025
Meeting Date

Fiscal Policy
Committee

State Parks SB80
Bill Number or Topic

914540
Amendment Barcode (if applicable)

Name Katrina Shadix

Phone 407 702 3576

Address 1011 Seneca Oak Trail
Street

Email BearWarriorsUnited@gmail.com

Geneva FL 32732
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

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4-22-2025	SB 80
Meeting Date	Bill Number or Topic
Fiscal	Fiscal
Committee	Amendment Barcode (if applicable)

Name Maya Shenefelt Phone 601-787-3483

Address 473 Kahuha Dr Email maya@Unwind.com
Street

Fort Walton FL 32547
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:

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S-001 (08/10/2021)

The Florida Senate

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04/22/2025
Meeting Date

Fiscal
Committee

SB80
Bill Number or Topic

Fiscal
Amendment Barcode (if applicable)

Name Jasmine Engel

Phone 262-955-4265

Address 255 Palmetto St
Street

Email jasmineengel1970@gmail.com

Tallahassee FL 32307
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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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S-001 (08/10/2021)

The Florida Senate

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04.22.25
Meeting Date

Fiscal Policy
Committee

SB80
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laura Munoz

Phone 305 680 6640

Address
Street

Email

Lake Worth FL 33460
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:
FLSP

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The Florida Senate

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4.22.2025
Meeting Date

Fiscal Policy
Committee

SB80
Bill Number or Topic

StateParks
Amendment Barcode (if applicable)

Name Katrina Shadix

Phone 407 702 3576

Address 1011 Seneca Trail
Street

Email BearWarriorsunited@gmail.com

Geneva FL 32732
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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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S-001 (08/10/2021)

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04/22/2025
Meeting Date

Senate
Committee

SB80
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kaitlynn Brode

Phone (814)515-5781

Address 17810 Murdock Cir #105
Street

Email Kaitlynnbrode@gmail.com

Port Charlotte FL 33948
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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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4/22/2025
Meeting Date

Senate
Committee

SB80
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kaitlyn Gualillo

Phone 954-732-2194

Address 3906 E Sailboat Dr
Street

Email Kaitlyn.Gualillo@gmail.com

Cooper City 33026
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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S-001 (08/10/2021)

04/22/2025
Meeting Date

The Florida Senate

APPEARANCE RECORD

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SB 80
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dejah Charles

Phone (239) 316-6443

Address
Street

Email dejahcharles12@gmail

Tallahassee FL 32307
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:

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4-22-25
Meeting Date

Fiscal Policy
Committee

80
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yerimiah Evans - Rise Tallahassee Phone 321-315-0995

Address 1510 Althea Gibson way Email Y.Ruiz.Evans@gmail.com
Street

Tallahassee, FL 32307
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:

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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.)

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

BILL:	SB 200
INTRODUCER:	Senator Berman
SUBJECT:	Comprehensive Waste Reduction and Recycling Plan
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Favorable**
2.	Reagan	Betta	AEG	**Favorable**
3.	Barriero	Siples	FP	**Favorable**

I. Summary:

SB 200 directs the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2026, and convene a technical assistance group within the DEP to help develop the plan. The bill provides minimum criteria for the plan and directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion.

The bill has no fiscal impact on state revenues or expenditures. **See Section V. Fiscal Impact Statement below.**

The bill has an effective date of July 1, 2025.

II. Present Situation:

Florida's Recycling Goal

In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW) by 2020.[1] The goal includes only MSW[2] and is measured by weight.[3] The DEP established numerous programs and initiatives to reach the 75 percent recycling goal. In 2010, the Legislature amended s. 403.706, F.S., to require counties to implement local recycling programs with specific interim goals.

[1] Section 403.7032, F.S.

[2] MSW is any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Section 403.706(5), F.S. MSW also includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. *Id.*

[3] Department of Environmental Protection (DEP), *Florida and the 2020 75% Recycling Goal: Final Report*, 3, 8 (2020), *available at* https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report.

Year	Interim Recycling Goal[4]	Actual Statewide Recycling Rate[5]
2012	40%	~48%
2014	50%	~50%
2016	60%	56%
2018	70%	49%
2020	75%	50%

While Florida achieved the interim goals for 2012 and 2014, the state's recycling rate for 2016 fell short of the interim goal.[6] Between 2016 and 2020, Florida's statewide recycling rate continued to decline, with a rate of 52 percent in 2019 and 50 percent in 2020.[7] Only three of Florida's 36 large counties—Charlotte, Lee, and Pinellas—successfully met the 75 percent recycling goal by 2020.[8] However, there is evidence that recycling rates are rebounding: the single-family recycling participation rate increased four percent from 2020 to 2023.[9] Commercial recycling participation rates increased 6 percent during the same timeframe.[10]

Local Government Solid Waste and Recycling Responsibilities

Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.[11] Counties may charge reasonable fees for the handling and disposal of solid waste at

[4] Ch. 2010-143, s. 7, Laws of Fla; section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75 percent of municipal solid waste by 2020. *See also* s. 403.7032(2), F.S.
[5] DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, 9, *available at* https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report; DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report, Vol. 1*, 9 (2019), *available at* https://floridadep.gov/sites/default/files/Final%20Strategic_Plan_2019%2012-13-2019_1.pdf.
[6] DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2.
[7] *Id.* at 6. Notably, prior to the implementation of the 75 percent recycling goal, Florida's recycling rate, which was calculated based on recycling traditional materials, was 30 percent. *Id.* If the same methodology was applied to 2020, the recycling rate would be only 25 percent. *Id.*
[8] *Id.* at 9. "Large counties" are those with a population of over 100,000. *Id.*
[9] DEP, *2023 Single-Family Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2023%20Single-Family%20Participation.pdf; DEP, *2022 Single-Family Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2022_Single_Family_Participation.pdf; DEP, *2021 Single-Family Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2021%20Single%20Family%20Recycling%20Participation%20in%20Florida.pdf; DEP, *2020 Single-Family Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2020%20Single-Family%20Participation%20in%20Recycling.pdf.
[10] DEP, *2023 Commercial Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2023%20Commercial%20Participation.pdf; DEP, *2022 Commercial Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2022_Commercial_Participation.pdf; DEP, *2021 Commercial Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2021%20Commercial%20Recycling%20Participation%20in%20Florida.pdf; DEP, *2020 Commercial Participation in Recycling*, *available at* https://floridadep.gov/sites/default/files/2020%20Commercial%20Participation%20in%20Recycling.pdf.
[11] Section 403.706(1), F.S. Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Fla. Admin. Code Ch. 62-701.

their facilities.[12] Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or county contractor.[13] Local governments are also authorized to provide for the collection of recyclable materials.[14] A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.[15]

As discussed above, counties are required to implement recycling programs that include the statutory interim goals established in s. 403.706(2)(a), F.S.[16] These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers;
- Aluminum cans;
- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.[17]

In addition, each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.[18] Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs,[19] and must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a specified service area for a county or municipality.[20]

Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.[21] To assess progress, counties must provide information on their solid waste management programs and recycling activities to the DEP by April 1st of each year.[22]

The DEP may reduce or modify a county's recycling goal if the county demonstrates that:

[12] *Id.*
[13] *Id.*
[14] Section 403.706(21), F.S.
[15] *Id.*
[16] Section 403.706(2)(a), F.S.
[17] Section 403.706(2)(f), F.S.
[18] Section 403.706(3), F.S.
[19] Section 403.706(2)(a), F.S.
[20] Section 403.706(9), F.S.
[21] Section 403.706(4), F.S.
[22] Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility; and
- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.[23]

However, the goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.[24]

Local governments can require all residential properties, multifamily dwellings, apartment complexes, and industrial, commercial, and institutional establishments to create programs for the separation of recyclable materials designated by the local government.[25] Local governments can also require a commercial establishment to source-separate the recovered materials generated on the premises.[26] However, a local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator's right to sell such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.[27]

The DEP's Recycling Report

The DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives in years when the interim recycling goals established in s. 403.706(2)(a), F.S., were not met.[28] These reports had to identify additional programs or statutory changes needed to achieve the recycling goals.[29] In 2020, the DEP released its final report titled "Florida and the 2020 75% Recycling Goal."[30] The report explains that in 2020 alone, the amount of MSW generated in Florida was equivalent to over two tons per resident—approximately twice the national average.[31] However, there is no universal methodology for measuring progress toward recycling goals, making it difficult to compare states' recycling rates. Moreover, Florida's MSW calculations do not account for tourists—while calculations by the

[23] Section 403.706(6), F.S.
[24] *Id.*
[25] Section 403.706(21), F.S. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials and ensuring the collection of recovered materials as necessary to protect public health and safety. *Id.*
[26] Section 403.7046(2)(a), F.S.
[27] Section 403.7046(2), F.S.
[28] Section 403.706(2)(e), F.S.; *see* s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state's success in meeting the solid waste recycling goal in s. 403.706(2), F.S.
[29] Section 403.706(2)(e), F.S.
[30] DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, *available at* https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report.
[31] *Id.* at 8.

U.S. Environmental Protection Agency and other states do—thereby inflating the amount of MSW generated "per resident."[32]

In its final report, the DEP recommends convening a technical assistance group (TAG) to develop a comprehensive waste reduction and recycling plan for Florida. The TAG, if convened, would include the Florida Recycling Workgroup, local governments, and other interested parties, and the comprehensive plan would implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management[33] and waste diversion[34] concepts;
- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.[35]

The DEP's final report also provides recommendations from the Florida Recycling Workgroup and a group of local governments, including:

- Replacing the current 75 percent weight-based goal with a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;[36]
- Using sustainable materials management to prioritize which materials to recycle based on environmental metrics and market availability and setting recycling goals for these specific materials; and
- Focusing on three strategies: education and outreach, funding and incentives to support local government recycling efforts, and developing recycling markets.[37]

Recycling Education and Outreach

Education on the types of recycling services available, how materials are collected, and which materials are accepted is important for a successful recycling program. Because recycling programs within the state vary significantly, education should be tailored to local recycling programs.[38]

Currently, the DEP operates several education programs, including:

- The Florida Food Waste Prevention Week, which focuses on engagement with local municipalities, universities, national food recovery networks, and the hospitality industry to raise awareness about food waste;[39]

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[32] *Id.*

[33] Sustainable materials management is a term for alternative approaches to recycling that recognize the differences among waste components with respect to environmental and resource outcomes. Sustainable materials management focuses on using and reusing materials more productively over their life cycles. *Id.* at 4.

[34] Waste diversion is the process of diverting waste from landfills; it is the amount of material that is reduced, reused, and/or recycled per capita and can be measured by the amount of waste not being disposed of in landfills. Waste diversion reduces disposal costs and the burden on landfills. United States Environmental Protection Agency (EPA), *Waste Diversion at EPA*, https://www.epa.gov/greeningepa/waste-diversion-epa (last visited Feb. 7, 2025); DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

[35] DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4, *available at* https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report.

[36] *Id.* at 4. There is a consensus in Florida's recycling industry (as well as other states and at the federal level) that using a weight-based goal does not result in efficient or effective recycling. *Id.* at 6.

[37] *Id.* at 4.

[38] *Id.*

[39] *See* Food Waste Prevention Week, https://www.foodwastepreventionweek.com/about-us (last visited Feb. 7, 2025).

- The Rethink. Reset. Recycle. Program, which explains what items can be recycled and provides counties and municipalities with a variety of customized digital products illustrating correct preparation of recyclables prior to disposing of them;[40] and
- The Recycling Recognition Program, which encourages private businesses, institutions, schools, organizations, and the public to increase recycling by setting recycling goals.[41]

The DEP also developed a business recycling tracking tool (Re-TRAC) that allows organizations to track, compare, and report their recycling efforts.[42]

The DEP's final report explains that the TAG, if convened, would propose an education and outreach approach that evaluates statewide solutions but is customized for local needs, including a possible application for mobile devices that provides recycling information based on location.

Local Government Assistance

In 1988, the Solid Waste Management Act required counties to initiate recycling programs to address the growing costs and environmental problems associated with solid waste disposal in the state. To aid counties in setting up recycling programs, the Legislature established the Recycling and Education Grant Program. Under the program, counties received funds for initial capital costs, operations, recycling education, market development, and special projects. The program sunset in 2001.

In its final report, the DEP recommends that the TAG evaluate the benefits and problems of the now defunct Recycling and Education Grant Program, make a recommendation to reinstate the program, or consider other means to provide recycling assistance to local governments.[43]

Recycling Market Development

In order for the recycling industry to operate efficiently and provide reasonable returns on investments, there must be a market for finished goods that are manufactured from recycled materials. When the markets for these finished goods increase, the demand for recycled materials will increase, driving up profitability and incentivizing increased investments in the collection, sorting, processing, and manufacturing sectors.[44]

To increase markets for recyclable materials, the DEP recommends in its final report that the following be considered when developing the comprehensive recycling plan:

- Tax incentives for usage of recycled materials as feed stocks in manufacturing processes;
- Tax incentives and credits to support materials recovery plant upgrades;
- Public/private partnerships to invest in new processing technologies;

[40] DEP, *Rethink. Reset. Recycle.*, https://floridarecycles.org/ (last visited Feb. 7, 2025).
[41] DEP, *Recycling Recognition Program*, https://floridadep.gov/waste/waste-reduction/content/recycling-recognition-program (last visited Jan. 27, 2025).
[42] *Id.*; *see also* DEP, *Re-TRAC*, https://app.re-trac.com/ (last visited Feb. 7, 2025).
[43] DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5, *available at* https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report.
[44] *Id.* at 5.

- Investments in expansion of Recycling Business Assistance Center[45] activities;
- End-user purchase rebates for Florida Certified Compost; and
- Preference programs to use and purchase products made from recycled content material.[46]

III. Effect of Proposed Changes:

Section 1 amends s. 403.7032, F.S., to direct the DEP to develop a comprehensive waste reduction and recycling plan by July 1, 2026, based on recommendations from the DEP's "Florida and the 2020 75% Recycling Goal: Final Report." The bill requires the DEP to create and convene a technical assistance group to help develop the plan.

The bill provides that the plan must:
- Identify recycling goals based on sustainable materials management and waste diversion; and
- Include a three-year plan to implement the following strategies:
  - Recycling education and outreach: The DEP must propose statewide solutions to provide local recycling information and education.
  - Local government recycling assistance: The DEP must evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing assistance to local governments.
  - Recycling materials market development: The DEP must consider and recommend plans to develop and promote markets for recycling materials.

The bill directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon completion of the comprehensive waste reduction and recycling plan. The bill requires that the report include any recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[45] The Recycling Business Assistance Center was established in 2010 pursuant to s. 403.7032(5), F.S., to coordinate between state agencies and the private sector to develop new markets for recyclable materials locally and globally. DEP, *Recycling Business Assistance Center*, https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center (last visited Feb. 7, 2025).
[46] DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 403.7032 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 Berman

26-00224A-25 2025200__

A bill to be entitled

An act relating to a comprehensive waste reduction and recycling plan; amending s. 403.7032, F.S.; requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; specifying minimum requirements for the comprehensive plan; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan; specifying requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 403.7032, Florida Statutes, to read:

403.7032 Recycling.—

(6) By July 1, 2026, the Department of Environmental Protection shall develop a comprehensive waste reduction and recycling plan for this state based on the recommendations contained in the department's "Florida and the 2020 75% Recycling Goal, Final Report." The department shall create and convene a technical assistance group to assist in the development of the plan.

(a) At a minimum, the plan must do all of the following:

1. Identify recycling goals based on sustainable materials management and waste diversion.

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

26-00224A-25 2025200__

2. Include a 3-year plan to implement all of the following strategies:

a. Recycling education and outreach. The department shall propose statewide solutions to provide local recycling information and education throughout this state.

b. Local government recycling assistance. The department shall evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing recycling assistance to local governments.

c. Recyclable materials market development. The department shall consider and recommend plans to develop and promote markets for recyclable materials.

(b) Upon completion of the plan, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives, which must include recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

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

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

The Florida Senate

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4/22/25
Meeting Date

Fiscal Policy
Committee

200
Bill Number or Topic

Amendment Barcode (if applicable)

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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: Liberty Tire

☐ 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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3. FISCAL POLICY
Committee

SB 200
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

NATIONAL WASTE + RECYCLING ASSN FL CHAPTER

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

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Meeting Date

S Fiscal Policy
Committee

SB 200
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FAC

☐ 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

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Fiscal Policy
Committee

SB 200
Bill Number or Topic

Amendment Barcode (if applicable)

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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:

FLSP

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)

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4/22/25
Meeting Date

Fiscal Policy
Committee

SB 200
Bill Number or Topic

Amendment Barcode (if applicable)

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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:
Solid Waste Authority of Palm Beach County

☐ 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

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:	CS/SB 306
INTRODUCER:	Health Policy Committee and Senator Sharief and others
SUBJECT:	Medicaid Providers
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Morgan	Brown	HP	**Fav/CS**
2.	Barr	McKnight	AHS	**Favorable**
3.	Morgan	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 306 requires the Agency for Health Care Administration to establish specific standards to ensure Florida Medicaid enrollees have access to network providers during state holidays and outside regular business hours.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Agency for Health Care Administration

The Agency for Health Care Administration (AHCA) is created under s. 20.42, F.S., to be the chief health policy and planning entity for the state, responsible for health facility licensure, inspection, and regulatory enforcement,[1] as well as the administration of Florida's Medicaid program.[2]

[1] Agency for Health Care Administration, *Health Quality Assurance, available at* https://ahca.myflorida.com/health-quality-assurance (last visited Mar. 27, 2025).
[2] Section 409.902, F.S.

The Florida Medicaid Program

The Medicaid program is a voluntary, federal-state program that finances health coverage for individuals, including eligible low-income adults, children, pregnant women, elderly adults, and persons with disabilities.[3] The federal Centers for Medicare & Medicaid Services within the U.S. Department of Health and Human Services is responsible for administering the Medicaid program at the federal level. Florida Medicaid is the health care safety net for low-income Floridians and is financed through state and federal funds.[4]

Statewide Medicaid Managed Care

Approximately 72.5 percent of Florida Medicaid recipients[5] receive services through a managed care plan contracted with the AHCA under the Statewide Medicaid Managed Care (SMMC) program.[6] The SMMC program has three components: Managed Medical Assistance (MMA), Long-Term Care (LTC), and the Prepaid Dental Health program.[7] Among these three components, Florida's SMMC program offers a health care package covering acute, preventive, behavioral health, prescribed drugs, long-term care, and dental services. Florida's SMMC program benefits are authorized through federal waivers and are specifically required by the Florida Legislature in ss. 409.973 and 409.98, F.S.[8]

The AHCA awarded contracts to the current SMMC plans through a competitive procurement process called an Invitation to Negotiate (ITN). The AHCA awarded and executed new contracts for SMMC 3.0 in October 2024 and officially rolled out the new SMMC 3.0 program on February 1, 2025.[9] The rate year for the SMMC contracts is October 1 through September 30 of each contract year.[10]

Managed care plans providing MMA program services are required to cover acute, preventive, and other health care services, such as:[11]

- Hospital services;
- Physician services;
- Pharmacy services;
- Behavioral health services;
- Transportation to medical services;

[3] Medicaid.gov, *Medicaid, available at* https://www.medicaid.gov/medicaid (last visited Mar. 27, 2025).
[4] Section 20.42, F.S.
[5] The other 27.5 percent of recipients receive Medicaid services through the fee-for-service (FFS) delivery model, where providers contract directly with the AHCA to render services, billing and receiving reimbursement directly from the AHCA; Florida Agency for Health Care Administration, *Senate Bill 306* (Feb. 7, 2025) (on file with Senate Committee on Health Policy).
[6] Agency for Health Care Administration, *Florida Statewide Medicaid Enrollment Report As of February 28, 2025 (including Medikids Population), available at* https://ahca.myflorida.com/content/download/26230/file/ENR_202502.xls (last visited Mar. 27, 2025).
[7] Agency for Health Care Administration, *Statewide Medicaid Managed Care, available at* https://ahca.myflorida.com/medicaid/statewide-medicaid-managed-care (last visited Mar. 27, 2025).
[8] Agency for Health Care Administration, *Senate Bill 306* (Feb. 7, 2025) (on file with Senate Committee on Health Policy).
[9] *Id.*
[10] Agency for Health Care Administration, *Senate Bill 1060* (Feb. 28, 2025) (on file with Senate Committee on Health Policy).
[11] *Supra* note 8.

- Nursing facility services; and
- Other service benefits, including, but not limited to, medical equipment and supplies, therapies, and home health services.

The AHCA contracts with LTC plans in each region to provide LTC services, including all home and community-based waiver services, through their provider networks. Currently, all the LTC plans contracted with the AHCA are also contracted to provide MMA services, streamlining care with a more comprehensive enrollment approach where a Medicaid recipient can enroll with one plan for all services.[12]

The SMMC program includes the following regions:[13]

- Region A, which consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington counties.
- Region B, which consists of Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union, and Volusia counties.
- Region C, which consists of Pasco and Pinellas counties.
- Region D, which consists of Hardee, Highlands, Hillsborough, Manatee, and Polk counties.
- Region E, which consists of Brevard, Orange, Osceola, and Seminole counties.
- Region F, which consists of Charlotte, Collier, DeSoto, Glades, Hendry, Lee, and Sarasota counties.
- Region G, which consists of Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie counties.
- Region H, which consists of Broward County.
- Region I, which consists of Miami-Dade and Monroe counties.

Provider Networks

A provider network is a list of doctors, hospitals, and other health care providers that a managed care plan contracts with to provide medical care to its enrollees. These providers are commonly known as participating providers, and a provider that is not contracted with the plan is called a nonparticipating provider.[14]

SMMC Plan Accountability – Network Access & Adequacy

The SMMC plans must adhere to all requirements as specified in their contract with the AHCA, including requirements to enter into provider agreements with a sufficient number of providers to deliver all covered services to enrollees and ensure that each medically necessary covered service is accessible and provided with reasonable promptness, including the utilization of nonparticipating providers.[15] If the managed care plan declines to include individual or group

[12] Agency for Health Care Administration, *Senate Bill 306* (Feb. 7, 2025) (on file with Senate Committee on Health Policy).
[13] *Section* 409.966(2), F.S.
[14] U.S. Department of Health & Human Services, Health Insurance Marketplace, *What You Should Know About Provider Networks, available at* https://www.cms.gov/marketplace/outreach-and-education/what-you-should-know-provider-networks.pdf (last visited Mar. 27, 2025).
[15] 42 C.F.R. § 438.206(b)(4)

providers in its provider network, the plan is required to give written notice to the affected provider(s) of the reason for its decision.[16,17]

Prior to implementation of SMMC 3.0 on February 1, 2025, the AHCA indicated that the network sufficiency of each plan was assessed to ensure an adequate number of available providers exists within the plans' provider networks. Managed care plans are contractually required to develop a printed and online (electronic) provider network directory to assist enrollees in selecting from qualified providers. The plans must update their online provider database at least weekly and provide printed copies of provider directories to enrollees upon request, at no charge. The plans must have procedures to inform current enrollees and potential enrollees, upon request, of any changes to service delivery and/or provider network.

On a regional basis, SMMC plans must notify the AHCA within seven business days of a decrease in the total number of primary care providers by more than five percent. Moreover, the plans are required to submit an Annual Network Development Plan[18] that includes a description or explanation of the current status of their network for each service covered.[19]

Additionally, the plans are required to submit weekly Provider Network Verification (PNV) files,[20] which include information on each plan's provider network. The AHCA monitors the PNV files to ensure contractually required provider network standards are being met. If a plan is not compliant with these standards, the AHCA has actions available through its contracts that can be applied, including liquidated damages.[21] Managed care plans online and printed provider directories are monitored monthly for accuracy and completeness. Furthermore, the AHCA monitors the networks to ensure that contractual provider-specific geographic access (time and distance) standards for enrollees in urban or rural counties are maintained.[22]

The required regional provider ratios and network adequacy standards, as well as the time and distance standards for covered services, providers, and facilities, are contained within the contracts between the AHCA and the Medicaid managed care plans.[23,24,25]

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[16] 42 C.F.R. § 438.12(a)(1)
[17] Agency for Health Care Administration, *Senate Bill 306* (Feb. 7, 2025) (on file with Senate Committee on Health Policy).
[18] Agency for Health Care Administration, *2025-2030 Model Health Plan Contract Attachment II – Core Contract Provisions* (Feb. 2025), Page 236 of 267, *available at* https://ahca.myflorida.com/content/download/26116/file/Attachment%20II%20-%20Core%20Contract%20Provisions.pdf (last visited Mar. 27, 2025).
[19] *Supra* note 17.
[20] *Supra* note 18, Page 234 of 267.
[21] *Supra* note 18, Page 201 of 267.
[22] *Supra* note 17.
[23] Agency for Health Care Administration, *2025-2030 Model Health Plan Contract Exhibit II-A – Managed Medical Assistance Program* (Feb. 2025), Pages 55-58, 60-61, *available at* https://ahca.myflorida.com/content/download/26117/file/Exhibit%20II-A%20-%20Managed%20Medical%20Assistance%20%28MMA%29%20Program.pdf (last visited Mar. 27, 2025).
[24] *Id.*, Pages 70-72.
[25] Agency for Health Care Administration, *2025-2030 Model Health Plan Contract Exhibit II-B – Long-Term Care (LTC) Program* (Feb. 2025), Pages 32-34, *available at* https://ahca.myflorida.com/content/download/26117/file/Exhibit%20II-A%20-%20Managed%20Medical%20Assistance%20%28MMA%29%20Program.pdf (last visited Mar. 27, 2025).

Currently, at least 50 percent of primary care providers participating in a plan provider network in regions A, B, E, G, H, and I must offer after hours[26] appointment availability to Medicaid enrollees; however, regions C and D require at least 45 percent, and region F requires at least 40 percent.[27]

III. Effect of Proposed Changes:

Section 1 amends s. 409.967, F.S., to require the Agency for Health Care Administration to establish specific standards to ensure enrollees have access to network providers during state holidays and outside regular business hours. At least 50 percent of primary care providers participating in a Medicaid managed care plan provider network must offer appointment availability to Medicaid enrollees outside regular business hours.

The bill also defines the term "outside regular business hours" to mean Monday through Friday between 5 p.m., and 8 a.m., local time and all-day Saturday and Sunday.

Section 2 provides that the bill takes effect 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.

[26] The AHCA defines "after hours" in its health plan contracts to mean the hours between 5:00 p.m., and 8:00 a.m., local time, Monday through Friday inclusive, and all-day Saturday and Sunday. State holidays are also included. *See* Florida Agency for Health Care Administration, *2025-2030 Model Health Plan Contract Attachment II – Core Contract Provisions* (Feb. 2025), Page 238, *available at* https://ahca.myflorida.com/content/download/26116/file/Attachment%20II%20-%20Core%20Contract%20Provisions.pdf (last visited Apr. 2, 2025).

[27] *Supra* note 24.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.967 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 Health Policy on April 1, 2025:
The committee substitute:

- Removes the underlying bill's amendments to Medicaid managed care plan accountability statutes.
- Requires the Agency for Health Care Administration to establish standards to ensure Medicaid enrollees have access to network providers during state holidays and outside regular business hours.
- Requires Medicaid managed care plans to ensure at least 50 percent of primary care providers participating in their network offer appointment availability to Medicaid enrollees outside regular business hours.
- Defines the term "outside regular business hours" to mean Monday through Friday between 5 p.m., and 8 a.m., local time and all-day Saturday and Sunday.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Sharief, Gaetz, and Davis

588-03163-25 2025306c1

A bill to be entitled

An act relating to Medicaid providers; amending s. 409.967, F.S.; requiring the Agency for Health Care Administration to include specified requirements in its contracts with Medicaid managed care plans; defining the term "outside regular business hours"; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is amended to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(c) *Access.*—

1. The agency shall establish specific standards for the number, type, and regional distribution of providers in managed care plan networks to ensure access to care for both adults and children. Each plan must maintain a regionwide network of providers in sufficient numbers to meet the access standards for specific medical services for all recipients enrolled in the plan. The exclusive use of mail-order pharmacies may not be sufficient to meet network access standards. Consistent with the standards established by the agency, provider networks may include providers located outside the region.

2. The agency shall establish specific standards to ensure

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588-03163-25 2025306c1

enrollees have access to network providers during state holidays and outside regular business hours. At least 50 percent of primary care providers participating in a plan provider network must offer appointment availability to Medicaid enrollees outside regular business hours. For the purposes of this subparagraph, the term "outside regular business hours" means Monday through Friday between 5 p.m. and 8 a.m. local time and all day Saturday and Sunday.

3. Each plan shall establish and maintain an accurate and complete electronic database of contracted providers, including information about licensure or registration, locations and hours of operation, specialty credentials and other certifications, specific performance indicators, and such other information as the agency deems necessary. The database must be available online to both the agency and the public and have the capability to compare the availability of providers to network adequacy standards and to accept and display feedback from each provider's patients.

4. Each plan must ~~shall~~ submit quarterly reports to the agency identifying the number of enrollees assigned to each primary care provider.

5. The agency shall conduct, or contract for, systematic and continuous testing of the provider network databases maintained by each plan to confirm accuracy, confirm that behavioral health providers are accepting enrollees, and confirm that enrollees have access to behavioral health services.

6.~~2.~~ Each managed care plan must publish any prescribed drug formulary or preferred drug list on the plan's website in a manner that is accessible to and searchable by enrollees and

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providers. The plan must update the list within 24 hours after making a change. Each plan must ensure that the prior authorization process for prescribed drugs is readily accessible to health care providers, including posting appropriate contact information on its website and providing timely responses to providers. For Medicaid recipients diagnosed with hemophilia who have been prescribed anti-hemophilic-factor replacement products, the agency shall provide for those products and hemophilia overlay services through the agency's hemophilia disease management program.

7.~~3.~~ Managed care plans, and their fiscal agents or intermediaries, must accept prior authorization requests for any service electronically.

8.~~4.~~ Managed care plans serving children in the care and custody of the Department of Children and Families must maintain complete medical, dental, and behavioral health encounter information and participate in making such information available to the department or the applicable contracted community-based care lead agency for use in providing comprehensive and coordinated case management. The agency and the department shall establish an interagency agreement to provide guidance for the format, confidentiality, recipient, scope, and method of information to be made available and the deadlines for submission of the data. The scope of information available to the department shall be the data that managed care plans are required to submit to the agency. The agency shall determine the plan's compliance with standards for access to medical, dental, and behavioral health services; the use of medications; and follow-up ~~followup~~ on all medically necessary services

recommended as a result of early and periodic screening, diagnosis, and treatment.

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.)

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

BILL:	CS/CS/SB 324
INTRODUCER:	Appropriations Committee on Transportation, Tourism, and Economic Development; Commerce and Tourism Committee; and Senators Smith and Arrington
SUBJECT:	Construction Disruption Assistance
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	**Fav/CS**
2.	Nortelus	Nortelus	ATD	**Fav/CS**
3.	Renner	Siples	FP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 324 establishes the Construction Impact Relief Revolving Loan Program (program) within the Department of Commerce (department). Under the program, the department must provide low-interest loans of up to $100,000 for operational costs of eligible small businesses during construction disruptions.

The department must develop a public awareness and marketing campaign to promote the program and encourage customer support for small businesses adversely impacted by construction activities.

Applicants must provide certain documentation in order to obtain financial assistance from the department. Applicants must agree to accept consultation from the Florida Small Business Development Center Network as a condition to participate in the program. The bill prohibits an applicant from participating in the program if they are eligible for other loan programs.

The department must submit an annual report by November 1 to the Governor and the Legislature summarizing the program's performance, including the total number of small businesses and residents served, total funds disbursed, and program outcomes.

The department may not be held liable in any civil action arising out of or relating to the administration, processing, approval, denial, or disbursement of funds under the program, provided such actions were made in good faith and without gross negligence or willful misconduct.

The bill requires the department to adopt rules by October 1, 2025, to implement the program.

The bill may have an indeterminate fiscal impact on the department that can be absorbed within existing resources. **See Section V: Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Infrastructure Projects

Numerous agencies are the primary funders of infrastructure projects, including, but not limited to, the following:

- Department of Commerce (department) Construction Projects
  - Florida Job Growth Fund - an economic development program designed to promote public infrastructure and workforce training across the state. The fund is prohibited from being used for the exclusive benefit of any single company, corporation, or business entity. Proposals are reviewed by the department and chosen by the Governor to meet the demand for workforce or infrastructure needs.1
  - Rural Infrastructure Fund - facilitates the planning, preparation, and financing of infrastructure projects in rural communities, including, but not limited to, roads and facilities related to stormwater systems.2
- Department of Environmental Protection
  - Clean Water State Revolving Fund – provides loans to construct water pollution control facilities.3
- Department of Transportation
  - State Transportation Trust Fund - provides funding for certain transportation systems and projects throughout the state.4

The Florida Small Business Development Center Network

Established in 2008, the Florida Small Business Development Center Network (SBDC) is the principal business assistance organization for small businesses in the state. The purpose of the network is to serve emerging and established for-profit, privately held businesses that maintain a place of business in the state.[5] The network is funded in part by the U.S. Small Business Administration, Department of Defense, State of Florida through appropriations, and other

[1] Section 288.101, F.S.
[2] Section 288.0655, F.S.
[3] *See* s. 403.1835, F.S.
[4] Section 206.46(1), F.S.
[5] Ch. 2008-149, Laws of Fla., codified as s. 288.001, F.S.

private and public partners with the University of West Florida serving as the network's designated lead host institution.[6]

III. Effect of Proposed Changes:

The bill creates ss. 288.9991-288.9998, F.S., known as the "Construction Disruption Assistance Act."

The bill creates s. 288.9995, F.S., to establish the Construction Impact Relief Revolving Loan Program (program). Under the program, the department must provide low-interest loans of up to $100,000, with interest not to exceed the federal funds rate at the time the loan is issued, for operational costs of eligible small businesses during construction disruptions.

The department must also develop a public awareness and marketing campaign, in partnership with local chambers of commerce and other business organizations, to promote the program and encourage customer support for small businesses adversely impacted by construction activities. Marketing campaign efforts must include, but are not limited to:

- Digital advertising campaigns; and
- Signage and outreach.

Applications must be submitted to the department and include documentation of a demonstrable loss, as well as a plan for utilizing the funds. Proof of demonstrable loss must include, but is not limited to, the following:

- Documentation of reduction in revenue from the start date of construction activities to the week before an application is submitted to the department. Such proof may be made by comparing the applicant's average weekly or monthly revenue of the year before the construction activities began and the applicant's current weekly or monthly revenue.
- Photo or video evidence of the obstruction, which may include, but is not limited to, restricting parking or primary entry access or blocking visibility of the applicant from all directions of traffic along the road and sidewalks during each phase of construction.

The applicant must agree to accept consultation with the SBDC as a condition to participate in the program. The applicant is prohibited from participating in the program if they are eligible for another loan program.

The bill creates s. 288.9997, F.S. releasing from liability the department or any of its officers, employees, agents, or contractors for actions arising out of or related to the administration, processing, approval, denial, or disbursement of funds under the program, provided such actions were made in good faith and without gross negligence or willful misconduct.
The bill creates s. 288.9998, F.S., requiring the department to submit a report annually by November 1 to the Governor and Legislature summarizing the performance of the program, including the total number of small businesses and residents served, total funds disbursed, and program outcomes.

The bill defines the following terms:

[6] America's SBDC Florida, *About Funding*, available at https://floridasbdc.org/about/ (last visited April 3, 2025).

- Construction zone – the immediate area where construction activities directly restrict physical or visual access to a small business, including partial or complete obstruction of entryways, parking, or signage visibility.
- Demonstrable loss – a verifiable reduction in revenue, property damage, or increased operational costs directly attributed to state or local government construction activities.
- Eligible small business – a business with 50 or fewer employees whose primary access points are obstructed by state or local government construction activities directly adjacent to or in front of the business, as determined by the department.

The bill requires the department to adopt rules by October 1, 2025, to implement the act.

The bill takes effect 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Eligible small businesses that can show a demonstrable loss of revenue due to construction impacting their establishment may be able to receive financial assistance from the department.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact that can be absorbed by the department within their existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 288.9991, 288.9992, 288.9993, 288.9994, 288.9995, 288.9996, and 288.9997.

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 Transportation, Tourism, and Economic Development on April 10, 2025:
The committee substitute:

- Requires applicants to apply to the department for assistance and agree to accept consultation from the Florida Small Business Development Center Network. If an applicant is enrolled in any other loan program, they are not eligible to participate in this program.
- Provides that the department may not be held liable for a civil action arising out of the administration, processing, approval, denial, or disbursement of funds under the program.
- Removes that an applicant's compliance with the department's rules related to the application, evaluation, and dispute resolution process constitutes a presumption of good faith.

CS by Commerce and Tourism on March 31, 2025:
The CS:

- Changes the name of the Construction Impact Relief Program to the Construction Impact Revolving Loan Program (program) and removes the requirement that the Department of Commerce (department) establish the program through the Florida Growth Fund.
- Removes the option for the department to provide grants to eligible small businesses within construction zones.
- Clarifies that the department may provide certain loans with interest not to exceed the federal funds rate at the time the loan is issued for eligible small business operational costs.

- Removes the requirement that the department, in concert with local governments, include local event sponsorships and promotions in the marketing campaign to promote the program.
- Requires eligible small business applicants to provide certain documentation to obtain financial assistance from the department, and to consult with the Florida Small Business Development Center Network.
- Provides that an applicant is not eligible to participate in the program if the applicant is eligible for other loan programs.

B. Amendments:

None.

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

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Commerce and Tourism; and Senators Smith and Arrington

606-03453-25 2025324c2

A bill to be entitled

An act relating to construction disruption assistance; creating part XIII of ch. 288, F.S., to be entitled the "Construction Disruption Assistance Act"; creating s. 288.9991, F.S.; providing a short title; creating s. 288.9992, F.S.; providing legislative findings and purpose; creating s. 288.9993, F.S.; defining terms; creating s. 288.9994, F.S.; establishing rulemaking authority; creating s. 288.9995, F.S.; establishing the Construction Impact Relief Revolving Loan Program within the Department of Commerce; authorizing the Legislature to fund the program; requiring the department to provide specified financial assistance to eligible small businesses within construction zones; requiring the department to develop a public awareness and marketing campaign to promote the program in partnership with specified entities; providing requirements for the campaign; requiring applicants to submit specified information with their applications; requiring an applicant to agree to accept consultation from the Florida Small Business Development Center Network as a condition to participate in the program; prohibiting an applicant from participating in the program under certain circumstances; creating s. 288.9996, F.S.; directing the department to maintain and publish certain information about the program on its website and to update such information as changes occur; requiring that such information be accessible to certain persons

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606-03453-25 2025324c2

with disabilities; creating s. 288.9997, F.S.; providing that the department or any of its officers, employees, agents, or contractors are not liable in any civil action arising out of or relating to specified duties of the program; requiring an applicant to acknowledge that submitting an application does not guarantee funding; providing that the department is not liable for any damages resulting from the department denying an applicant a loan or delaying loan disbursement or from certain activities; providing construction; providing that certain determinations, prioritizations, and decisions made are deemed final agency action and not subject to further judicial review; providing an exception; authorizing the department to adopt rules; creating s. 288.9998, F.S.; requiring the department, by a specified date, to submit an annual report containing certain information to the Governor and the Legislature; providing an effective date.

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

Section 1. Part XIII of chapter 288, Florida Statutes, consisting of ss. 288.9991-288.9998, Florida Statutes, is created and entitled "Construction Disruption Assistance Act."

Section 2. Section 288.9991, Florida Statutes, is created to read:

288.9991 Short title.—This part shall be known and may be cited as the "Construction Disruption Assistance Act."

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Section 3. Section 288.9992, Florida Statutes, is created to read:

288.9992 Legislative findings; purpose.—The Legislature finds and declares that:

(1) Prolonged state and local government construction projects that directly block access to small businesses cause significant financial and operational hardships that negatively impact local economies and threaten the livelihoods of business owners and employees.

(2) It is the purpose of this act to establish a program to provide financial relief, promotional support, and loss coverage to small businesses adversely impacted by state and local government construction projects, ensuring their resilience and viability during essential infrastructure improvements.

Section 4. Section 288.9993, Florida Statutes, is created to read:

288.9993 Definitions.—As used in this part, the term:

(1) "Construction zone" means the immediate area where construction activities directly restrict physical or visual access to a small business, including partial or complete obstruction of entryways, parking, or signage visibility.

(2) "Demonstrable loss" means a verifiable reduction in revenue, property damage, or increased operational costs directly attributed to state or local government construction activities.

(3) "Department" means the Department of Commerce.

(4) "Eligible small business" means a business with 50 or fewer employees whose primary access points are obstructed by state or local government construction activities directly

adjacent to or in front of the business, as determined by the department.

(5) "Program" means the Construction Impact Relief Revolving Loan Program established in s. 288.9995.

Section 5. Section 288.9994, Florida Statutes, is created to read:

288.9994 Rulemaking authority.—By October 1, 2025, the department shall adopt rules to implement this part, including, but not limited to, developing guidelines for the award of loans under the program and creating application forms for the program.

Section 6. Section 288.9995, Florida Statutes, is created to read:

288.9995 Construction Impact Relief Revolving Loan Program.—

(1) The Construction Impact Relief Revolving Loan Program is created within the department. The program may be funded by the Legislature. Under the program, the department shall:

(a) Provide financial assistance to eligible small businesses within construction zones, including low-interest loans of up to $100,000, with interest not to exceed the federal funds rate at the time the loan is issued, for the operational costs of eligible small businesses during construction disruptions.

(b) Develop a public awareness and marketing campaign to promote the program in partnership with local chambers of commerce and other business organizations and to encourage customer support for small businesses adversely impacted by state and local government construction activities. Such

marketing campaign efforts must include, but are not limited to, all of the following:

1. Digital advertising campaigns.

2. Signage and outreach.

(2) An applicant seeking to obtain financial assistance under paragraph (1)(a) must submit an application to the department. The application must require documentation of demonstrable loss and a plan for the use of funds. Proof of demonstrable loss must include, but is not limited to, all of the following:

(a) Documentation of reduction in revenue from the start date of the state or local government construction activities to the week before an application is submitted to the department. Such proof may be made by comparing the applicant's average weekly or monthly revenue of the year before the state or local government construction activities began and the applicant's current weekly or monthly revenue.

(b) Photo or video evidence of the obstruction to the applicant due to the construction zone. Such obstruction may include, but is not limited to, any of the following:

1. Restricting parking or primary entry access to the eligible small business.

2. Blocking visibility of the applicant from all directions of traffic flow along the road and adjoining sidewalks in which the applicant is located, during each phase of construction.

(3) An applicant must agree to accept consultation from the Florida Small Business Development Center Network created in s. 288.001 as a condition to participate in the program. If an applicant is enrolled in any other loan program, he or she is

not eligible to participate in the program.

Section 7. Section 288.9996, Florida Statutes, is created to read:

288.9996 Publication on department website; accessibility.

(1) The department shall maintain and publish detailed information about the program on its website. The information must include, but is not limited to, all of the following:

(a) A clear description of the application process.

(b) Detailed eligibility criteria for applicants.

(c) The timeline and procedures for review, approval, and disbursement of funds.

(d) Contact information, including e-mail addresses and telephone numbers, applicants or interested parties may obtain for additional information or assistance.

(2) The department shall update the information as changes occur and ensure the website is accessible to all potential applicants or interested parties, including those with disabilities, in accordance with applicable state and federal accessibility laws.

Section 8. Section 288.9997, Florida Statutes, is created to read:

288.9997 Liability.—

(1) The department or any of its officers, employees, agents, or contractors may not be held liable in any civil action arising out of or relating to the administration, processing, approval, denial, or disbursement of funds under the program.

(2) An applicant must acknowledge, as a condition of applying to the program, that submitting an application does not

guarantee funding and that the department is not liable for any damages, including, but not limited to, lost profits or business interruptions resulting from the department denying a loan or delaying disbursement of a loan, or from government construction activities.

(3) This part may not be construed to create a private right of action against the department or any of its officers, employees, agents, or contractors. Eligibility determinations, prioritization of applications, and loan award decisions made in accordance with applicable program rules and guidelines are considered final agency action and are not subject to further judicial review except as provided in s. 120.68.

(4) The department may adopt rules establishing clear application procedures, evaluation criteria, and dispute resolution processes to ensure consistency and transparency in program administration.

Section 9. Section 288.9998, Florida Statutes, is created to read:

288.9998 Annual reporting requirement.—The department shall, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which summarizes the performance of the program, including the total number of small businesses and residents served, the total funds disbursed, and the program outcomes.

Section 10. 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.)

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

BILL:	CS/SB 468
INTRODUCER:	Criminal Justice Committee and Senator Collins
SUBJECT:	Fleeing or Attempting to Elude a Law Enforcement Officer
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Parker	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 468 amends s. 316.1935, F.S., to remove the requirement that a law enforcement vehicle have agency insignia for the crime of fleeing or attempting to elude a law enforcement officer.

The bill provides that any motor vehicle involved in a violation of the offense of fleeing or attempting to elude a law enforcement officer may be impounded, and provides conditions for release of impoundment and costs.

The bill amends s. 921.0022, F.S., to increase the ranking for specified fleeing or attempting to elude offenses in the offense severity ranking chart (OSRC) of the Criminal Punishment Code.

The bill amends s. 921.0024, F.S., to create a sentencing multiplier for second or subsequent fleeing or attempting to elude offenses.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Fleeing or Attempting to Elude a Law Enforcement Officer

Fleeing or attempting to elude a LEO

Section 316.1935, F.S., provides that it is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer. A person who flees or attempts to elude a law enforcement officer commits a third degree felony.[1]

Fleeing or attempting to elude a LEO in a patrol vehicle with siren and lights activated

Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated commits a third degree felony.[2]

Driving at a high speed or with wanton disregard for safety while fleeing or attempting to elude a LEO

Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated, and during the course of the fleeing or attempted eluding:

- Drives at a high speed, in a manner which demonstrates a wanton disregard for the safety of persons or property commits a second degree felony.[3,4]
- Drives at a high speed, or in a manner which demonstrates a wanton disregard for the safety of persons or property and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits a first degree felony.[5,6]

The court must sentence any person convicted of committing this offense that causes serious bodily injury or death, to a mandatory minimum sentence of 3 years.

Aggravated fleeing or attempting to elude when leaving the scene of a crash

Any person who in the course of unlawfully leaving or attempting to leave the scene of a crash, having knowledge of an order to stop by a duly authorized law enforcement officer, willfully

[1] A third degree felony is punishable by up to five years in prison and a fine of $5,000 as provided in ss. 775.082, 775.083, and 775.084, F.S.
[2] Section 316.1935(2), F.S.
[3] Section 316.1935(3)(a), F.S.
[4] A second degree felony is punishable by a term of imprisonment of 15 years and a $10,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.
[5] Section 316.1935(3)(b), F.S.
[6] A first degree felony is punishable by a term of imprisonment of 30 years and a $10,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer and, as a result of such fleeing or eluding:

- Causes injury to another person or causes damage to any property belonging to another person commits aggravated fleeing or eluding, a second degree felony.[7]
- Causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits aggravated fleeing or eluding with serious bodily injury or death, a first degree felony.[8]

The felony of aggravated fleeing or eluding and the felony of aggravated fleeing or eluding with serious bodily injury or death constitute separate offenses for which a person may be charged, in addition to unlawfully leaving the scene of a crash, which the person had been in the course of committing or attempting to commit when the order to stop was given.

The court must sentence any person convicted of committing aggravated fleeing or eluding with serious bodily injury or death to a mandatory minimum sentence of 3 years imprisonment.

Agency Insignia and Other Jurisdictional Markings

To prove the crime of Fleeing to Elude a Law Enforcement Officer, the State must prove that the law enforcement officer was in an authorized law enforcement patrol vehicle with agency insignia and other jurisdictional markings prominently displayed on the vehicle and with siren and lights activated.[9]

The Third District Court of Appeal (DCA) has held that there was no evidence of such "agency insignia" during a high-speed chase when two officers were driving unmarked vehicles, and a third officer's vehicle was marked with a 15-inch "City of Miami" seal on the car's door.[10]

Similarly, the First DCA has held that an officer's testimony that he was driving a "marked patrol car" with "lights on top" was insufficient evidence of such "agency insignia and other jurisdictional markings prominently displayed on [his] vehicle" because "not all markings on law enforcement vehicles constitute agency insignia."[11]

More recently, the First DCA held that because "the word 'insignia' is not defined by the statute … we give the term its plain and ordinary meaning, resorting to dictionaries where necessary and helpful."[12] After surveying dictionary definitions of "insignia," the court concluded: [A]gency insignia were prominently displayed on [the officer's patrol vehicle] insofar as the vehicle was

[7] Section 316.1935(4)(a), F.S.
[8] Section 316.1935(4)(b), F.S.
[9] Criminal Jury Instructions 28.7, *Fleeing to Elude a Law Enforcement Officer (Siren and Lights Activated) Section 316.1935(2), F.S.*, available at https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww-media.floridabar.org%2Fuploads%2F2023%2F02%2F28.7-revised.docx&wdOrigin=BROWSELINK (visited last April 10, 2025).
[10] *Gorsuch v. State*, 797 So. 2d 649, 651 (Fla. 3rd DCA 2001).
[11] *Slack v. State*, 30 So. 3d 684, 687 (Fla. 1st DCA 2010) (citing *Gorsuch*, supra note 9).
[12] *Ellis v. State*, 258 So. 3d 491, 492-93 (Fla. 1st DCA 2018).

marked to clearly identify it as belonging to the [police department]. Specifically, the words "Pensacola Police Department" and "PENSACOLAPOLICE.COM" would qualify as agency insignia.[13]

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code[14] are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.[15,16] A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.[17]

Sentencing Multiplier

Section 921.0024(1)(b), F.S., provides a worksheet key for a court to use when sentencing a convicted defendant. Specified crimes are subject to sentencing multipliers that apply to a person's subtotal sentence points, the application of which results in an increased number of total sentencing points, which may result in enhanced punishment in some cases.

III. Effect of Proposed Changes:

The bill amends s. 316.1935, F.S., to remove the requirement that a law enforcement vehicle have agency insignia for the crime of fleeing or attempting to elude a law enforcement officer.

The bill provides that any motor vehicle involved in a violation of fleeing or attempting to elude a law enforcement officer may be impounded for a period of 30 business days. The impounding law enforcement agency shall make a diligent effort to notify the registered owner of the impoundment. The law enforcement officer must notify the DHSMV of any impoundment for violation of this offense in accordance with procedures established by the department.

A warrant is required to impound a vehicle from a constitutionally protected area.

The impounding law enforcement agency shall release an impounded motor vehicle if the owner or agent presents a valid driver license at the time of vehicle pickup and one of the following conditions are met:

- Notwithstanding any provision of law to the contrary, any conditions provided in s. 316.193(6)(e), (f), (g), and (h), F.S.; or

[13] *Id*. at 493.
[14] All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.
[15] Section 921.0022, F.S.
[16] Section 921.0022(2), F.S.
[17] Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.

- The vehicle was at the time of the violation, in the care, custody, or control of another person; the vehicle owner identifies that person in a statement made under oath; and a witness observed the other person driving the vehicle and corroborates the vehicle owner's statement.

All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the motor vehicle or, if the motor vehicle is leased or rented, by the person leasing or renting the motor vehicle, unless the impoundment or immobilization is dismissed. All provisions of s. 713.78, F.S., shall apply.

The bill increases the ranking for any crime of fleeing or attempting to elude as follows:
- Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated is a second degree felony, ranked a Level 5, rather than a Level 4.
- Aggravated fleeing or eluding is a second degree felony, and ranked a Level 6, rather than a Level 5.

The bill amends s. 921.0024, F.S., to provide if the primary offense is fleeing or attempting to elude a law enforcement officer or aggravated fleeing or eluding in violation of s. 316.1935, F.S., and in the offender's prior record, there is one or more violation of s. 316.1935, F.S., the subtotal sentence points are multiplied by 1.5.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 bill may have an indeterminate positive impact on the prison bed population by increasing the offense severity ranking for fleeing or attempting to elude offenses and providing a sentencing multiplier, under specified circumstances, for second or subsequent fleeing or attempting to elude offenses, which may result in more offenders being sentenced to prison and for longer prison sentences.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.1935, 921.0022, and 921.0024.

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 Criminal Justice on March 25, 2025:
The committee substitute:

- Provides that any motor vehicle involved in a violation of this offense may be impounded and provides conditions for release and impoundment costs.
- Increases certain offenses of fleeing or attempting to elude for purposes of the offense severity ranking chart.
- Creates a sentencing multiplier for fleeing or attempting to elude a law enforcement officer, if the primary offense is fleeing or attempting to elude or aggravated fleeing.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Collins

591-02828-25 2025468c1

A bill to be entitled

An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; revising the law enforcement patrol vehicle marking requirements for specified offenses; authorizing the impoundment of a motor vehicle involved in certain violations for a specified period; specifying requirements for such impoundment; amending s. 921.0022, F.S.; reclassifying offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; amending s. 921.0024, F.S.; providing a sentencing multiplier for specified offenses; providing an effective date.

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

Section 1. Subsections (2), (3), (4), and (7) of section 316.1935, Florida Statutes, are amended, subsection (8) is added to that section, and subsection (1) of that section is republished, to read:

316.1935 Fleeing or attempting to elude a law enforcement officer; aggravated fleeing or eluding.—

(1) It is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer, and a person who violates this subsection commits a felony of the

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third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency ~~insignia and other~~ jurisdictional markings prominently displayed on the vehicle, with siren and lights activated commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency ~~insignia and other~~ jurisdictional markings prominently displayed on the vehicle, with siren and lights activated, and during the course of the fleeing or attempted eluding:

(a) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 3 years imprisonment. ~~Nothing in~~ This paragraph does not ~~shall~~

prevent a court from imposing a greater sentence of incarceration as authorized by law.

(4) Any person who, in the course of unlawfully leaving or attempting to leave the scene of a crash in violation of s. 316.027 or s. 316.061, having knowledge of an order to stop by a duly authorized law enforcement officer, willfully refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer and, as a result of such fleeing or eluding:

(a) Causes injury to another person or causes damage to any property belonging to another person, commits aggravated fleeing or eluding, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits aggravated fleeing or eluding with serious bodily injury or death, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The felony of aggravated fleeing or eluding and the felony of aggravated fleeing or eluding with serious bodily injury or death constitute separate offenses for which a person may be charged, in addition to the offenses under ss. 316.027 and 316.061, relating to unlawfully leaving the scene of a crash, which the person had been in the course of committing or attempting to commit when the order to stop was given. Notwithstanding any other provision of law, the court shall

sentence any person convicted of committing aggravated fleeing or eluding with serious bodily injury or death to a mandatory minimum sentence of 3 years imprisonment. ~~Nothing in~~ This subsection does not ~~shall~~ prevent a court from imposing a greater sentence of incarceration as authorized by law.

(7) Any motor vehicle involved in a violation of this section may be impounded for a period of 30 business days. The impounding law enforcement agency shall make a diligent effort to notify the registered owner of the impoundment. The law enforcement officer shall notify the department of any impoundment for violation of this section in accordance with procedures established by the department.

(a) A warrant is required to impound a vehicle from a constitutionally protected area.

(b) The impounding law enforcement agency must release an impounded motor vehicle if the owner or the owner's agent presents a valid driver license at the time of vehicle pickup and one of the following conditions is met:

1. Notwithstanding any provision to the contrary, any conditions provided in s. 316.193(6)(e)-(h).

2. The vehicle was, at the time of the violation, in the care, custody, or control of another person, the vehicle owner identifies that person in a statement made under oath, and a witness observed the other person driving the vehicle and corroborates the vehicle owner's statement.

(c) All costs and fees for impoundment or immobilization, including the cost of notification, must be paid by the owner of the motor vehicle or, if the motor vehicle is leased or rented, by the person leasing or renting the motor vehicle, unless the

impoundment or immobilization order is dismissed. All provisions of s. 713.78 shall apply.

(8) Notwithstanding subsection (7), any motor vehicle involved in a violation of this section is deemed to be contraband, which may be seized by a law enforcement agency and is subject to forfeiture pursuant to ss. 932.701-932.704. Any vehicle not required to be titled under the laws of this state is presumed to be the property of the person in possession of the vehicle.

Section 2. Paragraphs (d), (e), and (f) of subsection (3) of section 921.0022, Florida Statutes, as amended by section 24 of chapter 2025-1, Laws of Florida, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
~~316.1935(3)(a)~~	~~2nd~~	~~Driving at high speed or with wanton disregard for safety while fleeing or attempting to~~

		~~elude law enforcement officer who is in a patrol vehicle with siren and lights activated.~~
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.

784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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

787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.

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

810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.

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

812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.

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

817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

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839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.

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874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband

		(cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

~~316.1935(4)(a)~~	~~2nd~~	~~Aggravated fleeing or eluding.~~
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in

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		the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority;

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		premium collected $20,000 or more but less than $100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(3)	3rd	Unlawful carrying of a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of

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		age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.

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812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1),	3rd	Filing false financial

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(2)(a) & (3)(a)		statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
828.12(2)	3rd	Tortures any animal with intent

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		to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by

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		electronic device or equipment.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.

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893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.

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499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.

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784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.

812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.

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825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or

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		conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating

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		physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

Section 3. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

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Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of

felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that

jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001, an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001, an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Violent offenses committed against specified justice system personnel: If the primary offense is a violation of s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points

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are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and, in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Fleeing or attempting to elude a law enforcement officer: If the primary offense is fleeing or attempting to elude a law enforcement officer or aggravated fleeing or eluding in violation of s. 316.1935 and, in the offender's prior record, there is one or more violations of s. 316.1935, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a

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crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 4. This act shall take effect October 1, 2025.

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/25
Meeting Date

FISCAL POLICY
Committee

468
Bill Number or Topic

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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/22/25
Meeting Date

Fiscal
Committee

SB468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Abby Hilley

Phone 321-229-7054

Address on file
Street

Email abby.hilley@ocsofl.com

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:
Orange County Sheriff's Office

☐ 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

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4/22/25
Meeting Date

Fiscal Policy
Committee

468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mary Hudson

Phone (386)214-5536

Address 123 W. Indiana Ave
Street

Deland fl. 32713
City State Zip

Email mhudson@volusia sheriff .gov

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: Volusia Sheriffs office

☐ 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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April 22 2025
Meeting Date

Fiscal Policy
Committee

468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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)

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.)

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

BILL:	CS/SB 490
INTRODUCER:	Criminal Justice Committee and Senator Collins
SUBJECT:	Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, Correctional Probation Officers, and Military Servicemembers
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Fav/CS**
2.	Wiseheart	Betta	AEG	**Favorable**
3.	Cellon	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 490 amends s. 790.052, F.S., to provide that certain correctional probation officers have the right to carry concealed firearms during off-duty hours at the discretion of their superior officers, and perform their normal law enforcement function, using their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Additionally, the bill provides that correctional probation officers meet to the definition of "qualified law enforcement officer," and the definition of "qualified retired law enforcement officer."

The superior officer of the Department of Corrections can direct the officers under his or her supervision to carry concealed firearms while off duty, if he or she files a statement with the governing body containing instructions and requirements relating to the carrying of said firearms.

The bill amends s. 790.0655, F.S., to define "holder of a concealed weapons or concealed firearms license" for purposes of the three-day wait section. A holder of a concealed weapons or concealed firearms license includes, a person who holds a valid license issued under

s. 790.06. F.S., a law enforcement officer, a correctional officer, a correctional probation officer, and a servicemember as defined in s. 250.01, F.S[1].

Under the bill a law enforcement officer, correctional officer, or correctional probation officer does not have to wait three days to take possession of a purchased firearm.

The bill does not impact state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Carrying a Concealed Weapon or Firearm With or Without a License

The Licensure Requirements

The Department of Agriculture and Consumer Services (DACS) is statutorily authorized to issue concealed weapon and concealed firearm licenses to applicants who qualify.[2] For purposes of the concealed carry licensure law, "concealed weapons or concealed firearms" means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.[3]

To obtain a concealed weapon or concealed firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A full frontal view color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapon and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.[4]

The DACS must issue the license to carry a concealed weapon or concealed firearm if all other requirements are met and the applicant:

[1] "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.
[2] Section 790.06(1), F.S.
[3] *Id.*
[4] Section 790.06,(4)-(5) F.S.

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;[5]
- Is 21 years of age or older;[6]
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;[7]
- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless five years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least five years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.[8]

Pursuant to s. 790.06(3), F.S., the DACS must deny the application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless three years have elapsed

[5] Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.
[6] Pursuant to s. 790.062, F.S., the DACS must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.
[7] It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.
[8] Section 790.06(2), F.S.

since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.[9]

The DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding three years.[10]
- Upon notification by a law enforcement agency, a court, or the FDLE and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.[11]
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.[12]

Expedited Concealed Carry License Processing for Military, Law Enforcement License

A servicemember[13] or a veteran[14] may request expedited processing of his or her application.[15] For expedited processing of an application:

- A servicemember must submit a copy of the Common Access Card, United States Uniformed Services Identification Card, or current deployment orders.
- A veteran must submit a copy of the DD Form 214, issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs.[16]

Law Enforcement Exceptions to Licensure Requirement

A person holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer is exempt from the licensing requirements of s. 790.06, F.S.[17] The officers are defined as:

- "Law enforcement officer"[18] means 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

[9] Section 790.06(3), F.S.
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.
[14] "Veteran" means" a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. s. 1.01(14), F.S.
[15] Section 790.06(4)(f), F.S.
[16] Section 790.06(4)(f), F.S.
[17] Section 790.06(5)(b), F.S.
[18] Section 943.10(1), F.S.

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, and special officers employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.

- "Correctional officer"[19] means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.
- "Correctional probation officer"[20] means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including the probation and parole regional administrator level.
- "Part-time law enforcement officer"[21] means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, 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.
- "Part-time correctional officer"[22] means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.
- "Auxiliary law enforcement officer"[23] means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.
- "Auxiliary correctional officer"[24] means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.[25]

If such individual wishes to receive a concealed weapon or concealed firearm license, he or she is exempt from the background investigation and all background investigation fees but must pay

[19] Section 943.10(2), F.S.
[20] Section 943.10(3), F.S.
[21] Section 943.10(6), F.S.
[22] Section 943.10(7), F.S.
[23] Section 943.10(8), F.S.
[24] Section 943.10(9), F.S.
[25] Section 790.06(5)(b), F.S.

the current license fees regularly required to be paid by nonexempt applicants.[26] Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3), F.S. is exempt from the required fees and background investigation for one year after his or her retirement.[27]

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.[28]

Carrying a Concealed Weapon or Concealed Firearm Without a License

A person is authorized to carry a concealed weapon or concealed firearm[29] if he or she:
- Is licensed under s. 790.06, F.S.; or
- Is not licensed under s. 790.06, F.S., but otherwise satisfies the criteria for receiving and maintaining such a license.[30]

A person who carries a concealed weapon or concealed firearm without a license[31] must carry valid identification at all times when he or she is in actual possession of a concealed weapon or concealed firearm and must display such identification upon demand by a law enforcement officer.[32] The person must also abide by s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm.[33]

Purchase of a Firearm from a Licensed Dealer

A federally licensed firearm dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:
- Obtained a completed form from the potential buyer (transferee), which must include identifying information such as the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee; and
- Inspected proper identification including an identification containing a photograph of the potential buyer or transferee.[34]

These are the first steps in the firearm purchase process, followed by collecting a fee and initiating the background check.[35]

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[26] Section 790.06(5)(b), F.S.
[27] Section 790.06(5)(b), F.S.
[28] Section 790.051, F.S.
[29] "Concealed weapon or firearm" as defined in s. 790.06, F.S. means a handgun, electric weapon or device, tear gas gun, knife, or billie, but does not include a machine gun as that term is defined in s. 790.001 , F.S.
[30] Section 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.
[31] Section 790.01(1)(b), F.S.
[32] Section 790.013, F.S.
[33] Section 790.06(12)(a), F.S., lists the locations where a person is not authorized to openly carry a handgun (defined in s. 790.001(10), F.S. as a firearm capable of being carried and used by one hand, such as a pistol or revolver) or carry a concealed weapon or concealed firearm.
[34] Section 790.065(1)(a)1., F.S.
[35] Section 790.065(1), F.S.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license[36] or holds an active certification from the Criminal Justice Standards and Training Commission[37] as a "law enforcement officer[38]," a "correctional officer[39]," or a "correctional probation officer[40]", the federally licensed dealer is not required to collect the background check fee or run the background check before making the sale.[41]

Three-Day Waiting Period

A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is three days, excluding weekends and legal holidays, or expires at the completion of the records checks required under s. 790.065, F.S., whichever occurs later.[42]

The waiting period does not apply when a firearm is being purchased by a holder of a concealed weapons or concealed firearms license issued under s. 790.06., F.S.[43]

III. Effect of Proposed Changes:

The bill amends s. 790.052(1)(a), F.S., to provide that correctional probation officers[44] holding active certifications from the Criminal Justice Standards and Training Commission[45] may carry concealed firearms during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers.

The bill amends s. 790.052(1)(b), F.S., to provide that correctional probation officers[46] holding active certifications from the Criminal Justice Standards and Training Commission[47] meet the definition of "qualified law enforcement officer," and "qualified retired law enforcement officer."

The superior officer of the Florida Department of Corrections, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, must file a statement with the governing body of the department of his or her instructions and requirements relating to the carrying of the firearms.

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[36] Section 790.06, F.S.
[37] Section 943.1395, F.S.
[38] Section 943.10(1), F.S.
[39] Section 943.10(2), F.S.
[40] Section 943.10(3), F.S.
[41] Section 790.065(1)(b), F.S.; *See also* "[T]he dealer must verify the transferee's identity by examining the identification document described in the transferee's statement. Thus, licensed firearms dealers are required to keep information about the identity of firearms buyers in their records." 18 U.S.C.A. 922(s)(3); and "After the transferee has executed the Form 4473, the licensee: (i) Shall verify the identity of the transferee by examining the identification document (as defined in § 478.11) presented, and shall note on the Form 4473 the type of identification used." 27 C.F.R .478.124 (c)(3)(i).
[42] Section 790.0655(1)(a), F.S.
[43] Section 790.0655(2)(a), F.S.
[44] Section 943.10(3), F.S.
[45] Section 943.1395, F.S.
[46] Section 943.10(3), F.S.
[47] Section 943.1395, F.S.

The bill amends s. 790.0655(4), F.S., to provide the meaning of "holder of a concealed weapons or concealed firearms license" for purposes of the 3-day wait section.

A holder of a concealed weapons or concealed firearms license includes:
- A person who holds a valid license issued under s. 790.06., F.S.;
- A law enforcement officer, correctional officer, or correctional probation officer[48]; and
- A servicemember as defined in s. 250.01, F.S.[49]

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

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.

[48] Sections 943.10(1), 943.10(2), and 943.10(3), F.S., respectively.
[49] Servicemember means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 790.052 and 790.0655.

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 Criminal Justice on March 4, 2025:

- Adds certain correctional probation officers to the list of persons who have the right to carry concealed firearms under certain circumstances, and to the list of persons who are "qualified law enforcement officers" or "qualified retired law enforcement officers."
- Provides that the superior officer of the Department of Corrections can direct the officers under his or her supervision to carry concealed firearms while off duty under certain circumstances.
- Removes the 3-day waiting period for any firearm purchases by law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, and servicemembers.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Collins

591-02124-25 2025490c1

A bill to be entitled

An act relating to concealed carry licensing requirements for law enforcement officers, correctional officers, correctional probation officers, and military servicemembers; amending s. 790.052, F.S.; specifying that correctional probation officers have the right to carry concealed firearms, during off-duty hours, at the discretion of their superior officers; authorizing correctional probation officers to perform certain law enforcement functions under limited circumstances; revising the definition of the terms "qualified law enforcement officer" and "qualified retired law enforcement officer"; specifying that if the superior officer of the Department of Corrections decides to direct the officers under his or her supervision to carry concealed firearms while off duty, he or she must file a certain statement with the governing body of the department; amending s. 790.0655, F.S.; revising the exceptions to the required 3-day waiting period between purchase and delivery of a firearm; defining the term "holder of a concealed weapons or concealed firearms license"; providing an effective date.

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

Section 1. Section 790.052, Florida Statutes, is amended to read:

790.052 Carrying concealed firearms; off-duty law

591-02124-25 2025490c1

enforcement officers.—

(1)(a) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers, ~~or~~ correctional officers, or correctional probation officers as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

(b) All persons holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, ~~or~~ a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) meet the definition of "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

(c) All persons who held an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, ~~or~~ correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), while working for an employing agency, as defined in s. 943.10(4), but have separated from service under the conditions set forth in 18 U.S.C. s. 926C(c), meet the definition of "qualified retired law enforcement officer."

(d) This section does not limit the right of a law enforcement officer, correctional officer, or correctional probation officer to carry a concealed firearm off duty as a private citizen under the exemption provided in s. 790.06 that

allows a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to carry a concealed firearm without a concealed weapon or concealed firearm license or as otherwise provided by law. The appointing or employing agency or department of an officer carrying a concealed firearm as a private citizen is not liable for the use of the firearm in such capacity. This section does not limit the authority of the appointing or employing agency or department from establishing policies limiting law enforcement officers or correctional officers from carrying concealed firearms during off-duty hours in their capacity as appointees or employees of the agency or department.

(2) The superior officer of any police department, any ~~or~~ sheriff's office, ~~or~~ the Florida Highway Patrol, or the Department of Corrections, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, shall file a statement with the governing body of such department of his or her instructions and requirements relating to the carrying of said firearms.

Section 2. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms; mandatory waiting period; exceptions; penalties.—

(1)(a) A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later. ~~"Purchase" means the transfer~~

~~of money or other valuable consideration to the retailer. "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).~~

(b) Records of firearm sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The waiting period does not apply in the following circumstances:

(a) When a firearm is being purchased by a holder of a concealed weapons or concealed firearms license ~~issued under s. 790.06~~.

(b) To a trade-in of another firearm.

(c) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter safety course and possessing a hunter safety certification card issued under s. 379.3581. A person who is exempt from the hunter safety course requirements under s. 379.3581 and holds a valid Florida hunting license is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

~~(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.~~

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a

retailer, to deliver a firearm before the expiration of the waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm by fraud, false pretense, or false representation.

(4) For purposes of this section, the term:

(a) "Holder of a concealed weapons or concealed firearms license" includes all of the following:

1. A person who holds a valid license issued under s. 790.06.

2. A law enforcement officer, correctional officer, or correctional probation officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9).

3. A servicemember as defined in s. 250.01.

(b) "Purchase" means the transfer of money or other valuable consideration to the retailer.

(c) "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

Section 3. This act shall take effect July 1, 2025.

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

4/22/25
Meeting Date

Fiscal Policy
Committee

490
Bill Number or Topic

Amendment Barcode (if applicable)

Name William B Smith

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Address 300 E Brevard St.
Street

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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. 2020-2022JointRules.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.)

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

BILL:	CS/SB 494
INTRODUCER:	Criminal Justice Committee and Senators Leek and Arrington
SUBJECT:	Aggravated Animal Cruelty
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Favorable**
3.	Cellon	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 494, which may be cited as "Dexter's Law," amends s. 828.12, F.S., to provide that beginning January 1, 2026, the Florida Department of Law Enforcement (FDLE) will post on its website the names of those persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The information posted on the FDLE website will be in a searchable format prescribed by the department.

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant's subtotal points by 1.25 for the crime of Aggravated Animal Cruelty. The offense must have included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal.

The bill has an insignificant negative fiscal impact to FDLE. The bill may also have a positive indeterminate impact on prison beds by increasing the minimum permissible sentence that a court may sentence an offender for the specified offense. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Animal Cruelty Offenses

Section 828.12(1), F.S., provides first degree misdemeanor penalties[1] for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or
- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of this statute may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.[2]

Section 828.12(2), F.S., specifies that a person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree.[3]

Also, s. 828.13(2)(a), (b), and (c) F.S., provide that a person commits a first degree misdemeanor[4] if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased.

Section 828.13(3), F.S., prohibits a person who is the owner or possessor or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal which is punishable as a misdemeanor of the first degree.[5]

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[1] A first degree misdemeanor is punishable by up to 1 year in the county jail or a $5,000 fine or both. ss. 775.082 and 775.083, F.S.

[2] Section 828.12(6), F.S.

[3] 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. However, a violation of s. 828.12(2), F.S., may result in a fine of up to $10,000. Sections 775.083(1)(g), and 828.12(2), F.S.

[4] A first degree misdemeanor is punishable by up to 1 year in the county jail or a $1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to $5,000. Sections 775.083(1)(g), and 828.13(2), F.S.

[5] A first degree misdemeanor is punishable by up to 1 year in the county jail or a $1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(3), F.S., may result in a fine of up to $5,000. Sections 775.083(1)(g), and 828.13(3), F.S.

Section 828.13(1)(a), F.S., defines the term "abandon" to mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.[6] Whoever abandons, impounds, or confines any animal in any place and:

- Fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased; commits a first degree misdemeanor.[7]

Any person who knowingly commits any of the following acts of fighting or baiting animals commits a felony of the third degree[8]:

- Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
- Owning, possessing, or selling equipment for use in any activity described in paragraph (a);
- Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);
- Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
- Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
- Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;
- Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
- Attending the fighting or baiting of animals.[9]

Additionally, a person may not:

- Knowingly engage in any sexual contact with an animal;
- Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;
- Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control;

[6] The term "owner" is defined as any owner, custodian, or other person in charge of an animal. s. 828.13(1)(b), F.S.
[7] A first degree misdemeanor is punishable by up to 1 year in the county jail or a $1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to $5,000. Sections 775.083(1)(g), and 828.13(2), F.S.
[8] A third degree felony is punishable by up to 5 years imprisonment and a $5,000 fine. ss. 775.082 and 775.083, F.S. In addition to other penalties the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court. Section 828.122(8), F.S.
[9] "Animal fighting" means fighting between roosters or other birds or between dogs, bears, or other animals. "Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds. Section 828.122(2), F.S.

- Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or
- Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.[10]

A person who violates this section commits a felony of the third degree.[11]

In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to five years after the date of the conviction, regardless of whether adjudication is withheld.[12]

Animal Abuse Registries in Florida

Hillsborough County became the first county in Florida to establish an animal-abuser registry, requiring that any individual residing in Hillsborough County, who has been convicted of an animal-abuse offense on or after November 1, 2016, must self-register within 10 business days after their release from incarceration or from the date of the conviction.[13] The registry contains the names, residences, photographs, and other related information of those living in the county who are convicted of an animal offense on or after November 1, 2016.[14]

Under the Hillsborough County ordinance, an "animal abuser" is defined as a person convicted of cruelty to animals under s. 828.12, F.S., and other animal cruelty offenses. Registrants must remain on the registry for a period of three years for a first conviction of a misdemeanor animal cruelty offense; for a period of five years for a first conviction of a felony abuse offense; or for a period of 10 years for a second or subsequent conviction of either a misdemeanor or felony abuse offense.[15]

In addition, registrants are not allowed to own, possess, and/or reside in the same household or on the same property as an animal while on the registry; prohibited from working with a companion animal, with or without compensation; and strictly prohibited from adopting, purchasing, or otherwise obtaining certain animals from any animal shelter, pet seller, or other

[10] Sexual activities involving animals. Section 828.126, F.S.
[11] A third degree felony is punishable by up to 5 years imprisonment and a $5,000 fine. ss. 775.082 and 775.083, F.S.
[12] Section 828.126(4), F.S.
[13] Hillsborough County Animal Abuser Registry Documents and Resources; available at Animal Abuser Registry Documents & Resources | Hillsborough County, FL; (last visited March 23, 2025). Tampa Bay Creative Loafing, Kate Bradshaw, February 11, 2016, The worst offenders: Hillsborough may become the first county in Florida to adopt an animal abuser registry; available at https://www.cltampa.com/news/the-worst-offenders-hillsborough-may-become-the-first-county-in-florida-to-adopt-an-animal-abuser-registry-12289553; (last visited April 4, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/; (last visited April 4, 2025).
[14] *Id.*
[15] *Id.*

person or entity involved in the exchange of animals by adoption, sale, or other means.[16] The ordinance went into effect on November 1, 2016.[17]

Marion County commissioners approved an animal-abuser registry ordinance named "Molly's Law," after an American Boxer mix was severely abused in 2014.[18] An examination of the animal revealed that Molly had been brutally beaten with a bat, suffered a fractured skull, and had been stabbed with a knife through the top of her head three times.[19] The ordinance, similar to the animal-abuser registry ordinance in Hillsborough County, took effect on January 1, 2017[20].

Animal abuser registries also exist in the following local jurisdictions among others:
- Lee County[21]
- Seminole County[22]
- Miami-Dade County[23]
- Volusia County[24]
- City of Tallahassee[25]
- Collier County[26]

Criminal Punishment Code

The Criminal Punishment Code[27] (Code) is Florida's primary sentencing policy. Noncapital degrees of felonies sentenced under the Code are assigned an offense severity level ranking (Levels 1-10).[28] Sentencing points accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses.

[16] *Id.*
[17] *Id.*
[18] "Molly's Law" Keeps Animal Abusers from Owning Pets in Marion County, WFTV, Dec. 27, 2016, available at http://www.wftv.com/news/local/mollys-law-keeps-animal-abusers-from-owning-pets-in-marion-county/479178907; (last visited March 23, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/; (last visited April 4, 2025).
[19] *Id.*
[20] *Id.*
[21] Lee County, available at https://www.sheriffleefl.org/animal-abuser-search/ (last visited April 4, 2025).
[22] Seminole County, available at https://www.seminolecountyfl.gov/departments-services/prepare-seminole/animal-services/animal-abuse-registry.stml; (last visited April 4, 2025).
[23] Miami-Dade County, available at https://www.miamidade.gov/Apps/ASD/crueltyweb/ (last visited April 4, 2025).
[24] Volusia County, available at https://www.volusia.org/services/public-protection/animal-services/animal-abuse-listing.stml; (last visited April 4, 2025).
[25] City of Tallahassee, available at https://www.talgov.com/animals/asc-abuse (last visited April 4, 2025).
[26] Collier County, available at https://www2.colliersheriff.org/animalabusesearch/Enjoined (last visited April 4, 2025).
[27] Sections 921.002-921.0027, F.S. *See* chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.
[28] Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

III. Effect of Proposed Changes:

The bill provides that the act may be cited as "Dexter's Law."

The bill amends s. 828.12, F.S., to provide that beginning January 1, 2026, the FDLE must post on its website, in a searchable format, the names of persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant's subtotal points by 1.25 for the crime of Aggravated Animal Cruelty, under s. 828.12(2), F.S. The bill specifies that the Aggravated Animal Cruelty offense must be the primary offense, or the multiplier will not apply.

The offense must include the knowing and intentional torture or torment of an animal that was injured, mutilated, or killed the animal. The definition of the term animal in this sentencing point multiplier does not include an animal used for agricultural purposes or permitted as captive wildlife as authorized under s. 379.303, F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

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 FDLE estimates $12,000 in programmatic changes to fulfill the requirements of the bill.[29] The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier for the crime of Aggravated Animal Cruelty. This may have a positive indeterminate impact on prison beds by increasing the minimum permissible sentence that a court may sentence an offender.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Although it is likely that the Clerks of Court will provide the information to the FDLE for the Animal Abuser website, the bill does not require the Clerks to provide this information.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12 and 921.0024.

IX. Additional Information:

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

CS by Criminal Justice on March 25, 2025:

- Amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant's subtotal points by 1.25 for the crime of Aggravated Animal Cruelty, under s. 828.12(2), F.S.
- Names the act "Dexter's Law."

[29] 2025 FDLE Legislative Bill Analysis, February 21, 2025; (*On file with the Senate committee on Criminal Justice.)*.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Leek

591-02820-25 2025494c1

A bill to be entitled

An act relating to aggravated animal cruelty; providing a short title; amending s. 828.12, F.S.; requiring the Department of Law Enforcement to post on its website the names of certain individuals who have violated specified animal cruelty provisions; amending s. 921.0024, F.S.; providing a sentencing multiplier for specified offenses of aggravated animal cruelty; providing applicability; providing an effective date.

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

Section 1. This act may be cited as "Dexter's Law."

Section 2. Subsection (7) is added to section 828.12, Florida Statutes, to read:

828.12 Cruelty to animals.—

(7) Beginning January 1, 2026, the Department of Law Enforcement shall post on its website, in a searchable format prescribed by the department, the names of those individuals who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of this section.

Section 3. Subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)(a) The Criminal Punishment Code worksheet is used to compute the subtotal and total sentence points as follows:

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

591-02820-25 2025494c1

FLORIDA CRIMINAL PUNISHMENT CODE WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	.....
9	92	=	.....
8	74	=	.....
7	56	=	.....
6	36	=	.....
5	28	=	.....
4	22	=	.....
3	16	=	.....
2	10	=	.....
1	4	=	.....

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

Total

Additional Offenses

Level	Sentence Points		Counts		Total
10	58	x	....	=	....
9	46	x	....	=	....
8	37	x	....	=	....
7	28	x	....	=	....
6	18	x	....	=	....
5	5.4	x	....	=	....
4	3.6	x	....	=	....
3	2.4	x	....	=	....
2	1.2	x	....	=	....
1	0.7	x	....	=	....

M	0.2	x	....	=	....

Total

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	....	=	....
Death	120	x	....	=	....
Severe	40	x	....	=	....
Moderate	18	x	....	=	....
Slight	4	x	....	=	....
Sexual penetration	80	x	....	=	....

Sexual contact	40	x	....	=	....

Total

Primary Offense + Additional Offenses + Victim Injury =
TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	....	=	....
9	23	x	....	=	....
8	19	x	....	=	....
7	14	x	....	=	....
6	9	x	....	=	....
5	3.6	x	....	=	....
4	2.4	x	....	=	....
3	1.6	x	....	=	....
2	0.8	x	....	=	....
1	0.5	x	....	=	....
M	0.2	x	....	=	....

Total

TOTAL OFFENSE SCORE .....
TOTAL PRIOR RECORD SCORE .....

LEGAL STATUS .....
COMMUNITY SANCTION VIOLATION .....
PRIOR SERIOUS FELONY .....
PRIOR CAPITAL FELONY .....
FIREARM OR SEMIAUTOMATIC WEAPON .....
SUBTOTAL.....

PRISON RELEASEE REOFFENDER (no)(yes) .....
VIOLENT CAREER CRIMINAL (no)(yes) .....
HABITUAL VIOLENT OFFENDER (no)(yes) .....
HABITUAL OFFENDER (no)(yes) .....

AGGRAVATED ANIMAL CRUELTY (no)(yes) (x multiplier) .....
DRUG TRAFFICKER (no)(yes) (x multiplier) .....
LAW ENF. PROTECT. (no)(yes) (x multiplier) .....
MOTOR VEHICLE THEFT (no)(yes) (x multiplier) .....
CRIMINAL GANG OFFENSE (no)(yes) (x multiplier) .....
DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes) (x multiplier).....
ADULT-ON-MINOR SEX OFFENSE (no)(yes) (x multiplier) .....
.....
TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a

violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later,

is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001, an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001, an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

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Aggravated Animal Cruelty: If the primary offense is aggravated animal cruelty under s. 828.12(2), which included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal, the subtotal sentence points are multiplied by 1.25. As used in this paragraph, the term "animal" does not include an animal used for agricultural purposes or permitted as captive wildlife as authorized under s. 379.303.

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Violent offenses committed against specified justice system personnel: If the primary offense is a violation of s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of

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the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s.

847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 4. This act shall take effect July 1, 2025.

DUPLICATE

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/2025
Meeting Date

Fiscal Policy
Committee

SB 494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 8505661979

Address 2167 Mahan Dr.
Street

Email amcnair@flsheriffs.org

Tallahassee FL 32308
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 Sheriffs 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)

S-001 (08/10/2021)

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The Florida Senate

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4/22/2025
Meeting Date

Senate
Committee

SB494
Bill Number or Topic

Amendment Barcode (if applicable)

Name 17810 Murdock Cir #105

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Email kaitlynnbrode@gmail.com

Kaitlynn Brode
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:

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04-22-25
Meeting Date

Fiscal Policy
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Betsy GAMBERINO

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Ocala FL 34482
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:

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4/22/2025
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Fiscal Policy
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lilly Baron

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Anthony FL 32617
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:

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4/22/25
Meeting Date

SB 494
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

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Email kmacfall@hsus.org

Tallahassee 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:
Humane Society of the U.S.

☐ 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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4/22/2025
Meeting Date

Senate
Committee

SB 494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kaitlyn Gualillo

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Cooper City FL 33026
City State Zip

Email Kaitlyn.Gualillo@gmail.com

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)

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4-22-2025
Meeting Date

Committee

SB494
Bill Number or Topic

Dexters Law
Amendment Barcode (if applicable)

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Oviedo FL 32732
City State Zip

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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

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April 22 2025
Meeting Date

Fiscal Policy
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

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Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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

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:	CS/SB 496
INTRODUCER:	Regulated Industries Committee and Senator McClain
SUBJECT:	Timeshare Management Firms
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.	Davis	Betta	AEG	**Favorable**
3.	Oxamendi	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 496 revises regulations related to timeshare plans and their management. It clarifies that timeshare plans are governed by ch. 721, F.S., rather than created under that chapter. The bill provides that community association managers (CAMs) and CAM firms who manage timeshare plans are subject to s. 721.13, F.S., relating to the managing entities of timeshare plans, rather than to part VIII of ch. 468, F.S., relating to the regulation of CAMs, including record-keeping requirements that are applicable to the managing entities of timeshare plans.

The bill also exempts CAMs and CAM firms managing timeshares from the conflict-of-interest provisions that are applicable to the CAMs and community associations, such as condominium and homeowners' associations. The bill provides that CAMs and CAM firms managing timeshares are subject to the related party transaction disclosure that the managing entity of timeshare plans must make in the annual budget. Under current law, CAMs managing a community association must disclose any activity or proposed service which may reasonably be construed by the association's board to be a conflict of interest, and associations are required to follow a process for addressing potential conflicts of interest, such as considering multiple bids for the activity or proposed service.

The bill provides that timeshare management firms and their licensed employees are subject to the regulations governing timeshare managing entities, including violations related to refusal to mail any material requested by the purchaser and any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers. The bill also includes the timeshare management

firm, and any individual licensed as a CAM employed by the timeshare management firm, in the exemption from liability for monetary damages in s. 721.13(13)(a), F.S., as provided in s. 617.0834, F.S., unless the officer, director, agent, or firm does not qualify for an exemption.

Additionally, the bill requires timeshare boards to meet at least once annually, instead of at least once each quarter as required for the boards of condominium associations.

The bill provides that, if a management firm provides goods or services through arrangements with a parent, affiliate, or subsidiary of the timeshare management firm, the existence of such arrangements must be disclosed annually to the members of that owners' association pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

The bill has an insignificant negative fiscal impact on state revenues and expenditures that can be absorbed within current resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

A timeshare interest is a form of ownership of real and personal property.[1] In a timeshare, multiple parties hold the right to use a condominium unit or a cooperative unit. Each owner of a timeshare interest is allotted a period of time (typically one week) during which the owner has the exclusive right to use the property.

The Florida Vacation Plan and Timesharing Act, ch. 721, F.S., establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers and prospective purchasers.[2] Chapter 721, F.S., applies to all timeshare plans consisting of more than seven timeshare periods over a period of at least three years when the accommodations and facilities are located or offered within this state.[3] Part I of ch. 721, F.S., relates to vacation plans and timesharing, and part II of ch. 721, F.S., relates to multisite vacation and timeshare plans that are also known as vacation clubs.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) of the Department of Business and Professional Regulation (DBPR or department) administers ch. 721, F.S.

Condominiums

A condominium is a "form of ownership of real property created under ch. 718, F.S,"[4] the "Condominium Act." Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common

[1] *See* s. 721.05(36), F.S.
[2] Section 721.02(2) and (3), F.S.
[3] Section 721.03, F.S.
[4] Section 718.103(11), F.S.

elements, and members of the condominium association.[5] For unit owners, membership in the association is an unalienable right and required condition of unit ownership.[6] The association that operates a condominium, including a timeshare condominium, must be a Florida corporation for profit or a Florida corporation not for profit.[7]

A condominium association is administered by a board of directors referred to as a "board of administration."[8] The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.[9]

Section 718.112(2)(c), F.S., requires the board of administration for a condominium association of 10 or more units to meet at least once each quarter. At least four times per year, the meeting agenda must include an opportunity for members to ask questions. Members have the right to ask questions at meetings with respect to reports on the status of construction or repair projects, status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium.

Definitions - Timeshares

The term "timeshare plan" means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, where a purchaser, for consideration, receives ownership rights in or a right to use accommodations and facilities, if any, for a period of time less than a full year during any given year, but not necessarily for consecutive years.[10] The term includes both personal property timeshare and real property timeshare plans.[11]

A "timeshare unit" is an accommodation of a timeshare plan which is divided into timeshare periods or a condominium unit in which timeshare estates have been created.[12]

A "timeshare estate" is a right to occupy a timeshare unit, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof.[13] The term also includes an interest in a condominium unit, a cooperative unit, or a trust. Whether the

[5] *See* s. 718.103, F.S., for the terms used in the Condominium Act.
[6] *Id.*
[7] Section 718.111(1)(a), F.S.
[8] Section 718.103(4), F.S.
[9] Section 718.103(2), F.S.
[10] Section 721.05(39), F.S.
[11] Section 721.05(39)(a), F.S., defines a "personal property timeshare plan," as a timeshare plan in which the accommodations are comprised of personal property that is not permanently affixed to real property. Section 721.05(39)(b), F.S., defines a "real property timeshare plan," as a timeshare plan in which the accommodations of the timeshare plan are comprised of or permanently affixed to real property.
[12] *See* ss. 721.05(41) and 718.103(26), F.S.
[13] Section 721.05(34), F.S.

term includes both direct and indirect interests in trusts is not specified. An example of an indirect interest in a trust is the interest of a trust beneficiary's spouse or other dependent.

A "timeshare license" is the right to occupy a timeshare unit, which right is not a personal property timeshare interest or a timeshare estate.[14] A "timeshare interest" is a timeshare estate, a personal property timeshare interest, or a timeshare license.[15]

Timeshare Managing Entity

Section 721.13(1), F.S., requires the developer to provide a managing entity for each timeshare plan. The managing entity operates or maintains the timeshare plan.[16] Section 721.13, F.S., provides the duties of a managing entity. The managing entity may be the developer, a separate manager or management firm, or an owners' association.[17]

Section 721.13(1)(e), F.S., requires that any managing entity performing community association management must comply with part VIII of ch. 468, F.S. The managing entity must act in the capacity of a fiduciary to the purchasers of the timeshare plan.[18]

The managing entity must arrange for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the DBPR, in accordance with generally accepted auditing standards. The financial statements must be prepared on an accrual basis using fund accounting and presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board and officers of the owners' association no later than five calendar months after the end of the timeshare plan's fiscal year.[19]

The annual budget must contain, as a footnote or otherwise, any related party transaction disclosures or notes which appear in the audited financial statements of the managing entity for the previous budget year. A copy of the final budget must be filed with the division for review within 30 days after the beginning of each fiscal year.[20]

As a nonprofit corporation, timeshare associations are subject to the provisions of ch. 617, F.S., which provide that a conflict-of-interest transaction is not void or voidable if:[21]

- The fact of such relationship or interest is disclosed or known to the board which authorizes the contract by a vote sufficient for the purpose without counting the votes of such interested directors;
- The fact of such relationship or interest is disclosed to the members entitled to vote on such contract, if any, and they authorize it by vote or written consent; or

[14] Section 721.05(37), F.S.
[15] Section 721.05(36), F.S.
[16] *See* s. 721.05(22), F.S., defining the term "managing entity."
[17] Section 721.13(1)(a), F.S.
[18] Section 721.13(2)(a), F.S.
[19] Section 721.13(3)(e), F.S.
[20] Section 721.13(3)(c)1., F.S.
[21] Section 617.0832, F.S.

- The contract or transaction is fair and reasonable as to the corporation at the time it is authorized by the board, a committee, or the members.

Community Association Managers

Community association managers (CAMs) are licensed and regulated by the DBPR pursuant to part VIII of ch. 468, F.S. A license is required to practice community association management.[22]

The term "community association" means:[23]

> residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.

Section 468.431(2), F.S., defines "community association management" to mean:

> any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of $100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community and do not assist in any of the management services.[24]

Community association managers are regulated by the seven-member Regulatory Council of Community Association Managers. Five of the members must be licensed CAMs, one of whom must be a CAM for a timeshare. The other two must not be CAMs. Members are appointed to four-year terms by the Governor and confirmed by the Senate.[25]

To become licensed as a CAM, a person must apply to the DBPR to take the licensure examination and submit to a background check. Upon determination that the applicant is of good moral character, the applicant must attend a department-approved in-person training prior to taking the examination.[26] Community association managers must successfully complete an exam

[2222] Section 468.432(1), F.S.
[23] Section 468.431(1), F.S.
[24] Section 468.431(2), F.S.
[25] Section 468.4315(1), F.S.
[26] Section 468.433, F.S.

and pay a fee to become licensed. They must also complete continuing education hours as approved by the council to maintain their licenses.[27]

CAM Practice Standards and Conflicts of Interest

Section 468.4334, F.S., delineates the professional practice standards for CAMs and CAM firms, including the duty to "discharge the duties performed on behalf of the association as authorized by [ch. 468, F.S.], loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees."

Section 468.4334(4), F.S., requires CAMs and CAM firms to return all community association records in their possession within 20 business days of termination of a services agreement or a written request, whichever occurs first, with license suspension and civil penalties per day for up to 10 business days for noncompliance. These requirements do not apply to timeshare plans created under ch. 721, F.S. Instead, the applicable time periods for timeshare plans are provided in s. 721.14(4)(b), F.S., relating to the discharge of a managing entity, which provides a 90-day period for the manager or management firm to transfer records after the termination of a managing entity. Section 721.14(2)(a), F.S., provides that an owners' association and a manager or management firm may, in the management contract or other written document, agree to the transition procedures and related time periods to be followed in the event the manager or management firm is discharged, i.e., termination of the management contract.

Section 468.4335, F.S., provides conflict of interest disclosure requirements for CAMs and CAM firms and a process for associations to approve contracts with a CAM or CAM firm, or a relative of such persons,[28] that may present a conflict of interest.

A CAM or CAM firm, including the directors, officers, persons with a financial interest in the CAM firm and any relatives of such persons, must disclose to the board of a community association any activity which may reasonably be construed by the board to be a conflict of interest. There is a rebuttable presumption of an existing conflict of interest if a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or the relative of such persons:[29]

- Enters into a contract for goods or services with the association, other than community association management services; and
- Holds an interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.

If a community association receives and considers a bid to provide a good or service that exceeds $2,500, other than community association management services, from a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or a relative of such

[27] Sections 468.4336 and 468.4337, F.S.
[28] Section 568.4335(6), F.S., provides that the term "relative" means a relative within the third degree of consanguinity by blood or marriage.
[29] Section 568.4335(1), F.S.

persons, the association must also solicit multiple bids from other third-party providers of such good or service.[30]

The proposed activity that may be a conflict of interest must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to the board's meeting agenda and entered into the written minutes of the meeting. The board must approve the contracts with a potential conflict of interest, and all management contracts, by an affirmative vote of two-thirds of all directors present.[31]

If the contract is canceled because the board finds that the CAM or CAM firm has violated the disclosure requirements, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.[32]

If the activity has not been properly disclosed as a conflict of interest or potential conflict of interest, the contract is voidable and terminates upon the association filing a written notice terminating the contract with the consent of at least 20 percent of the voting interests of the association for the written notice terminating the management services contract.[33]

Section 468.436(2)(a), F.S., provides grounds to discipline licensed CAMs and CAM firms for failure to disclose a conflict of interest as required under s. 468.4335, F.S.[34]

Section 468.438, F.S., requires a CAM firm acting as managing entity of a timeshare plan pursuant to ch. 721, F.S., can only be required to employ at least one individual licensed under part VIII of ch. 468, F.S., at each noncontiguous geographic location at which the management firm provides community association management. No other person providing community association management on behalf of such management firms can be required to hold a license pursuant to this part, provided that any community association management provided is performed under the direct supervision and control of a licensed CAM. A licensed CAM employed by a timeshare management firm assumes responsibility for all community association management performed by unlicensed persons employed by the timeshare management firm.

III. Effect of Proposed Changes:

The bill amends s. 468.4334(4), F.S., to provide that timeshare plans are governed by ch. 721, F.S., instead of created under ch. 721, F.S. It also specifies that s. 721.14(4), F.S., applies for the return of records requirements in s. 468.4334(4), F.S.

The bill creates s. 468.4335(7), F.S., to provide that the conflict-of-interest provisions in s. 468.4335, F.S., for community association managers (CAMs) and CAM firms do not apply to community association management firms that manage a timeshare plan governed by ch. 721, F.S., and that must provide the disclosure under s. 721.13(13)(c)1., F.S.

[30] Section 568.4335(2), F.S.
[31] Section 568.4335(3), F.S.
[32] Section 568.4335(4), F.S.,
[33] Section 568.4335(5), F.S.,
[34] Section 568.436(2)b.7., F.S.,

The bill creates s. 468.438(3), F.S., to provide that a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., who is employed by a timeshare management firm are governed by ch. 721, F.S., and not by s. 468.4335, F.S.

The bill deletes s. 721.13(1)(e), F.S., requiring that any managing entity performing community association management must comply with part VIII of ch. 468, F.S.

The bill amends s. 721.13(4), F.S., to provide that it is a violation of ch. 721., F.S., for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. The bill deletes the provision that any failure of managing entity to faithfully discharge the fiduciary duty to purchasers imposed by s. 721.13, F.S., or otherwise comply with that section is a violation of part VIII of ch. 468, F.S.

The bill amends s. 721.13(10), F.S., to provide that any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers imposed by s. 721.13, F.S., or to otherwise comply with the provisions of that section is a violation of ch. 721, F.S., and deletes the provision that such failure is also a violation of part VIII of ch. 468, F.S.

The bill amends s. 721.13(13)(a), F.S., which requires an officer, director, or agent of an owners' association to discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, to include as subject to this requirement a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., employed by the timeshare management firm.

The bill also includes the management firm and any individual licensed under part VIII of ch. 68, F.S., employed by the timeshare management firm, in the exemption from liability for monetary damages in s. 721.13(13)(a), F.S., as provided in s. 617.0834, F.S., unless the officer, director, agent, or firm does not qualify for exemption for the reasons specified in this paragraph and in s. 617.0834, F.S.[35]

The bill creates s. 721.13(13)(b), F.S., to provide that the board of administration of a timeshare condominium is required to meet only once each year, unless additional board meetings are called pursuant to a timeshare instrument.

The bill creates s. 721.13(13)(c)1., F.S., to provide that, if a management firm provides goods or services through arrangements with a parent, affiliate, or subsidiary of the timeshare management firm, the existence of such arrangements must be disclosed annually to the members of that owners' association pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special

[35] Sections 721.13(13)(a) and 617.0834, F.S., provide that the exemption from liability for monetary damages does not apply if breach or failure duties constitutes a violation of criminal law; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

The bill amends s. 721.13(13)(c)2., F.S., to provide that a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., employed by the timeshare management firm are governed by ss. 721.13 and 468.438, F.S.

Section 721.1(2), F.S., relating to the discharge of a managing entity, is reenacted by the bill to incorporate the amendment made to s. 721.13, F.S.

The bill takes effect 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:

The bill has an insignificant negative fiscal impact on the Department of Business and Professional Regulation (DBPR); however, the bill is not expected to affect state government revenues and expenditures. According to the DBPR, updates to the DBPR's

licensing computer systems, Versa Regulation, Versa Online, and the QLIK Reporting System to make required configuration changes due to the bill will be made with existing DBPR resources.[36]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.4334, 468.4335, 468.438, and 721.13.

The bill reenacts section 721.14 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 Regulated Industries on April 1, 2025:
The committee substitute:

- Amends s. 468.4335(7), F.S., to provide that community association managers (CAMs) and CAM firms that manage a timeshare plan governed by ch. 721, F.S., must provide the disclosure under s. 721.13(13)(c)1., F.S., which requires the managing entities of timeshare plans to provide a related party transaction disclosure in the annual budget;
- Amends s. 468.438(3), F.S., to provide that timeshare management firms are not subject to the conflict-of-interest provisions in s. 468.4335, F.S., for CAMs and CAM firms; and
- Amends s. 721.13(13)(c)1., F.S., to provide that the disclosure in an explanatory note to the annual budget of the fact that goods or services are being provided by a related party of the timeshare management firm or owners' association may be made as an explanatory note to the annual budget pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

[36] *See* Department of Business and Professional Regulation, *2025 Agency Legislative Bill Analysis for SB 496* at 6 (Feb. 10, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

B. Amendments:

None.

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

By the Committee on Regulated Industries; and Senator McClain

580-03182-25 2025496c1

A bill to be entitled

An act relating to timeshare management firms; amending s. 468.4334, F.S.; conforming provisions to changes made by the act; amending s. 468.4335, F.S.; revising applicability for provisions governing conflicts of interest between community association managers or community association management firms and certain persons with a financial interest in such associations; amending s. 468.438, F.S.; providing construction; amending s. 721.13, F.S.; deleting a provision requiring managing entities that perform community association management to comply with certain provisions related to community association management firms; requiring timeshare management firms and individuals employed by timeshare management firms to discharge their duties in good faith; exempting such firms and individuals from liability for monetary damages; requiring the board of administration of a timeshare condominium to meet once per year; providing an exception; requiring disclosure of certain information annually to certain persons if a timeshare management firm or an owners' association provides goods and services through arrangements with specified entities; providing construction; reenacting s. 721.14(2), F.S., relating to discharge of a managing entity, to incorporate the amendment made to s. 721.13, F.S., in a reference thereto; providing an effective date.

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

580-03182-25 2025496c1

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

Section 1. Subsection (4) of section 468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(4) A community association manager or a community association management firm shall return all community association official records within its possession to the community association within 20 business days after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request for return of the official records, whichever occurs first. A notice of termination of a contractual agreement to provide community association management services must be sent by certified mail, return receipt requested, or in the manner required under such contractual agreement. The community association manager or community association management firm may retain, for up to 20 business days, those records necessary to complete an ending financial statement or report. If an association fails to provide access to or retention of the accounting records to prepare an ending financial statement or report, the community association manager or community association management firm is relieved from any further responsibility or liability relating to the preparation of such ending financial statement or report. Failure of a community association manager or a community association management firm to timely return all of the official records within its

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

possession to the community association creates a rebuttable presumption that the community association manager or community association management firm willfully failed to comply with this subsection. A community association manager or a community association management firm that fails to timely return community association records is subject to suspension of its license under s. 468.436, and a civil penalty of $1,000 per day for up to 10 business days, assessed beginning on the 21st business day after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request from the association for return of the records, whichever occurs first. However, for a timeshare plan governed by ~~created under~~ chapter 721, s. 721.14(4) applies ~~the time periods provided in s. 721.14(4)(b) apply~~.

Section 2. Subsection (7) is added to section 468.4335, Florida Statutes, to read:

468.4335 Conflicts of interest.—

(7) This section does not apply to a community association manager or a community association management firm that manages a timeshare plan governed by chapter 721 and that must provide disclosure under s. 721.13(13)(c)1.

Section 3. Subsection (3) is added to section 468.438, Florida Statutes, to read:

468.438 Timeshare management firms.—

(3) A timeshare management firm and any individual licensed under this part who is employed by a timeshare management firm are governed by s. 721.13 and not by s. 468.4335.

Section 4. Paragraph (e) of subsection (1) and subsections

(4), (10), and (13) of section 721.13, Florida Statutes, are amended to read:

721.13 Management.—

(1)

~~(e) Any managing entity performing community association management must comply with part VIII of chapter 468.~~

(4) The managing entity shall maintain among its records and provide to the division upon request a complete list of the names and addresses of all purchasers and owners of timeshare units in the timeshare plan. The managing entity shall update this list no less frequently than quarterly. Pursuant to paragraph (3)(d), the managing entity may not publish this owner's list or provide a copy of it to any purchaser or to any third party other than the division. However, the managing entity shall mail to those persons listed on the owner's list materials provided by any purchaser, upon the written request of that purchaser, if the purpose of the mailing is to advance legitimate owners' association business, such as a proxy solicitation for any purpose, including the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The use of any proxies solicited in this manner must comply with the provisions of the timeshare instrument and this chapter. A mailing requested for the purpose of advancing legitimate owners' association business shall occur within 30 days after receipt of a request from a purchaser. The board of administration of the owners' association shall be responsible for determining the appropriateness of any mailing requested pursuant to this subsection. The purchaser who requests the mailing must reimburse the owners' association in

advance for the owners' association's actual costs in performing the mailing. It is ~~shall be~~ a violation of this chapter ~~and, if applicable, of part VIII of chapter 468,~~ for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. If the purpose of the mailing is a proxy solicitation to recall one or more board members elected by the owners or to discharge the manager or management firm and the managing entity does not mail the materials within 30 days after receipt of a request from a purchaser, the circuit court in the county where the timeshare plan is located may, upon application from the requesting purchaser, summarily order the mailing of the materials solely related to the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The court shall dispose of an application on an expedited basis. In the event of such an order, the court may order the managing entity to pay the purchaser's costs, including attorney ~~attorney's~~ fees reasonably incurred to enforce the purchaser's rights, unless the managing entity can prove it refused the mailing in good faith because of a reasonable basis for doubt about the legitimacy of the mailing.

(10) Any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers imposed by this section or to otherwise comply with ~~the provisions of~~ this section is ~~shall be~~ a violation of this chapter ~~and of part VIII of chapter 468~~.

(13)(a) Notwithstanding ~~any provisions of~~ chapter 607,

chapter 617, or chapter 718, an officer, a director, or an agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, shall discharge its ~~his or her~~ duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner it ~~he or she~~ reasonably believes to be in the interests of the owners' association. An officer, a director, or an agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, are ~~shall be~~ exempt from liability for monetary damages in the same manner as provided in s. 617.0834 unless such officer, director, ~~or~~ agent, or firm breached or failed to perform its ~~his or her~~ duties and the breach of, or failure to perform, its ~~his or her~~ duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) Notwithstanding chapter 718, the board of administration of a timeshare condominium is required to meet only once each year, unless additional board meetings are called pursuant to a timeshare instrument.

(c)1. If a timeshare management firm or an owners' association provides goods or services through a parent, an affiliate, or a subsidiary of a timeshare management firm, the

fact that a related party provides goods or services must be disclosed annually to the members of that owners' association as an explanatory note to the annual budget pursuant to subparagraph (3)(c)1. or in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

2. A timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm are governed by this section and s. 468.438.

Section 5. For the purpose of incorporating the amendment made by this act to section 721.13, Florida Statutes, in a reference thereto, subsection (2) of section 721.14, Florida Statutes, is reenacted to read:

721.14 Discharge of managing entity.—

(2) In the event the manager or management firm is discharged, the board of administration of the owners' association shall remain responsible for operating and maintaining the timeshare plan pursuant to the timeshare instrument and s. 721.13(1). If the board of administration fails to do so, any timeshare owner may apply to the circuit court within the jurisdiction of which the accommodations and facilities lie for the appointment of a receiver to manage the affairs of the owners' association and the timeshare plan. At least 30 days before applying to the circuit court, the timeshare owner shall mail to the owners' association and post in a conspicuous place on the timeshare property a notice describing the intended action. If a receiver is appointed, the

owners' association shall be responsible as a common expense of the timeshare plan, for payment of the salary and expenses of the receiver, relating to the discharge of her or his duties and obligations as receiver, together with the receiver's court costs, and reasonable attorney's fees. The receiver shall have all powers and duties of a duly constituted board of administration and shall serve until discharged by the circuit court.

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

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

496
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tanner Warwick

Phone (850) 728-8419

Address 516 N Adams St
Street

Tallahassee FL 32301
City State Zip

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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:
Associated Industries of 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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Committee

CS/SB 496
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
American Resort Development Association

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/22/2025
Meeting Date

Fiscal Policy
Committee

496
Bill Number or Topic

Amendment Barcode (if applicable)

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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 Chamber of Commerce

☐ 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

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:	CS/CS/SB 500
INTRODUCER:	Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senators Avila and Arrington
SUBJECT:	Spectrum Alert
DATE:	April 23, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Favorable**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Vaughan	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 500 creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the Department of Law Enforcement (FDLE), in cooperation with the Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (Lottery) and local law enforcement agencies to enhance the safety and well-being of children with autism spectrum disorder (ASD) through immediate effective community response.

The bill also requires those agencies to:

- Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD. The bill specifies what policies and procedures must be included.
- Provide requirements for a law enforcement agency, when receiving such a report.

The bill appropriates $190,000 in nonrecurring funds from the Operating Trust Fund within the Department of Law Enforcement to the Department of Law Enforcement to implement the

Spectrum Alert. State and local agencies may incur workload and other costs associated with the bill. *See Section V., Fiscal Impact Statement.*

The bill takes effect on July 1, 2025.

II. Present Situation:

Autism and Autism Spectrum Disorder

Definition

ASD is a developmental disability caused by differences in the brain. Some people with ASD have a known difference, such as a genetic condition. Other causes are not yet known. Scientists believe there are multiple causes of ASD that act together to change the most common ways people develop. There is still much to learn about the causes and how they impact people with ASD. Early intervention services can greatly improve the development of a child with ASD.[1]

Section 627.6686(2)(b), F.S., defines "autism spectrum disorder" to mean any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder.
- Asperger's syndrome.
- Pervasive developmental disorder not otherwise specified.[2]

ASD Screening and Diagnosis

Currently, there is no medical ASD test, like a blood test, to diagnose the disorder. Instead, experienced medical professionals examine a person's developmental history and behavior, interview and observe the person and their loved ones, and use professional screening and diagnostic tools to make a diagnosis.[3]

Rise in Autism Diagnosis

The Centers for Disease Control and Prevention (CDC) estimates that, in the United States, 1 in 36 children have been identified as having ASD, based on 2020 data from the Autism and Developmental Disabilities Monitoring network. This is a significant increase from prior years where:[4]

- 1 in 150 children were identified in 2002.
- 1 in 110 children were identified in 2006.
- 1 in 68 children were identified in 2010.
- 1 in 59 children were identified in 2014.

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[1] Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, available at https://www.cdc.gov/autism/about/index.html (last visited March 18, 2025).
[2] Section 627.6686, F.S.
[3] Autism Speaks, *Autism screening,* available at https://www.autismspeaks.org/autism-screening (last visited March 18, 2025).
[4] Centers for Disease Control and Prevention, *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years – Autism and Developmental Disabilities Monitoring Network*, (11 Sites, United States, 2020), available at https://www.cdc.gov/mmwr/volumes/72/ss/ss7202a1.htm (last visited on March 18, 2025).

- 1 in 44 children were identified in 2018.

The United States has the fourth highest rate of autism behind the United Kingdom, Sweden, and Japan according to data gathered by the World Population Review. The source acknowledges some of the difficulties in making comparisons among different countries are due to the lack of uniform criteria for assessing and diagnosing autism, lack of resources, and failure of some counties to track or report autism rates.[5]

Elopement and ASD

Elopement is when someone leaves a safe area or a responsible caregiver. First responders are vital for maintaining the health and safety of members of our communities. They are likely to be called upon in the event of a missing child or youth. It is important for first responders to be prepared by knowing which children in the community might wander, having family contact information, and having a plan to respond.[6]

Individuals with ASD are often attracted to water, yet have little to no sense of danger. Drowning is a leading cause of death in children with ASD. People with ASD may not be able to understand danger or respond to questions or verbal commands. Because many individuals with ASD go directly to water, it's important to treat each case as critical.[7]

Nearly half of children with ASD were reported to engage in elopement behavior, with a substantial number at risk for bodily harm. These results highlight the urgent need to develop interventions to reduce the risk of elopement, to support families coping with this issue, and to train childcare professionals, educators, and first responders who are often involved when elopements occur. Forty-nine percent of survey respondents reported their child with an ASD had attempted to elope at least once after age 4 years; 26% were missing long enough to cause concern. Of those who went missing, 24% were in danger of drowning and 65% were in danger of traffic injury.[8]

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and

[5] World Population Review, *Autism Rates by Country 2024*, available at https://worldpopulationreview.com/country-rankings/autism-rates-by-country (last visited March 18, 2025).
[6] Centers for Disease Control and Prevention, *Wandering (Elopement)*, available at https://www.cdc.gov/child-development/disability-safety/wandering.html (last visited on March 18, 2025).
[7] National Autism Association, *Autism and Wandering: A guide for First Responders*, available at https://nationalautismassociation.org/autism-wandering-a-guide-for-first-responders/ (last visited March 18, 2025).
[8] Connie Anderson, J. Kiely Law, Amy Daniels, Catherine Rice, David S. Mandell, Louis Hagopian, and Paul A. Law. *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders.* Pediatrics, available at https://publications.aap.org/pediatrics/article-abstract/130/5/870/32515/Occurrence-and-Family-Impact-of-Elopement-in?redirectedFrom=fulltext (last visited March 18, 2025).

certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.[9]

Autism Training

In 2017, s. 943.1727, F.S., was created to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.[10]

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to ASD. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with ASD and responding to missing persons incidents involving people with ASD.[11]

Alert Systems

Silver Alert

The Florida Silver Alert is used to locate missing persons traveling by vehicle who are suffering from an irreversible deterioration of intellectual faculties. Law enforcement agencies must determine that the use of dynamic message signs may be the only possible way to rescue the missing person in order to issue a Silver Alert. To qualify for a Silver Alert the person must:

- Be 60 years and older; or
- Be 18-59 and law enforcement has determined the missing person lacks the capacity to consent; and
- Have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.[12]

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[9] Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at https://www.fdle.state.fl.us/CJSTC/Overview.aspx (last visited March 18, 2025).

[10] The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. Section 943.135, F.S.

[11] Florida Department of Law Enforcement, Online Mandatory Training, *Autism Spectrum Disorders (ASD) & Interviews*, available at https://www.fdle.state.fl.us/Media/BPDtraining/AutismInterviews/story.html (last visited March 18, 2025).

[12] Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert (last visited March 18, 2025).

Purple Alert

In 2021,[13] the Legislature created the Purple Alert to aid in the search for certain missing adults:[14]

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who do not meet the criteria for activation of a local or statewide Silver Alert.[15]

Florida's Purple Alert law requires the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.[16]

III. Effect of Proposed Changes:

The bill creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery and local law enforcement agencies to enhance the safety and well-being of children with ASD through immediate effective community response.

The bill also requires those agencies to develop a training program alert system for missing children with ASD which is compatible with existing alert systems for law enforcement officers and specifies that the training program must implement crisis intervention team training to:

[13] Chapter 2021-93, Laws of Florida.
[14] Section 937.0201(2), F.S., defines the term "missing adult" to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.
[15] Florida Department of Law Enforcement (FDLE), *Silver Alert,* available at https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert (last visited March 18, 2025).
[16] Section 937.0205(3), F.S.

- Equip law enforcement officers with the skills to understand ASD and other mental illnesses;
- Deescalate interactions with children in crisis;
- Facilitate appropriate interventions;
- Respond effectively to a reported missing child emergency the child has ASD; and
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD.

The listed agencies must also establish policies and procedures for responding to a reported missing child who has ASD which must provide:

- Immediate and widespread dissemination of critical information when a child with ASD is reported missing;
- Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD; and
- Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

The listed agencies must require a law enforcement agency, at a minimum, to do the following when receiving such a report:

- Contact media outlets in the affected area or surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the reported missing child with ASD; and
- Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

The bill provides that the Spectrum Alert be established and implemented by July 1, 2026.

The bill appropriates $190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 bill appropriates $190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert. FDLE will be able to absorb any additional costs above the appropriation within existing resources.[17] The DHSMV will incur costs associated with training and the establishment of measures to increase public awareness of autism related elopement.[18] The bill may also have an indeterminate workload impact on local law enforcement agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 937.0401 of the Florida Statutes.

[17] Florida Department of Law Enforcement, *2025 Bill Analysis SB 500 Spectrum Alert.*
[18] Department of Highway Safety and Motor Vehicles, *2025 Bill Analysis SB 500 Spectrum Alert,* (on file with Senate Criminal Justice Committee).

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 April 22, 2025:
The committee substitute provides that the Spectrum Alert be established and implemented by July 1, 2026.

CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:
The committee substitute appropriated $190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert.

B. Amendments:

None.

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

440458

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/23/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Avila) recommended the following:

Senate Amendment

Delete line 86
and insert:
Section 3. This act shall take effect July 1, 2026.

209352

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Avila) recommended the following:

Senate Substitute for Amendment (440458) (with title amendment)

Delete lines 39 - 46
and insert:
(2) By July 1, 2026, the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall establish and implement the Spectrum Alert to enhance the safety

209352

and well-being of children with ASD through immediate and effective community and emergency response.

(3) By July 1, 2026, the Department of Law Enforcement, in cooperation with

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

And the title is amended as follows:

Delete lines 13 - 15

and insert:

systems by a certain date; specifying requirements for the training program; requiring the Department of Law Enforcement to establish specified policies and procedures by a certain date;

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

604-03474-25 2025500c1

A bill to be entitled

An act relating to the Spectrum Alert; creating s. 937.0401, F.S.; providing legislative findings; requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems; specifying requirements for the training program; requiring the Department of Law Enforcement to establish specified policies and procedures; authorizing the department to adopt rules; providing an appropriation; providing an effective date.

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

Section 1. Section 937.0401, Florida Statutes, is created to read:

937.0401 Spectrum Alert.—

(1) The Legislature finds that autism spectrum disorder (ASD) significantly affects children in this country, creating unique challenges that can lead to critical safety risks, notably elopement or wandering behaviors in children. Children with ASD are prone to wander from safe environments, at a higher rate than their non-autistic peers. Elopement frequently results

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

604-03474-25 2025500c1

in severe consequences, including fatal traffic accidents and drownings. Notably, drowning is the leading cause of death of children with ASD in this country, with Florida ranking fifth in the nation. The high propensity for elopement and the ineffectiveness of traditional search and response methods necessitates a robust system that will swiftly locate and ensure the safety of missing children with ASD. The Legislature finds that a standardized system is necessary to aid in the search for a missing child with ASD.

(2) The Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall establish and implement the Spectrum Alert to enhance the safety and well-being of children with ASD through immediate and effective community and emergency response.

(3) The Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall:

(a) Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.

(b) Establish policies and procedures for responding to a

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

reported missing child emergency when the child has ASD. The policies and procedures must, at a minimum, provide for all of the following:

1. Immediate and widespread dissemination of critical information when a child with ASD is reported missing.

2. Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD.

3. Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

(c) Require a law enforcement agency, at a minimum, to do all of the following when receiving such a report:

1. Contact media outlets in the affected area or surrounding jurisdictions.

2. Inform all on-duty law enforcement officers of the reported missing child with ASD.

3. Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

(4) The Department of Law Enforcement may adopt rules to implement and administer this section.

Section 2. For the 2025-2026 fiscal year, the sum of $190,000 in nonrecurring funds is appropriated from the Operating Trust Fund within the Department of Law Enforcement to the Department of Law Enforcement for the purpose of implementing the Spectrum Alert.

Section 3. This act shall take effect July 1, 2025.

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

The Florida Senate

APPEARANCE RECORD

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9/22/25
Meeting Date

Fiscal Policy
Committee

500
Bill Number or Topic

Amendment Barcode (if applicable)

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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:
FL PTA

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

SB 500
Bill Number or Topic

—
Amendment Barcode (if applicable)

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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: Volusia Sheriff's Office

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

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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.)

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

BILL:	CS/SB 524
INTRODUCER:	Appropriations Committee on Health and Human Services and Senator Harrell
SUBJECT:	Newborn Screenings
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Morgan	Brown	HP	**Favorable**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Morgan	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 524 amends s. 383.14, F.S., to require the Florida Department of Health (DOH) to revise its newborn screening rules to require the screening of newborns for Duchenne muscular dystrophy at the appropriate age, beginning January 1, 2027.

The bill has a significant negative fiscal impact on state expenditures. However, the bill is subject to legislative appropriation. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Newborn Screening

Newborn screening (NBS) is a preventive public health program provided in every state to identify, diagnose, and manage newborns at risk for selected disorders that, without detection and treatment, can lead to permanent developmental and physical damage or death. The federal government produces a standardized list of conditions that it recommends every newborn be

screened for, but each state determines which conditions and screenings to include in its own NBS program.[1]

Federal Recommendations for NBS

The U.S. Department of Health and Human Services (HHS) Advisory Committee on Heritable Disorders in Newborns and Children (Advisory Committee) was established to reduce morbidity and mortality in newborns and children who have, or are at risk for, heritable disorders. The Advisory Committee advises the Secretary of HHS on the most appropriate application of universal NBS tests, technologies, policies, guidelines, and standards.[2]

The federal Recommended Uniform Screening Panel (RUSP) is a list of disorders recommended by the Secretary of HHS, based on advice from the Advisory Committee, for states to screen as part of their NBS program. The inclusion of a disorder in the RUSP is determined based on evidence supporting the potential net benefit of screening, the ability of states to screen for the disorder, and the availability of effective treatments. Adding a condition to the RUSP usually takes three to four years; it is a multistep process beginning with the submission of a nomination package for review by the Advisory Committee, which might or might not result in a recommendation to include the condition in the RUSP. Anyone can nominate a condition for inclusion by completing a nomination package. The RUSP currently includes screening for 36 core conditions and 26 secondary conditions.

Duchenne muscular dystrophy has been nominated for inclusion in the RUSP but has not been recommended by Advisory Committee.[3]

The Florida NBS Program

The Florida NBS Program (NBS Program) was initially established in 1965 to screen newborns for a single condition, phenylketonuria.[4] The NBS Program has since evolved to screen for a wide range of congenital conditions. The NBS program is housed within the Department of Health (DOH) and serves to promote the screening of all newborns for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect.[5]

The NBS Program attempts to screen all newborns to identify, diagnose, and manage newborns at risk for select disorders that, without detection and treatment, can lead to permanent

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[1] Health Resources & Services Administration, Advisory Committee on Heritable Disorders in Newborns and Children, *History of the ACHDNC, available at* https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/heritable-disorders/hrsa-timeline-interactive.pdf (last visited Mar. 22, 2025).

[2] Health Resources & Services Administration, *Advisory Committee on Heritable Disorders in Newborns and Children, available at* https://www.hrsa.gov/advisory-committees/heritable-disorders (last visited Mar. 22, 2025).

[3] *Id.*

[4] *See*, Tatiana Wing, R.C. Philips Research and Education Unit, *Newborn Screening Update* (2020), *available at* https://genetics.pediatrics.med.ufl.edu/wordpress/files/2019/11/RCPU-Newborn-screening-update.pdf (last visited Mar. 22, 2025); Watson, S., Lloyd-Puryear, M., & Howell, R. (2022), *The Progress and Future of US Newborn Screening*, International Journal of Neonatal Screening, 8:41, *available at* https://doi.org/10.3390/ijns8030041 (last visited Mar. 22, 2025). Phenylketonuria (PKU) is a rare inherited disorder that causes an amino acid called phenylalanine to build up in the body resulting in dangerous symptoms unless a specific diet is adhered to. PKU was the first inheritable condition for which a relatively simple and repeatable blood test was able to be conducted at a high enough throughput to enable population-level screening.

[5] Section 383.14, F.S.

developmental and physical damage or death.[6] Parents and guardians may decline the screenings.[7]

The Florida Genetics and Newborn Screening Advisory Council (GNSAC) advises the DOH on disorders to be included in Florida's panel of screened disorders and the procedures for collecting and transmitting specimens.[8] The Florida NBS Program currently screens for 37 core conditions and 23 secondary conditions, nearly all of which are screened through the collection and testing of blood spots. Hearing screening, critical congenital heart disease, and targeted testing for congenital cytomegalovirus are completed at the birthing facility through point of care (POC) testing.[9]

Under current law, when a new condition is added to the federal RUSP, the GNSAC is required to consider the condition and make a recommendation to the DOH as to whether the condition should be included in the state NBS panel within one year.[10] GNSAC reviews the recommendations to ensure:[11]

- The state's readiness to screen, diagnose, and treat the condition;
- The condition is known to result in significant impairment in health, intellect, or functional ability if not treated before clinical signs appear;
- The condition can be detected using screening methods accepted by current medical practice;
- The condition can be detected prior to the infant becoming two weeks of age, or at the appropriate age as indicated by accepted medical practice;
- After screening for the disorder, reasonable cost benefits can be anticipated through a comparison of tangible program costs with those medical, institutional, and special educational costs likely to be incurred by an undetected population; and
- When screening for a condition, sufficient pediatric medical infrastructure is available.

The Florida NBS Program involves coordination across several entities, including the Bureau of Public Health Laboratories Newborn Screening Laboratory (state laboratory), the DOH's Children's Medical Services Newborn Screening (CMS NBS) Follow-up Program, referral centers, birthing centers, and physicians throughout the state. Health care providers in hospitals, birthing centers, perinatal centers, county health departments, and school health programs provide screening as part of the multilevel NBS Program screening process.[12]

Health care providers in hospitals and birthing centers collect drops of blood from the newborn's heel on a standardized specimen collection card, which is then sent to the state laboratory for testing.[13] POC testing is used at the birthing facility to screen for the conditions which cannot be

[6] Florida Department of Health, *Florida Newborn Screening 2022 Protocols* (Mar. 15, 2022), *available at* https://floridanewbornscreening.com/wp-content/uploads/NBS-Protocols-2022-FINAL.pdf (last visited Mar. 22, 2025).
[7] Section 383.14, F.S.; Rule 64C-7.008, F.A.C. The health care provider must attempt to get a written statement of objection to be placed in the medical record.
[8] Section 383.14, F.S.
[9] Florida Department of Health, *2025 Agency Legislative Bill Analysis, HB 1089* (Mar. 12, 2025) (on file with the Senate Committee on Health Policy).
[10] *Supra* note 9.
[11] *Supra* note 10.
[12] *Supra* note 9.
[13] Florida Department of Health, Florida Newborn Screening Program, *What is Newborn Screening?, available at* https://floridanewbornscreening.com/parents/what-isnewborn-screening/ (last visited Mar. 22, 2025). *See also,* Florida

screened for with blood spot testing such as. pulse oximetry tests for critical congenital heart defect and hearing screening to detect hearing loss.[14]

Screening results are released to the newborn's health care provider and in the event of an abnormal result, the baby's health care provider, or a nurse or specialist from the CMS NBS Follow-up Program, provides follow-up services and referrals for the child and his or her family.[15]

The DOH is authorized to charge and collect a fee not to exceed $15 per live birth occurring in a hospital or birth center to administer the NBS Program. The DOH must calculate the annual assessment for each hospital and birth center and then quarterly generate and mail each hospital and birth center a statement of the amount due. The DOH bills hospitals and birth centers quarterly using vital statistics data to determine the amount to be billed. The DOH is authorized to bill third-party payers for the screening tests and bills insurers directly for the cost of the screening.[16] The DOH does not bill families that do not have insurance coverage.[17]

Duchenne Muscular Dystrophy

Duchenne muscular dystrophy (DMD), the most common form of muscular dystrophy, is a condition that causes skeletal and heart muscle weakness that quickly gets worse with time. Symptoms usually begin by the age of six years, and the condition mainly affects boys. Currently, no cure exists, so treatment involves managing symptoms and improving quality of life.[18]

DMD is caused by a change or mutation in the gene that gives instructions for a protein called dystrophin. Dystrophin is a critical part of the dystrophin-glycoprotein complex (DGC), which plays an important role as a structural unit of muscle. In DMD, both dystrophin and DGC proteins are missing, which ultimately leads to the death (necrosis) of muscle cells. People with DMD have less than five percent of the normal quantity of dystrophin needed for healthy muscles.[19]

As an individual with DMD becomes older, the individual's muscles cannot replace the dead cells with new ones, and connective and adipose (fat) tissue gradually replaces muscle fibers.[20]

Department of Health, Florida Newborn Screening, *Specimen Collection Card*, *available at* http://floridanewbornscreening.com/wp-content/uploads/Order-Form.png (last visited Mar. 22, 2025).

[14] Florida Department of Health, *2024 Agency Legislative Bill Analysis, HB 499* (Feb. 7, 2024) (on file with the Senate Committee on Health Policy).

[15] *Id.*

[16] Section 383.145, F.S.

[17] Section 383.14, F.S.

[18] Cleveland Clinic, *Duchenne Muscular Dystrophy (DMD), available at* https://my.clevelandclinic.org/health/diseases/23538-duchenne-muscular-dystrophy-dmd#symptoms-and-causes (last visited Mar. 22, 2025).

[19] *Id.*

[20] *Id.*

DMD Symptoms

Symptoms of DMD most often appear between the ages of two and four years, though symptoms can present as early as infancy or be noticed later in childhood. DMD causes muscle weakness that progressively worsens, so common symptoms include:[21]

- Progressive muscle weakness and atrophy (loss of muscle bulk) beginning in the child's legs and pelvis.
- Calf muscle hypertrophy (increase in muscle size).
- Difficulty climbing up stairs.
- Difficulty walking that becomes progressively worse.
- Frequent falls.
- Waddling gait.
- Toe walking.
- Fatigue.
- Cardiomyopathy (disease of the heart muscle).
- Breathing difficulties and shortness of breath.
- Cognitive impairment.
- Delayed speech and language development.
- Developmental delay.
- Scoliosis (spine curvature).
- Short stature (height).

DMD affects approximately one in 3,600 male live-born infants. About 2.5 to 20 percent of girls who are DMD carriers may have symptoms that are milder than the typical case.[22]

DMD Diagnosis and Testing

A health care provider will likely perform a physical, neurological, and muscle exam on a child experiencing symptoms of DMD, asking detailed questions related to symptoms and medical history, and order the following tests:[23]

- Creatine Kinase (CK) Blood Test – The muscles release CK when damaged, so elevated levels may indicate DMD. Levels typically peak by age two and can be more than 10 to 20 times above the normal range.
- Genetic Blood Test – A genetic blood test looking for a complete or near-complete absence of the dystrophin gene can confirm the diagnosis of DMD.
- Muscle Biopsy – A child's provider may take a small sample of muscle tissue from a muscle in the child's thigh or calf. A specialist will review the sample under a microscope to look for signs of DMD.

[21] *Id*.
[22] Cleveland Clinic, *Duchenne Muscular Dystrophy (DMD), available at* https://my.clevelandclinic.org/health/diseases/23538-duchenne-muscular-dystrophy-dmd#symptoms-and-causes (last visited Mar. 22, 2025).
[23] Cleveland Clinic, *Duchenne Muscular Dystrophy (DMD), available at* https://my.clevelandclinic.org/health/diseases/23538-duchenne-muscular-dystrophy-dmd#symptoms-and-causes (last visited Mar. 22, 2025).

- Electrocardiogram (EKG) – As DMD almost always affects the heart, a child's provider will likely perform an EKG to look for characteristic signs of DMD and to check the health of the child's heart.

DMD Management and Treatment

Currently, there is no cure for DMD, so the main goal of treatment is to manage symptoms and improve quality of life. Supportive therapies for DMD include:[24]

- Corticosteroids – Corticosteroids, such as prednisolone and deflazacort, are beneficial for delaying muscle strength loss, improving lung function, delaying scoliosis, slowing the progression of cardiomyopathy and prolonging survival.
- Medication to Treat Cardiomyopathy – Early treatment with angiotensin-converting enzyme (ACE) inhibitors and/or beta-blockers may slow the progression of cardiomyopathy and prevent the onset of heart failure.
- Physical Therapy – The main goal of physical therapy for DMD is to prevent contractures, permanent tightening of the muscles, tendons and skin. This usually involves certain stretching exercises.
- Surgery to Help Treat Scoliosis and Contractures – Surgery to release contractures may be necessary for severe cases. Surgery to correct scoliosis may improve lung and breathing function.
- Exercise – A child's health care provider will likely recommend gentle exercise to avoid muscle atrophy due to lack of use. This is usually a combination of swimming and recreation-based exercises.
- Mobility Aids – Braces, canes, wheelchairs, etc.
- Tracheostomy and Assisted Ventilation for Respiratory Failure.

With improvement in supportive care, the life expectancy of DMD has significantly improved over the past few decades. There are also many new drugs currently undergoing clinical testing that show promise in treating DMD. Some newer treatments employing "exon skipping" (patching over a missing or mutated part of the dystrophin gene) have recently received federal Food and Drug Administration (FDA)[25] approval. These treatments are applicable only to a minority of cases with specific mutations. Although these treatments increase dystrophin protein amount in muscle, meaningful gain in strength and physical function has not yet been shown.[26]

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[24] *Id*.

[25] The FDA is responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. The FDA also provides accurate, science-based health information to the public. USAGov, *Food and Drug Administration (FDA),* available at https://www.usa.gov/agencies/food-and-drug-administration#:~:text=The%20Food%20and%20Drug%20Administration,and%20products%20that%20emit%20radiation. (last visited Mar. 22, 2025).

[26] Cleveland Clinic, *Duchenne Muscular Dystrophy (DMD), available at* https://my.clevelandclinic.org/health/diseases/23538-duchenne-muscular-dystrophy-dmd#symptoms-and-causes (last visited Mar. 22, 2025).

DMD Prevention and NBS

As DMD is an inherited condition, there is no prevention and about a third of cases occur randomly without a family history of the condition.[27] Genetic counseling is an option that exists to provide information to concerned families about how genetic conditions affect the family, determining the risk for developing or passing on certain conditions.[28] In some situations, prenatal testing may be able to diagnose DMD in early pregnancy.[29]

Newborn screening has been proposed as a method for ensuring early diagnosis of DMD. Advocates for NBS for DMD point to evidence suggesting that emerging DMD therapies might prove to be most effective if initiated before the onset of symptoms.[30,31] Furthermore, delayed diagnosis of DMD leads to lost opportunities for genetic counseling, implementation of appropriate standards of care, access to newly approved disease-modifying medications, and participation in clinical trials. However, there are ethical, legal, and social concerns related to the development and implementation of newborn screening for DMD. These concerns include the limited treatment options available, whether both males and females should be screened, and the high rate of false-positives resulting from the first-tier diagnostic test.[32]

Newborn screening for DMD has been adopted in several states; it has been implemented in Minnesota and Ohio, and New York and Massachusetts are in the planning phases.[33] The method of screening is similar to the conventional diagnostic method for suspected cases of DMD. A blood spot test is conducted to measure CK levels, followed by a confirmatory genetic test. One of the primary concerns with this screening method is the relatively high frequency of elevated CK levels in newborns that are unrelated to DMD, leading to false positives and unnecessary genetic testing.[34]

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[27] *Id*.
[28] Cleveland Clinic, *Genetic Counseling*, *available at* https://my.clevelandclinic.org/health/articles/23086-genetic-counseling (last visited Mar. 22, 2025).
[29] *Supra* note 30.
[30] Birnkrant, D. J., Bushby, K., Bann, C. M., Apkon, S. D., Blackwell, A., Brumbaugh, D., Case, L. E., Clemens, P. R., Hadjiyannakis, S., Pandya, S., Street, N., Tomezsko, J., Wagner, K. R., Ward, L. M., Weber, D. R., & DMD Care Considerations Working Group (2018), *Diagnosis and management of Duchenne muscular dystrophy, part 1: diagnosis, and neuromuscular, rehabilitation, endocrine, and gastrointestinal and nutritional management*, The Lancet, Neurology, 17(3), 251–267, *available at* https://doi.org/10.1016/S1474-4422(18)30024-3 (last visited Mar. 22, 2025).
[31] Parent Project Muscular Dystrophy, *Newborn Screening Action Center*, *available at* https://www.parentprojectmd.org/advocacy/newborn-screening-action-center/ (last visited Mar. 22, 2025).
[32] Thomas, S., Conway, K. M., Fapo, O., Street, N., Mathews, K. D., Mann, J. R., Romitti, P. A., Soim, A., Westfield, C., Fox, D. J., Ciafaloni, E., & Muscular Dystrophy Surveillance, Tracking, and Research Network (MD STARnet) (2022), *Time to diagnosis of Duchenne muscular dystrophy remains unchanged: Findings from the Muscular Dystrophy Surveillance, Tracking, and Research Network*, 2000-2015, Muscle & nerve, 66(2), 193–197, *available at* https://doi.org/10.1002/mus.27532 (last visited Mar. 22, 2025).
[33] *Supra* note 35.
[34] *Birnkrant, D. J., Bushby, K., Bann, C. M., Apkon, S. D., Blackwell, A., Brumbaugh, D., Case, L. E., Clemens, P. R., Hadjiyannakis, S., Pandya, S., Street, N., Tomezsko, J., Wagner, K. R., Ward, L. M., Weber, D. R., & DMD Care Considerations Working Group (2018), Diagnosis and management of Duchenne muscular dystrophy, part 1: diagnosis, and neuromuscular, rehabilitation, endocrine, and gastrointestinal and nutritional management, The Lancet, Neurology, 17(3), 251–267, available at https://doi.org/10.1016/S1474-4422(18)30024-3 (last visited Mar. 22, 2025).*

RUSP Nomination Not Approved

DMD was nominated for inclusion in the RUSP by the Parent Project Muscular Dystrophy[35] and the Muscular Dystrophy Association.[36] The process began in February 2023, but a pause in the review process was requested by the nominators after the Advisory Committee determined there was insufficient evidence to move forward and requested additional information regarding the diagnostic process and clinical utility.[37] The RUSP is largely restricted to neonatal-onset disorders for which early treatment shows improved outcome. DMD differs from the majority of conditions included on the RUSP because onset does not occur until later in childhood.[38]

III. Effect of Proposed Changes:

The bill amends s. 383.14, F.S., to require, subject to legislative appropriation, the Department of Health (DOH) to adopt and enforce rules requiring every newborn in the state to be screened for Duchenne Muscular Dystrophy (DMD) at the appropriate age, beginning January 1, 2027.

The bill takes effect 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.

[35] Parent Project Muscular Dystrophy, *available at* https://www.parentprojectmd.org/ (last visited Mar. 22, 2025).
[36] Muscular Dystrophy Association, *available at* https://www.mda.org/ (last visited Mar. 2, 2025).
[37] U.S. Department of Health and Human Services, *Advisory Committee on Heritable Disorders in Newborns and Children, Chair Letter to DMD Nominators* (2023), *available at* https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/heritabledisorders/resources/chair-letter-dmd-nominators.pdf (last visited Mar. 22, 2025); Health Resources & Services Administration, *Summary of Nominated Conditions to the Recommended Uniform Screening Panel* (2024), available at https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/heritable-disorders/rusp/summary-nominated-conditions.pdf (last visited Mar. 22, 2025).
[38] *Supra* note 38.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is subject to legislative appropriation. The Department of Health estimates a total cost of $2.7 million to implement the provisions of the bill:

- Three laboratory personnel - $272,202 recurring.
- Laboratory Testing Supplies - $984,000 recurring.
- Information Technology Updates - $75,000 nonrecurring.
- Expense - $81,532 ($57,784 recurring, $23,748 nonrecurring).
- Registered Nurse Consultant - $117,759 recurring.
- Specialty Care for Out-of-Range Results - $1,148,469 recurring:
  - Geneticist – 0.5 FTE
  - Genetics Counseling – 1 FTE
  - Dietician – 0.5 FTE
  - Social Worker – 0.5 FTE.[39]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 383.14 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 Appropriations Committee on Health and Human Services on April 10, 2025:
The committee substitute provides that the bill is subject to legislative appropriation.

[39] Florida Department of Health, 2025 Agency Legislative Bill Analysis, HB 1089 (Mar. 12, 2025) (on file with the Senate Committee on Health Policy).

B. Amendments:

None.

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

By the Appropriations Committee on Health and Human Services; and Senator Harrell

603-03443-25 2025524c1

A bill to be entitled

An act relating to newborn screenings; amending s. 383.14, F.S.; subject to legislative appropriation and beginning on a specified date, requiring that the Department of Health's rules require that newborns be screened for Duchenne muscular dystrophy at the appropriate age; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(2) RULES.—

(a) After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall:

1. Before becoming 1 week of age, have a blood specimen collected for newborn screenings;

2. Be tested for any condition included on the federal Recommended Uniform Screening Panel which the council advises the department should be included under the state's screening program. After the council recommends that a condition be included, the department shall submit a legislative budget request to seek an appropriation to add testing of the condition to the newborn screening program. The department shall expand statewide screening of newborns to include screening for such conditions within 18 months after the council renders such

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

603-03443-25 2025524c1

advice, if a test approved by the United States Food and Drug Administration or a test offered by an alternative vendor is available. If such a test is not available within 18 months after the council makes its recommendation, the department shall implement such screening as soon as a test offered by the United States Food and Drug Administration or by an alternative vendor is available; and

3. At the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary. Subject to legislative appropriation, beginning January 1, 2027, the rules must require that newborns be screened for Duchenne muscular dystrophy at the appropriate age.

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

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

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:	CS/CS/SB 572
INTRODUCER:	Fiscal Policy Committee; Judiciary Committee; and Senators Collins and Wright
SUBJECT:	Dangerous Dogs
DATE:	April 23, 2025
REVISED:	4/24/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Burse	Becker	AG	**Favorable**
2.	Bond	Cibula	JU	**Fav/CS**
3.	Burse	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 572, or the "Pam Rock Act," revises the state regulation of dangerous dogs. The bill:

- Requires the confiscation and impoundment of an animal that is being investigated as a dangerous dog and that has killed a person or has bitten and left a mark that scores 5 or higher on the Dunbar bite scale.
- Requires the confiscation and impoundment of an animal that is subject to any other dangerous dog investigations.
- Requires an animal control authority to notify the owner of the final order classifying their dangerous dog by registered mail or certified hand delivery in conformance with the provisions of chapter 48 relating to service of process.
- Requires the owner of a dog classified as dangerous to obtain liability insurance of at least $100,000 and implant a microchip in the dog. The bill creates a third degree felony for the removal of the microchip.
- Requires an animal control authority to humanely euthanize a dangerous dog that has killed a person or has bitten and left a mark that scores 5 or higher on the Dunbar bite scale and has been surrendered to an animal control authority.
- Authorizes an animal control authority to humanely euthanize any other dangerous dog that is surrendered to an animal control authority.
- Changes the current penalty for an owner from a third degree felony to a second degree felony when a dog that has previously been declared dangerous attacks and causes severe injury or death to a human.

- Provides circumstances under which an animal control authority may humanely euthanize a dangerous dog.
- Requires a shelter offering a dog for adoption that has been classified as a dangerous dog to post a sign informing potential adopters of the requirements to keep a dangerous dog.
- Provides that any person who resists or obstructs an animal control authority commits a first degree misdemeanor and provides penalties.
- Provides that an owner who has knowledge of their dog's dangerous propensities commits a first degree misdemeanor if their dog causes severe injury or the death of a human and the owner demonstrated a reckless disregard for such propensities under the circumstances. Current law provides this is a second degree felony.

The bill takes effect July 1, 2025.

II. Present Situation:

Dangerous Dogs

Part II of ch. 767, F.S., governs dangerous dogs. It was originally enacted in 1990.[1] The Legislature found that:

> dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of the owners to confine and properly train and control their dogs; that existing laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements on the owners of dangerous dogs.[2]

A "dangerous dog" is defined as a dog that:
- Has aggressively bitten, attacked, endangered, or inflicted severe injury on a person on public or private property;
- Has more than one time severely injured or killed a domestic animal while the dog is off the owner's property; or
- Has, when unprovoked, chased or approached a person in public in a menacing fashion, or with an attitude of attack.[3]

Process for Classification of a Dog as a Dangerous Dog

An animal control officer[4] is typically the person who would investigate an incident involving a dog. In areas unserved by an animal control authority,[5] the sheriff assumes the duties required of an animal control authority.[6]

[1] Chapter 90-180, Laws of Fla.
[2] Section 767.10, F.S.
[3] Section 767.11(1), F.S.
[4] Section 767.11(6), F.S.
[5] Section 767.11(5), F.S.
[6] Section 767.11(5) and (6), F.S.

Upon receiving a report of a potentially dangerous dog, the animal control authority must investigate the incident, interview the owner, and require a sworn affidavit from any person who seeks to have a dog classified as dangerous.[7]

An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held.[8] A dog that is being investigated as a dangerous dog that is not impounded with the animal control authority must be humanely and safely confined by the owner either indoors or in a securely fenced or enclosed pen or structure pending the outcome of the investigation.[9]

The animal control authority may not classify a dog as a dangerous dog if:

- The injured person was unlawfully on the property, or if lawfully on the property was tormenting, abusing, or assaulting the dog or its owner or a family member; or
- The dog was protecting a person within the immediate vicinity of the dog from an unjustified attack or assault.[10]

After investigating, the animal control authority must initially determine whether sufficient cause exists to classify the dog as dangerous and if sufficient cause is found, provide the owner an opportunity for a hearing before making a final determination regarding the classification or penalty.[11] The animal control authority must provide written notice of sufficient cause and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformity with how service of process is made.

The owner has 7 calendar days from receiving the notice to file a written request for a hearing. The hearing officer must hold the hearing as soon as possible, no more than 21 calendar days, and no sooner than 5 days after receiving the request for hearing.[12] If a hearing is not timely requested the authority's determination becomes final. The owner may appeal the classification to the circuit court.

A dog classified as a dangerous dog because the dog caused severe injury to a person may, based on the circumstances of the attack and the likelihood of a future threat, be ordered to be destroyed.[13] If a dog causes the death of a human being, the dog must be destroyed.[14]

If the dog found to be dangerous is not ordered to be destroyed, within 14 days after the classification as a dangerous dog becomes final, the owner must register the dog with the animal control authority and renew the certification annually. Vaccination, enclosure, warning sign, and identification requirements must then be followed. The owner must immediately notify the animal control authority if the dog is loose, bites or attacks a person or another animal, or if there

[7] Section 767.12(1), F.S.
[8] Section 767.12(1)(a), F.S.
[9] Section 767.12(1)(b), F.S.
[10] Section 767.12(2)(a-b), F.S.
[11] Section 767.12(3), F.S.
[12] Section 767.12(3), F.S.
[13] Section 767.12(5)(b), F.S.
[14] Section 767.135, F.S.

is any other change in status. A dangerous dog must remain within a "proper enclosure" at all times unless it is muzzled and restrained by a chain or leash.[15] Any violation of these requirements is a noncriminal infraction publishable by a fine, not to exceed $500.[16]

In addition to civil penalties, the owner of a dog can be charged with the following criminal violations related to attacks:

- 1st degree misdemeanor if the dog has previously been declared "dangerous" and it attacks or bites a person or domestic animal without provocation.[17]
- 3rd degree felony if the dog has previously been declared "dangerous" and it attacks and causes severe injury to or death of any human.[18]
- 2nd degree misdemeanor if the dog has not previously been declared "dangerous" but causes severe injury to or death of any human and the owner had prior knowledge of, but recklessly disregarded, the dog's dangerous propensities.[19] This offense does not apply where the victim was engaged in criminal behavior.

Dr. Ian Dunbar's Dog Bite Scale

The Dunbar Dog Bite Scale describes the levels of severity of dog bites:

- Level 1. Obnoxious or aggressive behavior but no skin-contact by teeth.
- Level 2. Skin-contact by teeth, but no skin-puncture. However, skin nicks (less than one tenth of an inch deep) may be slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.
- Level 3. One to four punctures from a single bite with no puncture deeper than half the length of the dog's canine teeth. Maybe lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites and drops to floor).
- Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held on for N seconds and bore down) or lacerations in both directions (dog held on and shook its head from side to side).
- Level 5. Multiple-bite incident with at least two Level 4 bites or multiple-attack incident with at least one Level 4 bite in each.
- Level 6. Victim dead.[20]

Dogs Exempt from Classification as Dangerous or Exempt from Certain Requirements

Hunting dogs are exempt from classification as a dangerous dog when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are also

[15] Section 767.12(5)(a), F.S.
[16] Section 767.12 (7), F.S.
[17] Section 767.13(1), F.S.
[18] Section 767.13(2), F.S.
[19] Section 767.136(1), F.S.
[20] *See* Dr. Ian Dunbar's Dog Bite Scale https://apdt.com/wp-content/uploads/2017/01/ian-dunbar-dog-bite-scale.pdf (last visited April 22, 2025).

exempt from this section when engaged in any legal procedures. Dogs that have been classified as dangerous may not be used for hunting purposes.[21]

A dog owned or used by a law enforcement agency is exempt from the provisions of part II of ch. 767. A dog used as a service dog for the blind, hearing impaired, or disabled persons is exempt from quarantine requirements provided the dog is current on its rabies vaccination requirements.[22]

Dangerous Dog Laws in Other States

At least 42 states have laws related to dangerous dogs and violations associated with their ownership.[23] Virginia and Pennsylvania require dangerous dog owners to register their dogs with their state's online dog registry. Colorado, Oregon, and Pennsylvania have criminal penalties for harboring, maintaining, or owning a dangerous dog.[24]

Pam Rock

Pam Rock was a graduate of the University of Florida. She worked for the Alachua County Women, Infants and Children (WIC) program, served as a Peace Corps volunteer in Guatemala for three years. and later worked on the Crow Indian Reservation in Montana teaching nutrition. She vociferously advocated on Capitol Hill for the needs of women and children trapped in poverty before joining the Postal Service as a letter carrier in January 2022.[25] In August of her first year with the Postal Service she was attacked by domestic dogs while delivering mail. She died from her injuries. The dogs who killed her had a history of prior attacks on humans. The Pamela Jane Rock Post Office in Melrose, Florida, is named in her honor.[26]

III. Effect of Proposed Changes:

Section 1 Provides that this act may be cited as the "Pam Rock Act."

Section 2 amends s. 767.01, F.S., to require a dog owner that has knowledge of his or her dog's dangerous propensities to securely confine the dog in a proper enclosure.

Section 3 amends s. 767.10, F.S., to make grammatical, technical, and stylistic improvements.

Section 4 amends s. 767.11, F.S., to make grammatical, technical, and stylistic improvements.

[21] Section 767.12(6), F.S.
[22] Section 767.16, F.S.
[23] Michigan State University, State Dangerous Dog Laws (2019), *https://www.animallaw.info/topic/state-dangerous-dog-laws* (last visited February 24, 2025).
[24] *Id*.
[25] C. A. Briges, *Mauled Florida mail carrier who died from 5-dog attack to be honored with post office naming*, THE FLORIDA TIMES UNION (Aug. 15, 2024), https://www.jacksonville.com/story/news/2024/08/15/florida-post-office-pamela-jane-rock-mail-carrier-dog-attack-death/74808272007/ (last visit April 2, 2025).
[26] *Id*.

Section 5 amends s. 767.12, F.S., to require, rather than just allow, an animal control authority to confiscate and impound an animal that is being investigated as a dangerous dog and that has killed a person or has bitten and left a mark that scores 5 or higher on the Dunbar bite scale.

The bill requires the confiscation and impoundment of an animal that is subject to multiple dangerous dog investigations.

Current law requires registration of a dangerous dog with the local animal control authority within 14 days of final finding. The bill requires an animal control authority to notify the owner of the final order classifying their dog as dangerous by registered mail or certified hand delivery in conformance with the provisions of chapter 48 relating to service of process.

In addition to current law requirements for registration of a dangerous dog, the owner of a dangerous dog must:

- Provide proof that the dog was spayed or neutered;
- Implant a microchip (in lieu of the current law tattoo requirement); and
- Show proof of liability insurance coverage in the amount of at least $100,000. This insurance must cover damages resulting from an attack by the dangerous dog causing bodily injury to a person. Continued proof of insurance during the life of the dog is required to maintain registration.

The bill creates a third degree felony applicable to any person who knowingly and willfully removes a microchip required to be implanted in a dangerous dog.[27]

The bill requires an animal control authority to humanely euthanize a dangerous dog that has killed a person or has bitten and left a mark that scores 5 or higher on the Dunbar bite scale and has been surrendered to an animal control authority. The bill also authorizes an animal control authority to humanely euthanize any other dangerous dog that is surrendered to an animal control authority.

If a dangerous dog is surrendered to an animal control authority and the dog is offered for adoption, the authority must post a sign on the dog's enclosure disclosing that the dog has been found to be a dangerous dog. The posting must also list the continuing requirements for keeping a dangerous dog (i.e., registration, insurance, proper enclosure, and leash and muzzle when with the owner and outside of a proper enclosure). The bill requires the authority to provide a person who adopts a dangerous dog with a copy of the declaration and must require them to sign a contract with the authority agreeing to abide by the requirements of the declaration

The bill increases the maximum penalty for violating s. 767.12, F.S., from $500 to $1,000 per violation. The bill also provides that any person who resists or obstructs an animal control authority commits a first degree misdemeanor and provides penalties.

Section 6 amends s. 767.13, F.S., to make grammatical, technical, and stylistic improvements.

[27] A third degree felony is punishable by imprisonment for up to 5 years and a fine of no more than $5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S. This felony is unclassified and therefore defaults into Level 1 category in the Offense Severity Ranking Chart for sentencing purposes. Sections 921.0022 and 921.0023(1), F.S.

The bill also changes the current penalty for an owner from a third degree felony to a second degree felony when a dog that has previously been declared dangerous attacks and causes severe injury or death to a human.

Section 7 amends s. 767.135, F.S., to make grammatical, technical and stylistic improvements.

Section 8 amends s. 767.136, F.S., to change the penalty for the owner of an unclassified dog that has caused severe injury or death to a human being from a second degree misdemeanor to a first degree misdemeanor.

Section 9 provides that the bill is effective 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:

An owner of a dog who wishes to keep the dog after a finding that the dog is a dangerous dog will be required to do the following:

- Maintain liability insurance coverage in an amount of at least $100,000.
- Provide a certificate of rabies vaccination for the dog.
- Properly enclose the dog (see requirements for proper enclosure above).
- Permanently identify the dangerous dog through the implantation of a microchip.
- Spay or neuter the dog.

Owners of dangerous and unclassified dogs that cause harm or death to humans or animals may be responsible for paying boarding costs and other fees as may be required during an investigation and any appeal should the dog be impounded.

C. Government Sector Impact:

This bill authorizes animal control authorities to humanely euthanize dangerous dogs and dogs that have killed or severely injured people. This may increase costs to the authorities to carry out these procedures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 767.01, 767.10, 767.11, 767.12, 767.13, 767.135, and 767.136.

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 April 22, 2025:
The committee substitute:

- Requires the confiscation and impoundment of an animal that is being investigated as a dangerous dog and that has killed a person or has bitten and left a mark that scores 5 or higher on the Dunbar bite scale.
- Requires the confiscation and impoundment of an animal that is subject to any other dangerous dog investigations.
- Requires an animal control authority to notify the owner of the final order classifying their dangerous dog by registered mail or certified hand delivery in conformance with the provisions of chapter 48 relating to service of process.
- Requires an animal control authority to humanely euthanize a dangerous dog that has killed a person or has bitten and left a mark that scores 5 or higher on the Dunbar bite scale and has been surrendered to an animal control authority.
- Authorizes an animal control authority to humanely euthanize any other dangerous dog that is surrendered to an animal control authority.
- Provides that any person who resists or obstructs an animal control authority commits a first-degree misdemeanor and provides penalties.

- Changes the current penalty for an owner from a third-degree felony to a second-degree felony when a dog that has previously been declared dangerous attacks and causes severe injury or death to a human.
- Provides that an owner who has knowledge of their dog's dangerous propensities commits a first-degree misdemeanor if their declared dangerous dog causes severe injury or the death of a human and the owner demonstrated a reckless disregard for such propensities under the circumstances. Current law provides this is a second-degree felony.

CS by Judiciary on April 1, 2025:
The committee substitute removes provisions that would have created a statewide registry of dangerous dogs, creates a third degree felony for the removal of a microchip identifying a dangerous dog, and creates a new notice and signage requirement for a dangerous dog that is placed for adoption.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 89 - 363

and insert:

on the owner’s property, a ~~dangerous~~ dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog ~~animal~~ from escaping. The ~~Such~~ pen or structure must ~~shall~~ have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must

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~~shall~~ also provide protection from the elements.

(1)~~(5)~~ "Animal control authority" means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. In those areas not served by an animal control authority, the sheriff shall carry out the duties of the animal control authority under this part ~~act~~.

(2)~~(6)~~ "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this part ~~act~~ or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of an ~~any~~ animal.

(4)~~(7)~~ "Owner" means a ~~any~~ person, a firm, a corporation, or an organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian.

Section 5. Section 767.12, Florida Statutes, is amended to read:

767.12 Classification of dogs as dangerous; owner requirements; penalty ~~certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts~~.—

(1) An animal control authority shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn

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affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

(a) An animal that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale must ~~because of severe injury to a human being may~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time;~~, or~~ impounded; and held. The animal must ~~may~~ be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal.

(b) An animal that is the subject of any other ~~a~~ dangerous dog investigation may be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held. An animal that ~~investigation which~~ is not impounded with the animal control authority must be ~~humanely and safely~~ confined by the owner in a proper enclosure ~~securely fenced or enclosed area. The animal shall be confined in such manner~~ pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The owner shall provide the address at which the animal resides ~~shall be provided~~ to the animal


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control authority. A dog that is the subject of a dangerous dog investigation may not be relocated or have its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or have its ownership transferred.

(2) A dog may not be declared dangerous if any of the following apply:

(a) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.

(b) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalty ~~under subsection (5)~~. The animal control authority shall afford the owner an opportunity for a hearing before ~~prior to~~ making a final determination regarding the classification or penalty. The animal control authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail or~~,~~ certified hand delivery~~,~~ or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing regarding the dangerous dog classification, penalty, or


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both, within 7 calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing must ~~shall~~ be held as soon as possible, but not later than 21 calendar days and not sooner than 5 days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control authority as to such matter is ~~shall become~~ final. Each applicable local governing authority shall establish hearing procedures that conform to this subsection.

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the animal control authority shall provide a written final order to the owner by registered mail or~~,~~ certified hand delivery or service in conformance with the provisions of chapter 48 relating to service of process. The owner may appeal the classification or~~,~~ penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held by the animal control authority, the owner must confine the dog in a proper enclosure ~~securely fenced or enclosed area~~ pending resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this subsection.

(5)(a) Except as otherwise provided in paragraph (b), the owner of a dog classified as a dangerous dog shall do all of the following:

1. Upon ~~Within 14 days after~~ issuance of the final order classifying the dog as dangerous or the conclusion of any appeal

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that affirms such final order, obtain a certificate of registration for the dog from the animal control authority serving the area in which he or she resides, and renew the certificate annually. Animal control authorities may ~~are authorized to~~ issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of all of the following:

a. A current certificate of rabies vaccination for the dog.

b. A proper enclosure to confine the ~~a~~ dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property.

c. Permanent identification of the dog by~~, such as a tattoo on the inside thigh or electronic~~ implantation of a microchip. Any person who knowingly and willfully removes a microchip implanted pursuant to this sub-subparagraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

d. The dog having been spayed or neutered.

e. Liability insurance as required by subparagraph 2.

The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.

2. Upon issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain liability insurance coverage in an amount of at least $100,000 to cover damages resulting from an attack by


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the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the animal control authority for the area in which the dog is kept.

3. Immediately notify the appropriate animal control authority when the dog:

a. Is loose or unconfined; ~~.~~

b. Has bitten a human being or attacked another animal; ~~.~~

c. Is sold, given away, or dies; or ~~.~~

d. Is moved to another address.

4. Before selling or giving away the ~~a~~ dangerous dog, ~~is sold or given away, the owner shall~~ provide the name, address, and telephone number of the new owner to the animal control authority.

a. The new owner must comply with ~~all of the requirements of~~ this section and any implementing local ordinances, even if the animal is moved from one local jurisdiction to another within this ~~the~~ state, and ~~. The animal control officer~~ must notify the animal control authority ~~be notified by the owner of a dog classified as dangerous~~ that the dog is in the authority's ~~his or her~~ jurisdiction.

b. If a dangerous dog has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale and is surrendered to an animal control authority, the authority must humanely euthanize the dog.

c. For any other dangerous dog that is surrendered to an animal control authority, the authority may humanely euthanize the dog. If the animal control authority elects to place the animal for adoption, it must post signage on the dog's enclosure

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to inform potential adopters that the dog has been declared dangerous and inform any adopter of the dog owner's requirements under this section. The animal control authority must provide a person who adopts a dangerous dog with a copy of the declaration and must require them to sign a contract with the authority agreeing to abide by the requirements of the declaration.

5.~~3.~~ Not allow ~~permit~~ the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or an animal. The owner may exercise the dog on the owner's property in a proper enclosure ~~securely fenced or enclosed area that does not have a top,~~ without a muzzle or leash~~,~~ if the dog remains within the owner's ~~his or her~~ sight and only members of the immediate household or persons 18 years of age or older, if applicable, are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

(b) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(6) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and

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herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.

(7) A person who violates ~~any provision of~~ this section commits a noncriminal infraction, punishable by a fine not to exceed $1,000 per violation. In addition, any person who resists or obstructs an animal control authority in enforcing this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 ~~$500~~.

Section 6. Subsections (1) and (2) of section 767.13, Florida Statutes, are amended to read:

767.13 Attack or bite by dangerous dog; penalties; confiscation; destruction.—

(1) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. ~~In addition,~~ The dangerous dog must ~~shall~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time;~~, or~~ impounded; and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. The owner is ~~shall be~~ responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep


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the animal during any appeal procedure.

(2) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner commits ~~is guilty of~~ a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~In addition,~~ The dog must ~~shall~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. The owner is ~~shall be~~ responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

Section 7. Section 767.135, Florida Statutes, is amended to read:

767.135 Attack or bite by unclassified dog that causes death; confiscation; destruction.—If a dog that has not been declared dangerous attacks and causes the death of a human, the dog must ~~shall~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. If the owner files a written appeal under s.

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767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

Section 8. Subsection (1) of section 767.136, Florida Statutes, is amended to read:

767.136 Attack or bite by unclassified dog that causes severe injury or death; penalties.—

(1) If a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog commits a misdemeanor of the first ~~second~~ degree, punishable as

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

And the title is amended as follows:

Delete lines 10 - 38

and insert:

dangerous dog investigations which have killed or bitten a human being to a certain severity be immediately confiscated, placed in quarantine if necessary, impounded, and held; requiring, rather than authorizing, that such dogs be held until the completion of certain actions; authorizing dogs that are the subject of multiple dangerous dogs investigations to be immediately confiscated, placed in quarantine, impounded, and held; requiring that

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certain dogs not impounded with the animal control authority be confined in a proper enclosure by the owner; requiring the owner of a dog subject to a dangerous dog investigation to provide certain information to an animal control authority; requiring the owner of a dog classified as dangerous to obtain a certificate of registration for the dog from a certain animal control authority and renew the certification annually; authorizing an animal control authority to issue certain certificates of registration to certain persons if certain conditions have been met, including implantation of a microchip, spaying or neutering the dog, and obtaining limited liability insurance; requiring the owner of a dog classified as a dangerous dog to obtain dangerous dog liability insurance coverage and provide proof of such insurance to a certain animal control authority; providing requirements for such insurance; requiring and authorizing an animal control authority to humanely euthanize a dangerous dog under certain circumstances; requiring an animal shelter, a humane organization, or certain animal control agencies to provide specified information to potential adopters; revising the conditions under which an owner is authorized to exercise a dangerous dog; revising the civil penalty for violations; providing criminal penalties for persons who resist or obstruct an animal control authority; making technical changes; amending s. 767.13, F.S.; increasing a penalty; making technical

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changes; conforming provisions to changes made by the act; amending s. 767.135, F.S.; making technical changes; conforming provisions to changes made by the act; amending s. 767.136, F.S.; increasing a penalty for the owner of a dog that causes severe injury to, or the death of a human;

By the Committee on Judiciary; and Senators Collins and Wright

590-03178-25 2025572c1

A bill to be entitled

An act relating to dangerous dogs; providing a short title; amending s. 767.01, F.S.; requiring certain dog owners to securely confine their dogs in a proper enclosure; amending s. 767.10, F.S.; revising legislative findings relating to dangerous dogs; reordering and amending s. 767.11, F.S.; revising definitions; amending s. 767.12, F.S.; requiring, rather than authorizing, that dogs subject to certain dangerous dog investigations be confiscated, impounded, and held; requiring, rather than authorizing, that such dogs be held until the completion of certain actions; revising the circumstances under which an owner is responsible for paying certain costs and fees; requiring that certain dogs not impounded be confined in a proper enclosure by the owner; revising the information that the owner of a dog classified as a dangerous dog is required to provide to an animal control authority; requiring microchipping of a dog classified as a dangerous dog; providing a penalty for knowingly and willfully removing a microchip; authorizing animal control authority to issue certain certificates of registration to certain persons if certain conditions have been met, including spaying or neutering the dog; requiring the owner of a dog classified as a dangerous dog to obtain dangerous dog liability insurance coverage; providing requirements for such insurance; requiring an animal shelter, a humane organization, or

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

590-03178-25 2025572c1

certain animal control agencies to provide specified information to potential adopters; revising exercise requirements; revising the civil penalty for violations; amending ss. 767.13 and 767.135, F.S.; making technical changes; conforming provisions to changes made by the act; amending s. 767.136, F.S.; revising the circumstances under which the owner of a dog that has not been declared dangerous is liable for such dog's severe injury to, or the death of, a human; providing an effective date.

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

Section 1. This act may be cited as the "Pam Rock Act."

Section 2. Section 767.01, Florida Statutes, is amended to read:

767.01 Dog owner's liability for damages to persons, domestic animals, or livestock.—

(1) A dog owner is ~~Owners of dogs shall be~~ liable for any damage done by the owner's dog ~~their dogs~~ to a person or to any animal included in the definitions of "domestic animal" and "livestock" as provided by s. 585.01.

(2) If a dog owner has knowledge of the dog's dangerous propensities, the owner must securely confine the dog in a proper enclosure as defined in s. 767.11.

Section 3. Section 767.10, Florida Statutes, is amended to read:

767.10 Legislative findings.—The Legislature finds that dangerous dogs are an increasingly serious and widespread threat

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

to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of owners to confine and properly train and control their dogs; that existing laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements for dog ~~the~~ owners ~~of dangerous dogs~~.

Section 4. Section 767.11, Florida Statutes, is reordered and amended to read:

767.11 Definitions.—As used in this part ~~act~~, unless the context clearly requires otherwise:

(3)~~(1)~~ "Dangerous dog" means a ~~any~~ dog that according to the records of the appropriate authority:

(a) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(b) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(c) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

(7)~~(2)~~ "Unprovoked" means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

(6)~~(3)~~ "Severe injury" means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

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

(5)~~(4)~~ "Proper enclosure ~~of a dangerous dog~~" means, while on the owner's property, a ~~dangerous~~ dog is securely confined:

(a) Indoors;

(b) In a locked, fenced yard, suitable to prevent the entry of young children and designed to prevent the dog from escaping over, under, or through the fence; or

(c) In a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog ~~animal~~ from escaping. The ~~Such~~ pen or structure must ~~shall~~ have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must ~~shall~~ also provide protection from the elements.

(1)~~(5)~~ "Animal control authority" means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. In those areas not served by an animal control authority, the sheriff shall carry out the duties of the animal control authority under this part ~~act~~.

(2)~~(6)~~ "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this part ~~act~~ or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of an ~~any~~ animal.

(4)~~(7)~~ "Owner" means a ~~any~~ person, a firm, a corporation, or an organization possessing, harboring, keeping, or having

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

control or custody of an animal or, if the animal is owned by a person ~~under the age of~~ 18 years of age or younger, that person's parent or guardian.

Section 5. Section 767.12, Florida Statutes, is amended to read:

767.12 Classification of dogs as dangerous; owner requirements; penalty ~~certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts~~.—

(1) An animal control authority shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

(a) An animal that is the subject of a dangerous dog investigation for behavior described in s. 767.11(3)(a) or (c) must ~~because of severe injury to a human being may~~ be immediately confiscated by an animal control authority~~;~~ placed in quarantine, if necessary, for the proper length of time~~;~~ ~~or~~ impounded; and held. The animal must ~~may~~ be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal, unless it is determined that the dog is not dangerous.

(b) An animal that is the subject of a dangerous dog investigation for behavior described in s. 767.11(3)(b) may be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; or impounded and held. An animal that ~~which~~ is not impounded with the animal control authority must be ~~humanely and safely~~ confined by the owner in a proper enclosure ~~securely fenced or enclosed area. The animal shall be confined in such manner~~ pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The owner shall provide the address at which the animal resides ~~shall be provided~~ to the animal control authority. A dog that is the subject of a dangerous dog investigation may not be relocated or have its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or have its ownership transferred.

(2) A dog may not be declared dangerous if any of the following apply:

(a) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.

(b) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) After the investigation, the animal control authority

shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalty ~~under subsection (5)~~. The animal control authority shall afford the owner an opportunity for a hearing before ~~prior to~~ making a final determination regarding the classification or penalty. The animal control authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail or~~,~~ certified hand delivery~~,~~ or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within 7 calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing must ~~shall~~ be held as soon as possible, but not later than 21 calendar days and not sooner than 5 days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control authority as to such matter is ~~shall become~~ final. Each applicable local governing authority shall establish hearing procedures that conform to this subsection.

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the animal control authority shall provide a written final order to the owner by registered mail or~~,~~ certified hand delivery or service. The owner may appeal the classification or~~,~~ penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after

receipt of the final order. If the dog is not held by the animal control authority, the owner must confine the dog in a proper enclosure ~~securely fenced or enclosed area~~ pending resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this subsection.

(5)(a) Except as otherwise provided in paragraph (b), the owner of a dog classified as a dangerous dog shall do all of the following:

1. Upon ~~Within 14 days after~~ issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the animal control authority serving the area in which he or she resides, and renew the certificate annually. Animal control authorities may ~~are authorized to~~ issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of all of the following:

a. A current certificate of rabies vaccination for the dog.

b. A proper enclosure to confine the ~~a~~ dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property.

c. Permanent identification of the dog by~~, such as a tattoo on the inside thigh or electronic~~ implantation of a microchip. Any person who knowingly and willfully removes a microchip implanted pursuant to this sub-subparagraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

d. The dog having been spayed or neutered.

e. Liability insurance as required by subparagraph 2.

The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.

2. Upon issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain liability insurance coverage in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the animal control authority for the area in which the dog is kept.

3. Immediately notify the appropriate animal control authority when the dog:

a. Is loose or unconfined~~;.~~

b. Has bitten a human being or attacked another animal~~;.~~

c. Is sold, given away, or dies~~;~~ or~~.~~

d. Is moved to another address.

4.a. Before selling or giving away the ~~a~~ dangerous dog ~~is sold or given away~~, ~~the owner shall~~ provide the name, address, and telephone number of the new owner to the animal control authority. The new owner must comply with ~~all of the requirements of~~ this section and any implementing local ordinances, even if the animal is moved from one local jurisdiction to another within this ~~the~~ state, and~~. The animal control officer~~ must notify the animal control authority ~~be notified by the owner of a dog classified as dangerous~~ that the dog is in the authority's ~~his or her~~ jurisdiction.

b. If the dangerous dog is surrendered to a public or private animal shelter, a humane organization, or an animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision, the entity must post signage on the dog's enclosure to inform potential adopters that the dog has been declared dangerous and inform any adopter of the dog owner's requirements under this section.

5.~~3.~~ Not allow ~~permit~~ the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or an animal. The owner may exercise the dog on the owner's property in a proper enclosure ~~securely fenced or enclosed area that does not have a top,~~ without a muzzle or leash~~,~~ if the dog remains within the owner's ~~his or her~~ sight and only members of the immediate household or persons 18 years of age or older, if applicable, are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

(b) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(6) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in

training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.

(7) A person who violates ~~any provision of~~ this section commits a noncriminal infraction, punishable by a fine not to exceed $1,000 per violation ~~$500~~.

Section 6. Subsections (1) and (2) of section 767.13, Florida Statutes, are amended to read:

767.13 Attack or bite by dangerous dog; penalties; confiscation; destruction.—

(1) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. ~~In addition,~~ The dangerous dog must ~~shall~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time;~~, or~~ impounded; and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. The owner is ~~shall be~~ responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(2) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~In addition,~~ The dog must ~~shall~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. The owner is ~~shall be~~ responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

Section 7. Section 767.135, Florida Statutes, is amended to read:

767.135 Attack or bite by unclassified dog that causes death; confiscation; destruction.—If a dog that has not been declared dangerous attacks and causes the death of a human, the dog must ~~shall~~ be immediately confiscated by an animal control authority;~~,~~ placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. If the owner files a written appeal under s. 767.12 or this section, the dog must be held and may not be

destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

Section 8. Subsection (1) of section 767.136, Florida Statutes, is amended to read:

767.136 Attack or bite by unclassified dog that causes severe injury or death; penalties.—

(1) If a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet failed to secure the dog in a proper enclosure pursuant to s. 767.01(2) ~~demonstrated a reckless disregard for such propensities under the circumstances~~, the owner of the dog commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. This act shall take effect July 1, 2025.

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/25
Meeting Date

Fiscal Policy
Committee

SB 572
Bill Number or Topic

Amendment Barcode (if applicable)

Name Gerard O'Rourke

Phone

Address
Street

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: Palm Beach County

☐ 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

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4/22/25
Meeting Date

Fiscal Policy
Committee

572
Bill Number or Topic

Amendment Barcode (if applicable)

Name Diana Ferguson

Phone 850-681-6788

Address 119 S Monroe St Ste 202
Street

Email dferguson@rutledge-ecenia.com

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 Animal Control 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

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4/22/25
Meeting Date

FISCAL
Committee

SB-572
Bill Number or Topic

Amendment Barcode (if applicable)

Name FRED ROCK

Phone 813-625-7245

Address 8705 COBBLESTONE DR
Street

TAMPA FL 33615
City State Zip

Email fredjrock@gmail.com

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

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22 April 2025
Meeting Date

Fiscal Policy
Committee

HB 572
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tom Rock

Phone (210) 381-2682

Address 973 Harbor Town Drive
Street

Email tomrock5@aol.com

Venice FL 34292
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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 22, 25
Meeting Date

SB 572
Bill Number or Topic

Fiscal
Committee

Amendment Barcode (if applicable)

Name MARIA Rock-Risse

Phone (703) 346-8395

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Street

Email mrissie@cox.net

Annandale Va 22003
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:

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S-001 (08/10/2021)

The Florida Senate

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4/22/2025
Meeting Date

Fiscal Policy
Committee

SB 572
Bill Number or Topic

Amendment Barcode (if applicable)

Name DANIEL Rock

Phone 727 777-0653

Address 6439 Cardinal Crest
Street

New Port Ridey Fl 34655
City State Zip

Email danielprock@yahoo.com

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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S-001 (08/10/2021)

The Florida Senate

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4/22/2025
Meeting Date

Fiscal Policy
Committee

SB 572
Bill Number or Topic

Amendment Barcode (if applicable)

Name Heidi Rock Wright

Phone 561-302-7625

Address 1762 Blackwelder Rd.
Street

Email heidiwrightrn@gmail.com

DeLeon Springs, FL 32130
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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

4-22-'25
Meeting Date

FISCAL POLICY
Committee

The Florida Senate

APPEARANCE RECORD

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SB 572
Bill Number or Topic

Amendment Barcode (if applicable)

Name CHRIS ROCK

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KENNESAW GA 30144
City State Zip

Email Chrisrock11@gmail.com

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

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4/22/25
Meeting Date

Fiscal Policy
Committee

572
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson

Phone (386) 214-5536

Address 123 W. Indiana Ave
Street

Email mhudson@volusia sheriff.gov

Deland Fl. 32713
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: Volusia Sheriffs office

☐ 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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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:	CS/CS/SB 592
INTRODUCER:	Regulated Industries Committee; Banking and Insurance Committee; and Senators Leek and Pizzo
SUBJECT:	My Safe Florida Condominium Pilot Program
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	**Fav/CS**
2.	Oxamendi	Imhof	RI	**Fav/CS**
3.	Thomas	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 592 revises provisions of the My Safe Florida Condominium Pilot Program (program) within the Department of Financial Services (DFS) to:

- Limit participation in the program to condominiums with structures or buildings on the condominium property which are three or more stories in height, provided that the structure or building that is the subject of the mitigation grant contains two or more single-family dwellings.
- Require approval of at least 75 percent of all voting interests who reside within the structure or building that is the subject of the mitigation grant, rather than a unanimous vote of all unit owners.
- Eliminate the restrictions that limit grant contributions for:
  - A roof-related project, to $11 per square foot multiplied by the roof's square footage, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the project's cost.
  - An opening protection-related project, to $750 per window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the project's cost, and opening protection-related projects to $750 per replacement window.
- Specify the roof mitigation techniques that may receive a grant award.
- Require that the improvements must be verified during the final hurricane mitigation inspection in order to qualify for grant funds.

- Provide that grant funds may only be awarded if the mitigation improvement will result in an insurance premium mitigation credit, discount, or other rate differential.
- Include wind-driven rain mitigation devices for sliding glass doors among the types of improvements for which hurricane mitigation grants may be used.

While the program is subject to annual appropriations, this bill has no fiscal impact on state or local government.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

The Legislature created the My Safe Florida Condominium Pilot Program (program) within the DFS, in 2024.[1] The program received a nonrecurring appropriation of $30 million from the General Revenue Fund.[2] The program provides a condominium association (association) a program similar to that of the My Safe Florida Home Program for single-family, detached residential properties and townhomes.[3] Implementation of the program is subject to annual legislative appropriations. The program supports eligible condominium associations by providing free inspections and grant funding for wind mitigation improvements, which may have the added benefit of lowering wind insurance premiums.

The program is limited to associations located in the "service area," which is the area of the state within 15 miles inward of a coastline as defined in s. 376.031, F.S.[4] The terms "association,"[5] "board of administration,"[6] "condominium,"[7] "condominium parcel,"[8] "unit,"[9] "unit owner"[10] and "voting interest"[11] have the same meaning as those terms are defined in s. 718.103, F.S.

[1] Chapter 2024-108, Laws of Fla.
[2] Line 2375 of the General Appropriations Act, ch. 2024-231, Laws of Fla. ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).
[3] *See* s. 215.5586, F.S.
[4] "Coastline" means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606. Section 376.031(4), F.S.
[5] "Association" means, in addition to any entity responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which unit owners have use rights, where membership in the entity is composed exclusively of unit owners or their elected or appointed representatives and is a required condition of unit ownership. Section 718.103(3), F.S.
[6] "Board of administration" or "board" means the board of directors or other representative body which is responsible for administration of the association. Section 718.103(5), F.S.
[7] "Condominium" means that form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements. Section 718.103(12), F.S.
[8] "Condominium parcel" means a unit, together with the undivided share in the common elements appurtenant to a unit. Section 718.103(13), F.S.
[9] "Unit" means a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration. Section 718.103(31), F.S.
[10] "Unit owner" or "owner of a unit" means a record owner of legal title to a condominium parcel. Section 718.103(32), F.S.
[11] "Voting interest" means the voting rights distributed to the association members pursuant to s. 718.104(4), F.S. In a multicondominium association, the voting interests of the association are the voting rights distributed to the unit owners in all condominiums operated by the association. On matters related to a specific condominium in a multicondominium

The DFS issued its first report on the program with the following findings:

- Tidal Basin selected to run the program on August 1, 2024.
- The International Association of Certified Home Inspectors selected on November 12, 2024, as the inspection company to conduct the inspections.
- The program is launched on November 14, 2024.
- The online application portal opened on November 14, 2024, and closed on November 19, 2024, due to the sufficiency of applications.
- 174 requests for inspections received; 165 requests approved.
- The approval of grant awards is waiting for the completion of inspections.[12]

Condominium Associations and Unit Owners

A condominium is a "form of ownership of real property created pursuant to this chapter, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements." Condominiums are created under ch. 718, F.S,"[13] the "Condominium Act." Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.[14] For unit owners, membership in the association is an unalienable right and required condition of unit ownership.[15]

The term "unit" means "a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration."[16]

To apply for an inspection of condominium parcels under the program, the association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association.[17] In order to apply for a grant, the association must receive both of the following:

- Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation grant; and
- A unanimous vote of all unit owners within the structure or building that is the subject of the mitigation grant.[18]

Associations may vote on participation in the program at either an annual meeting or a unit owner meeting called for the purpose of taking a vote on such participation.[19] The association

association, the voting interests of the condominium are the voting rights distributed to the unit owners in that condominium. Section 718.103(34), F.S.

[12] *My Safe Florida Condominium Pilot Report*, February 1, 2025 (on file with the Senate Committee on Banking and Insurance).

[13] Section 718.103(12), F.S.

[14] *See* s. 718.103, F.S., for the terms used in the Condominium Act.

[15] Section 718.103(3), F.S.

[16] Section 718.103(31), F.S.

[17] Section 215.55871(2)(a), F.S.

[18] Section 215.55871(2)(b), F.S.

[19] Section 215.55871(2)(d), F.S.

must provide unit owners with clear disclosure of the program prior to a vote taking place.[20] The president and treasurer of the board of administration are required to sign the disclosure form indicating a copy of the disclosure form was provided to each unit owner.[21] The association must maintain the signed disclosure form and the minutes from the meeting at which the unit owners voted to participate in the program as part of the official records of the association.[22] Within 14 days after an affirmative vote to participate in the program, the association must provide written notice as required under s. 718.112(2)(d), F.S., to all unit owners of the decision to participate in the program.[23]

Hurricane Mitigation Inspectors

Only licensed inspectors may perform inspections of the property to determine the mitigation measures that are needed, the insurance premium discounts that may be available, and which identify recommended improvements the association may take to mitigate hurricane damage.[24] The DFS must contract with wind certification entities to provide the inspections.[25] Eligible wind certification entities must, at a minimum:

- Use inspectors who are licensed or certified as:
  - A building inspector under s. 468.607, F.S.;
  - A general, building, or residential contractor under s. 489.111, F.S.;
  - A professional engineer under s. 471.015, F.S.;
  - A professional architect under s. 481.213, F.S.; or
  - A home inspector under s. 468.8314, F.S., who has completed at least three hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Use inspectors who have undergone drug testing and a background screening that includes submission and processing of fingerprints; and
- Provide a quality assurance program, including a reinspection component.[26]

Hurricane Mitigation Inspections

Hurricane mitigation inspections provided to an association must, at a minimum, include:

- An inspection of the property, and a report that summarizes the results and identifies recommended improvements the association may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and
- Information regarding estimated insurance premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.[27]

[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] Section 215.55871(3)(a), F.S.
[25] Section 215.55871(3)(b), F.S.
[26] *Id.*
[27] Section 215.55871(4)(a), F.S.

An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains.[28] An association may apply for and receive an inspection without also applying for a grant.[29]

Mitigation Grants

Grants must be used by associations to make improvements recommended by an inspection which increases the condominium parcel's resistance to hurricane damage.[30] An application for a grant must:

- Contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains;
- Include a notarized statement from the president of the board of administration containing the name and license number of the contractor it intends to use for the mitigation project; and
- Include a notarized statement from the president of the board of administration which commits to the DFS that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant.[31]

An association may select its own contractor for the mitigation project so long as the contractor meets all qualification, certification, or licensing requirements in general law.[32] A mitigation project must be performed by a properly licensed contractor who has secured all required local permits necessary for the project.[33] The DFS must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.[34]

All grants must be matched on the basis of one dollar provided by the association for two dollars provided by the state.[35] An association may receive grant funds for both roof-related and opening protection-related projects, but the total grant award may not exceed $175,000 per association.[36] The maximum grant contribution for:

- Roof-related projects is $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.
- Opening protection-related projects is $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.[37]

An association awarded a grant must complete the entire mitigation project in order to receive the final grant award and must agree to make the property available for a final inspection once

[28] Section 215.55871(4)(b), F.S.
[29] Section 215.55871(4)(c), F.S.
[30] Section 215.55871(5), F.S.
[31] Section 215.55871(5)(a), F.S.
[32] Section 215.55871(5)(b), F.S.
[33] *Id.*
[34] *Id.*
[35] Section 215.55871(5)(d)1., F.S.
[36] Section 215.55871(5)(d)4., F.S.
[37] Section 215.55871(5)(d)2.-3., F.S.

the mitigation project is finished.[38] The mitigation project must be completed in a manner consistent with the intent of the program and must meet or exceed applicable Florida Building Code requirements.[39] The association must submit a request to the DFS for a final inspection, or request an extension of time, within one year after receiving grant approval; otherwise the application is deemed abandoned and the grant money reverts back to the DFS.[40]

When recommended by a hurricane mitigation inspection report, grants may be used for the following improvements:

- Opening protection, including exterior doors, garage doors, windows, and skylights;
- Reinforcing roof-to-wall connections;
- Improving the strength of roof-deck attachments; and
- Secondary water barrier for roof.[41]

If improvements to protect the property that complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

- Comply with or exceed the applicable building code in effect at the time the association applied for the grant; and
- Provide more protection than the improvements that the association previously installed.[42]

The association may not use a mitigation grant to:

- Install the same type of improvements that were previously installed; or
- Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.[43]

Contract Management

The DFS is charged with developing a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.[44] The DFS may contract with third parties for grant management, inspection services, contractor services, information technology, educational outreach, and auditing services.[45] Such contracts are considered direct costs of the program and are not subject to administrative cost limits.[46] Such contracts must be with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and must ensure the highest accountability for use of state funds.[47]

[38] Section 215.55871(5)(c), F.S.
[39] *Id.*
[40] *Id.*
[41] Section 215.55871(5)(e), F.S.
[42] Section 215.55871(5)(g)1., F.S.
[43] Section 215.55871(5)(g)2., F.S.
[44] Section 215.55871(5)(h), F.S.
[45] Section 215.55871(6)(a), F.S.
[46] *Id.*
[47] *Id.*

The DFS is required to implement a quality assurance and reinspection program that determines whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the program.[48] The DFS may use a valid random sampling in order to perform the quality assurance portion of the program.[49]

Reports

By February 1 of each year, the DFS must submit a report to the President of the Senate and the Speaker of the House of Representatives on the activities of the program and the use of state funds.[50] The report must include:

- The number of inspections requested;
- The number of inspections performed;
- The number of grant applications received;
- The number of grants approved and the monetary value of each grant;
- The estimated average annual amount of insurance premium discounts each association received and the total estimated annual amount of insurance premium discounts received by all associations participating in the program; and
- The estimated average annual amount of insurance premium discounts each unit owner received as a result of the improvements to the building or structure.[51]

Requests for Information

During the application process, the DFS may request an applicant provide additional information.[52] If the DFS does not receive a response for additional information from the applicant within 60 days after the applicant is notified of the error or omission, the application is deemed withdrawn by the applicant.[53]

Rulemaking Authority

The DFS is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the program.[54]

III. Effect of Proposed Changes:

The bill amends s. 215.55871, F.S., to:

- Limit participation in the program to condominiums with structures or buildings on the condominium property which are three or more stories in height, provided that the structure or building that is the subject of the mitigation grant contains two or more single-family dwellings.
- Require approval of at least 75 percent of all voting interests who reside within the structure or building that is the subject of the mitigation grant, rather than a unanimous vote of all unit owners.

[48] Section 215.55871(6)(b), F.S.
[49] *Id.*
[50] Section 215.55871(7), F.S.
[51] *Id.*
[52] Section 215.55871(8), F.S.
[53] *Id.*
[54] Section 215.55871(9), F.S.

- Eliminate the restrictions that limit grant contributions for:
  - A roof-related project, to $11 per square foot multiplied by the roof's square footage, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the project's cost.
  - An opening protection-related project, to $750 per window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the project's cost, and opening protection-related projects to $750 per replacement window.
- Specify that grants for the roof-related improvements may include:
  - Reinforcing roof-to-wall connections.
  - Improving the strength of roof-deck attachments.
  - Installing secondary water resistance for the roof.
  - Replacing the roof covering.
- Specify that for buildings with a flat roof, if improvements to protect the property that complied with the current applicable building code at the time have been previously installed, the association must use the mitigation grant to install improvements that both:
  - Comply with or exceed the applicable building code in effect when the association applied for the grant; and
  - Provide more hurricane protection than the improvements the association previously installed.
- Repeal language stating that grants may be used for a previously inspected existing structure on the property. The language could be interpreted to allow grant applications to circumvent the program's requirement that inspections be provided by the program using only certain hurricane mitigation inspections.
- Require that the improvements must be verified during the final hurricane mitigation inspection in order to qualify for grant funds.
- Provide that grant funds may only be awarded if the mitigation improvement will result in an insurance premium mitigation credit, discount, or other rate differential. If necessary for the structure to qualify for a mitigation credit, discount, or other rate differential, the DFS must require that improvements be made to all openings as a condition of reimbursing a condominium association approved for a grant.
- Include wind-driven rain mitigation devices for sliding glass doors among the types of improvements for which hurricane mitigation grants may be used.

The bill provides an effective date of 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:

The bill limits which associations may participate in the program but makes it more flexible for those associations that do participate.

C. Government Sector Impact:

While the program is subject to annual appropriations, this bill has no fiscal impact on state or local government. The program was funded in fiscal year 2024-25 through a nonrecurring appropriation of $30 million from the General Revenue Fund ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).

VI. Technical Deficiencies:

The bill revises the definition of "condominium," as defined in s. 718.103, F.S., for the purpose of s. 215.55871, F.S., to exclude detached units on individual parcels of land from the definition. A condominium parcel consists of a unit, together with the undivided share in the common elements appurtenant to the unit.[55] Therefore, a condominium unit cannot be detached from a condominium.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.55871 of the Florida Statutes.

[55] Section 718.103(13), F.S.

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 Regulated Industries on March 25, 2025:
The committee substitute:

- Limits participation in the pilot program to structures or buildings on the condominium property which are three or more stories in height, provided that the structure or building that is the subject of the mitigation grant contains two or more single-family dwellings;
- Requires approval of at least 75 percent of all voting interests, instead of all unit owners, who reside within the structure or building that is the subject of the mitigation grant;
- Removes from the bill the revision to the term "condominium;" and
- Includes wind-driven rain mitigation devices for sliding glass doors among the types of improvements for which hurricane mitigation grants may be used.

CS by Banking and Insurance on March 3, 2025:
The committee substitute makes the following changes:

- Provides that grant funds may only be awarded if the mitigation improvement will result in an insurance premium mitigation credit, discount, or other rate differential.
- Provides that the improvements must be verified during the final hurricane mitigation inspection in order to qualify for grant funds.

B. Amendments:

None.

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

By the Committees on Regulated Industries; and Banking and Insurance; and Senators Leek and Pizzo

580-02871-25 2025592c2

A bill to be entitled

An act relating to the My Safe Florida Condominium Pilot Program; amending s. 215.55871, F.S.; limiting participation in the My Safe Florida Condominium Pilot Program to certain structures or buildings; revising the approval requirements to receive a mitigation grant; deleting the amount of grant funding designated for certain projects; revising the improvements for which a grant may be used; requiring that improvements be verified during the final hurricane mitigation inspection to qualify for grant funds; specifying that mitigation grants may be awarded only for mitigation improvements that will result in a mitigation credit, discount, or other rate differential; requiring the Department of Financial Services to require that certain improvements be made under certain circumstances; providing an effective date.

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

Section 1. Present paragraphs (a) through (d) of subsection (2) of section 215.55871, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) is added to that subsection, and present paragraph (b) of subsection (2) and subsection (5) of that section are amended, to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented

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

580-02871-25 2025592c2

pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to structures or buildings on the condominium property which are three or more stories in height, provided that each structure or building that is the subject of the mitigation grant contains two or more single-family dwellings.

(c) ~~(b)~~ In order to apply for a grant under subsection (5) which improves one or more units within a condominium, an association must receive both of the following:

1. Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection.

2. Approval by at least 75 percent ~~A unanimous vote~~ of all persons with voting interests who reside ~~unit owners~~ within the structure or building that is the subject of the mitigation grant.

(5) MITIGATION GRANTS.—Financial grants may be used by associations to make improvements recommended in a hurricane

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mitigation inspection report which increase the condominium's resistance to hurricane damage.

(a) An application for a mitigation grant must:

1. Contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains.

2. Include a notarized statement from the president of the board of administration containing the name and license number of each contractor the association intends to use for the mitigation project.

3. Include a notarized statement from the president of the board of administration which commits to the department that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant under paragraph (2)(c) ~~(2)(b)~~.

(b) An association may select its own contractors for the mitigation project as long as each contractor meets all qualification, certification, or licensing requirements in general law. A mitigation project must be performed by a properly licensed contractor who has secured all required local permits necessary for the project. The department must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.

(c) An association awarded a grant must complete the entire mitigation project in order to receive the final grant award and

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must agree to make the property available for a final inspection once the mitigation project is finished to ensure the mitigation improvements are completed in a manner consistent with the intent of the pilot program and meet or exceed the applicable Florida Building Code requirements. Construction must be completed and the association must submit a request to the department for a final inspection, or request an extension of time, within 1 year after receiving grant approval. If the association fails to comply with this paragraph, the application is deemed abandoned and the grant money reverts back to the department.

(d) Grant projects shall be funded as follows:

1. All grants must be matched on the basis of $1 provided by the association for $2 provided by the state toward the actual cost of the project.

~~2. For roof-related projects, the grant contribution is $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

~~3. For opening protection-related projects, the grant contribution is a maximum of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

2.~~4.~~ An association may receive grant funds for both roof-related and opening protection-related projects, but the maximum total grant award may not exceed $175,000 per association.

3.~~5.~~ The department may not accept grant applications or maintain a waiting list for grants after the cumulative value of the grants awarded have fully obligated the appropriation,

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unless otherwise expressly authorized by the Legislature.

(e) When recommended by a hurricane mitigation inspection report, grants for eligible associations may be used for the following improvements:

1. Opening protection improvements, including all of the following:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

e. Wind-driven rain mitigation devices for sliding glass doors.

2. Roof-related improvements, including all of the following:

a.~~2.~~ Reinforcing roof-to-wall connections.

b.~~3.~~ Improving the strength of roof-deck attachments.

c.~~4.~~ Installing secondary water resistance for roof.

d. Replacing the roof covering.

(f) Improvements must be verified during the final hurricane mitigation inspection to qualify for grant funds ~~Grants may be used for a previously inspected existing structure on the property~~.

(g)~~1.~~ If improvements to protect the property which complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

1.~~a.~~ Comply with or exceed the applicable building code in effect at the time the association applied for the grant.

2.~~b.~~ Provide more hurricane protection than the improvements that the association previously installed.

(h)~~2.~~ The association may not use a mitigation grant to:

1.~~a.~~ Install the same type of improvements that were previously installed; or

2.~~b.~~ Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.

(i)~~(h)~~ The department shall develop a process that ensures the most efficient means to collect and verify inspection and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify inspection and grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(j) Grant funds may be awarded only for each mitigation improvement that, when applied to the structure or building, will result in a mitigation credit, discount, or other rate differential. If necessary for the building or structure to qualify for a mitigation credit, discount, or other rate differential, the department must require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing a condominium association approved for a grant.

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

The Florida Senate

APPEARANCE RECORD

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

4/22/25
Meeting Date

Fiscal Policy
Committee

592
Bill Number or Topic

Amendment Barcode (if applicable)

Name TRAVIS MOORE

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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: Community Associations Institute

☐ 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

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:	CS/CS/SB 594
INTRODUCER:	Environment and Natural Resources Committee; Transportation Committee; and Senator Rodriguez
SUBJECT:	Anchoring or Mooring at Seaports
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Fav/CS**
2.	Carroll	Rogers	EN	**Fav/CS**
3.	Johnson	Siples	FP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 594 authorizes the governing body of a seaport to apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring or mooring in certain areas for the purposes of safety, security, and maintaining cargo flow. The boundaries of the prohibition of anchoring or mooring may be up to 2,500 feet from a seaport entrance or a pier or wharf adjacent to a seaport channel or turning basin.

Prior to applying to the FWC, the governing body of a seaport must hold two public hearings displaying the boundaries of and hearing comments regarding the proposed zone. Once FWC receives an application, it has 90 days to review the application and approve, or possibly modify the prohibited area. The FWC may consult with federal and state agencies when considering a seaport's application.

After the FWC's approval of a seaport's application, the seaport must annually review its boundaries at a public meeting and notify the FWC of the results of its review. If applicable, the governing body of the seaport must submit a revised application to the FWC with any proposed boundary modifications.

Each seaport must include any approved no anchoring or mooring zones that are in effect in its seaport security plan and in its seaport strategic plan.

The bill gives the FWC rulemaking authority to implement provisions of the bill.

The bill provides that a violation of these anchoring and mooring provision is a noncriminal infraction, punishable as a boating violation.

The bill may have a minimal negative fiscal impact on seaports associated with establishing no anchoring or mooring zones. The bill may also have a negative fiscal impact on the FWC in approving these zones. The Marine Resources Conservation Trust Fund may see a positive fiscal impact associated with penalties for violations. See Section V. Fiscal Impact Statement.

This bill takes effect July 1, 2025.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FWC) is governed by a board of seven members who are appointed by the Governor and subject to Senate confirmation.[1] The FWC's Division of Law Enforcement Boating and Waterways Section oversees and coordinates statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.[2] The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.[3]

The FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.[4] The Division of Law Enforcement manages Florida's waterways to ensure boating safety for residents of and visitors to the state.[5] This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.[6]

[1] FLA. CONST. art. IV, s. 9; *see also* s. 379.102(1), F.S.
[2] Florida Fish and Wildlife Conservation Commission (FWC), *Waterway Management*, https://myfwc.com/boating/waterway/ (last visited Feb. 21, 2025).
[3] *Id.*
[4] Section 327.70(1), F.S.; *see* s. 943.10(1), F.S., which defines "law enforcement officer" as 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 definition also 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.
[5] FWC, *Boating*, https://myfwc.com/boating/ (last visited Feb. 21, 2025).
[6] FWC, *Law Enforcement*, https://myfwc.com/about/inside-fwc/le/ (last visited Feb. 21, 2025). *See* s. 327.70(1) and (4), F.S.

Anchoring and Mooring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration.[7] Anchoring is accomplished using an anchor carried on the vessel.[8] Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.[9]

Mooring refers to the process of securing a boat or vessel in a fixed position using anchors, chains, ropes, or other devices. It is a way to temporarily anchor a boat to a specific location, typically in a harbor, marina, or other designated mooring area.[10]

State Anchoring and Mooring Prohibitions

Section 327.60, F.S., provides statutory limitations on local regulations regarding vessels, but does not prohibit local governmental authorities from enacting or enforcing regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields.[11]

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;
- Within 500 feet of a superyacht repair facility;[12] or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the FWC upon request of a local government within which the mooring field is located.[13]

The above prohibitions do not apply to:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and

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[7] Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), *available at* https://repository.library.noaa.gov/view/noaa/36907.
[8] Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
[9] Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2.
[10] *Id*.; Martin County, *Martin County Proposed Mooring Field Projects: Definitions*, 2, *available at* https://www.martin.fl.us/resources/mooring-field-project-definitions-pdf; Davis Instruments, *What is mooring?*, https://www.davisinstruments.com/pages/what-is-mooring#:~:text=Mooring%20refers%20to%20the%20process,or%20other%20designated%20mooring%20area (last visited Feb. 21, 2025).
[11] Section 327.60(3), F.S.
[12] For this purpose, the term "superyacht repair facility" is defined to mean a facility that services or repairs a yacht with a water line of 120 feet or more in length.
[13] Section 327.4109(1)(a), F.S.

- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.[14]

There are also exceptions related to mechanical failure of a vessel or weather-related conditions.[15]
A violation related to anchoring or mooring is a noncriminal infraction,[16] for which the penalty is:

- For a first offense, up to a maximum of $100.
- For a second offense, up to a maximum of $250.
- For a third or subsequent offense, up to a maximum of $500.[17]

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.[18]

State and Local Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.[19] These areas usually have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The listed anchoring limitation areas are:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
- Palm Island and State Road A1A,
- Rivo Alto Island and Di Lido Island,
- San Marino Island and Di Lido Island,
- San Marino Island and San Marco Island, and
- San Marco Island and Biscayne Island.[20]

Within anchoring limitation areas established by statute, a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half house before sunrise unless otherwise exempt.[21]

[14] Section 327.4109(1)(b), F.S.
[15] Section 327.4109(2), F.S.
[16] Section 327.4109(5), F.S.
[17] Section 327.73(1)(bb), F.S.
[18] Section 327.78(8), F.S.
[19] Section 327.4108(1), F.S.
[20] *Id.*
[21] *Id.*

Counties, except for Monroe County,[22] may also establish anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.[23] The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.[24] Each anchoring limitation area must meet the following requirements:

- Be less than 100 acres in size, not including any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;
- Not include any mooring field or marina; and
- Be clearly marked with signs and buoys.[25]

Unless otherwise exempt, a person may not anchor a vessel for more than 45 consecutive days in any six-month period in an anchoring limitation area established by a county.[26]

State and Local Boating-Restricted Areas

Under Florida law, boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.[27]

The FWC may, by rule, establish boating-restricted areas.[28]

Municipalities and counties may establish, by ordinance, boating-restricted areas including speed and wake restrictions if certain conditions are met.[29] Municipalities and counties may establish by ordinance additional boating-restricted areas for safety reasons and vessel exclusion zones for certain purposes.[30]

Any ordinances establishing boat-restricted areas for safety purposes will not take effect until the FWC has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety. The FWC must review and act on any application within 90 days after receiving a completed application. Within 30 days after a municipality or

[22] Monroe County is a designated anchoring limitation area within which no less than once every 90 days each vessel anchored in the county within ten linear nautical miles of a public mooring field or a designated anchoring area must move and re-anchor in a new location that is at least a half nautical mile away or is in a different designated anchoring area. Section 327.4108(3)(a), F.S.
[23] Section 327.4108(2), F.S.
[24] *Id*. "Navigable-in-fact waterways" are waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. *Id*.
[25] *Id*.
[26] *Id*.
[27] Section 327.46(1), F.S.
[28] Section 327.46(1)(a), F.S. These areas are established in Rule 68D-24, F.A.C.
[29] Section 327.46(1)(b), F.S.
[30] Section 327.46(1)(c), F.S.

county submits an application, the FWC must advise the municipality or county as to what information, if any, is needed to deem the application complete. An application is considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The FWC's action on the application is subject to review under the Administrative Procedures Act.[31]

Each boating-restricted area must be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located, and when the proposed boating-restricted area is on the navigable waters of the United States, with the United States Coast Guard and the United States Army Corps of Engineers.[32] Restrictions in a boating-restricted area do not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.[33]

Federal Port Safety Regulations

Current federal laws and rules address vessel and port operations, including anchoring, port security, and vessel traffic.[34] Regarding vessel traffic, the Secretary of the department in which the U.S. Coast Guard is operating[35] may construct, operate, maintain, improve, or expand vessel traffic services in any port or place under the jurisdiction of the U.S., in the navigable waters of the U.S., or in any area covered by an international agreement regarding vessel standards and traffic services.[36] The Secretary may also control vessel traffic in areas subject to U.S. jurisdiction that are hazardous or affected by reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances.[37] The Secretary may provide for local variances to account for the unique vessel traffic, waterway characteristics, and any additional factors appropriate to enhance navigational safety in any area where vessel traffic services are provided.[38]

Regarding anchoring, the Secretary of Homeland Security can define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the U.S. whenever

[31] Section 327.46(1)(c), F.S.
[32] Section 327.46(2), F.S.
[33] Section 317.46(4), F.S.
[34] *See* 46 U.S.C. The federal rules include the regulation of federal safety zones, security zones, and regulated navigation areas. They also establish special anchorage areas, wherein vessels not more than 65 feet long are not required to carry or exhibit anchorage lights when at anchor. 33 C.F.R. §§109-110, 165.
[35] The Secretary is currently the Secretary of Homeland Security. 46 U.S.C. §70006; The Department of Homeland Security, *Employee Resources: United States Coast Guard (USCG)*, https://www.dhs.gov/employee-resources/united-states-coast-guard-uscg (last visited March 13, 2025).
[36] 46 U.S.C. §70001.
[37] *Id*. The Secretary may control vessel traffic in these areas by specifying times of entry, movement, or departure; establishing vessel traffic routing schemes; establishing vessel size, speed, or draft limitations and vessel operating conditions; and restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances. *Id*.
[38] *Id*. The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy to account for variances from the national policy with respect to local vessel traffic conditions and volume, geography, water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate. *Id*. In establishing anchorage grounds, the Secretary must take into account factors like navigational safety, protection of the marine environment, proximity to undersea pipelines and cables, safe and efficient use of the Marine Transportation System, and national security. 46 U.S.C. §70007.

the maritime or commercial interests of the U.S. require such anchorage ground for safe navigation and the establishment of the anchorage ground has been recommended by the Chief of Engineers.[39]

Regarding port security, the Secretary must prepare a National Maritime Transportation Security Plan that focuses on deterring and responding to a transportation security incident and includes the designation of areas for which the security plans are required to be prepared.[40] The Secretary is authorized to take certain actions to prevent and respond to acts of terrorism, cyber incidents, transnational organized crime, and foreign state threats.[41] These actions include, but are not limited to, carrying out or requiring inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures.[42]

Florida's Seaports

The seaports listed in s. 311.09(1), F.S., include: Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

Florida's 16 seaports, through cargo and cruise activities, support 900,000 direct and indirect jobs and contribute $117.6 billion in economic value, representing 13.3 percent of Florida's Gross Domestic Product.[43]

Florida's seaport governing bodies may be municipalities, counties, or special districts.

Seaport Security and Strategic Plans

Florida law requires each seaport to adopt, maintain, and periodically revise, a seaport-specific security plan to provide for secure seaport infrastructure to promote the safety and security of state residents and visitors and the flow of legitimate trade and travel.[44]

Florida law requires each seaport to develop a strategic plan with a 10-year horizon, which includes information relating to economic development, infrastructure development and improvement, port-related intermodal transportation facilities, intergovernmental coordination, and the physical, environmental, and regulatory barriers that seaports face.[45]

[39] 46 U.S.C. §70006.
[40] 46 U.S.C. §70103. A "transportation security incident" is defined as a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. 46 U.S.C. §70101.
[41] 46 U.S.C.A. §70116.
[42] *Id*.
[43] Florida Seaport Transportation and Economic Development Council, *2023-2024 Seaport Mission Plan,* p2, available at: https://flaports.org/wp-content/uploads/Florida-SMP-2024-PRINT-V2.pdf (last visited February 27, 2025). The report cites the Florida Seaport Transportation and Economic Development Council's December 2016 report on the Statewide Economic Impact of Florida's Seaports.
[44] Section 311.12(1), F.S. Section 311.13, F.S., provides a public records exemption for seaport security plans.
[45] Section 311.14(2), F.S.

III. Effect of Proposed Changes:

The bill authorizes the governing body of a seaport to apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring or mooring in an area, not to exceed 2,500 feet from a seaport entrance or a pier or wharf adjacent to a seaport channel or turning basin, for any of the following purposes:

- Implementing port security measures;
- Ensuring freight and passenger commerce is not impeded;
- Promoting the safety and security of residents and visitors of this state; or
- Maintaining and promoting the flow of legitimate trade and travel at all times.

Before applying to the FWC, the governing body of a seaport must hold at least two public hearings displaying the boundaries of and hearing public comments regarding the area in which the seaport proposes to limit anchoring or mooring. After the required public hearings, a seaport may apply to the FWC, pursuant to the Florida Vessel Safety Law,[46] to establish areas around the seaport where anchoring or mooring is prohibited.

The FWC may consult with the United States Coast Guard, the United States Army Corps of Engineers, and the Florida Department of Transportation when considering an application for, and the boundaries of, areas around seaports where anchoring or mooring will be prohibited.

When considering an application for a no anchoring or mooring zone, the FWC may modify the proposed boundaries of such prohibition and provide the reasons for such modification.

A prohibition of anchoring or mooring near a seaport may not take effect until the FWC has reviewed the proposed prohibition and determined by substantial competent evidence that the prohibition is necessary for any of the reasons listed above. The FWC must review and act upon an application within 90 days after receiving a completed application. If, within 30 days after a seaport submits an application, the FWC finds such application to be incomplete, the FWC must notify and advise the seaport as to what information is needed to deem the application complete.

A seaport's application is considered complete upon receipt of all requested information or correction of any error or omission for which the applicant was timely notified. An application is deemed complete if the FWC fails to notify and advise the seaport within 30 days after receiving the application. The FWC's action on the application is subject to review under the Administrative Procedures Act.[47]

After FWC's approval of a prohibition on anchoring or mooring and the boundaries of such prohibition, the governing body of the seaport must annually review such prohibitions at a public meeting, After the review, the seaport must notify the FWC of its review, and, if applicable, submit an application to the FWC with any proposed modifications to such boundaries.

The governing body of each seaport must include any FWC-approved limitations on anchoring and mooring in its security plan and in its strategic plan.

[46] Chapter 427, F.S.
[47] Chapter 120, F.S.

The bill authorizes the FWC to adopt rules[48] to implement provisions of the bill.

The bill amends s. 327.4109(1), F.S., incorporating the seaport authorization for a prohibition of anchoring or mooring into existing prohibitions on anchoring or mooring.

The bill reenacts 327.73(1)(bb), F.S., incorporating violations related to these new prohibitions on anchoring or mooring into the current penalty provision. A violation is a noncriminal infraction, punishable as a boating violation, for which the penalty is:

- For a first offense, up to a maximum of $100.
- For a second offense, up to a maximum of $250.
- For a third or subsequent offense, up to a maximum of $500.

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.

This bill takes effect 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[48] Rules are adopted pursuant to ss. 120.136(1) and 120.54, F.S.

C. Government Sector Impact:

The bill will likely have an insignificant negative fiscal impact on seaports to establish prohibitions on anchoring or mooring. The bill will also have an insignificant negative fiscal impact on the Florida Fish and Wildlife Conservation Commission to implement the provisions of the bill.

The bill may have a positive fiscal impact Marine Resources Conservation Trust Fund associated for anchoring or mooring around seaports where such activity is prohibited.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 327.4109, F.S., of the Florida Statutes.
This bill creates section 311.104, F.S., of the Florida Statutes.
This bill reenacts section 327.73, F.S., 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 Environment and Natural Resources on March 17, 2025:
Reduces the permitted size of areas where anchoring and mooring are prohibited to 2,500 feet from a seaport's entrance or pier or wharf adjacent to the seaport channel or turning basin. The underlying bill authorizes the areas to be created up to 5,000 feet from a seaport's entrance or pier or wharf adjacent to the seaport channel or turning basin.

CS by Transportation on March 4, 2025:
- Clarifies that the governing body of the seaport may apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring and mooring around a seaport.
- Provides a 90-day timeframe for FWC to review and act on a seaport's request.
- Requires the governing body of a seaport to notify FWC of its annual review of its anchoring and mooring prohibitions.
- Provides FWC rulemaking authority to implement the bill.
- Provides for the enforcement of a prohibition on anchoring or mooring around seaports as a boating violation.

B. Amendments:

None.

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

By the Committees on Environment and Natural Resources; and Transportation; and Senator Rodriguez

A bill to be entitled

An act relating to anchoring or mooring at seaports; creating s. 311.104, F.S.; authorizing the governing bodies of certain seaports to apply to the Fish and Wildlife Conservation Commission to prohibit anchoring or mooring within specified boundary limits for specified purposes; requiring the governing body of a seaport to hold a specified number of public hearings; authorizing the commission to consult with certain entities when considering an application for seaports where anchoring and mooring will be prohibited and the boundaries of such prohibited areas; authorizing the commission to modify zones where anchoring or mooring is prohibited; requiring the commission to provide reasons for any such modification; providing for review by the commission within a certain timeframe; requiring the commission to review and act upon an application within a specified timeframe after receipt of the application; requiring the commission to advise the governing body of a seaport if the commission finds an application to be incomplete; providing that the commission's actions are subject to review; requiring certain seaports annually to review the boundaries of approved prohibitions and notify the commission of such review and proposed modifications if necessary; requiring that certain information be included in seaport security plans and seaport strategic plans; providing rulemaking authority; reenacting and amending s. 327.4109, F.S.; conforming

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

penalties; reenacting s. 327.73(1)(bb), F.S., relating to noncriminal infractions, to incorporate the amendment made to s. 327.4109, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 311.104, Florida Statutes, is created to read:

311.104 Request for a prohibition of anchoring or mooring by a seaport.—

(1) The governing body of a seaport listed in s. 311.09(1) may apply to the Fish and Wildlife Conservation Commission to prohibit anchoring or mooring in an area, not to exceed 2,500 feet from a seaport entrance or pier or wharf adjacent to a seaport channel or turning basin, for any of the following purposes:

(a) Implementing port security measures;

(b) Ensuring freight and passenger commerce is not impeded;

(c) Promoting the safety and security of residents and visitors of this state; or

(d) Maintaining and protecting the flow of legitimate trade and travel at all times.

(2) Before applying to the commission, the governing body of a seaport shall hold at least two public hearings displaying the boundaries of and hearing public comments regarding the area in which the seaport proposes to prohibit anchoring or mooring.

(3) After the public hearings required in subsection (2), a seaport may apply, pursuant to chapter 327, to the commission to

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

establish areas around the seaport where anchoring or mooring is prohibited.

(4) The commission may consult with the United States Coast Guard, the United States Army Corps of Engineers, and the Department of Transportation when considering an application for, and the boundaries of, areas around seaports where anchoring or mooring will be prohibited.

(5) When considering an application to prohibit anchoring or mooring around a seaport, the commission may modify the proposed boundaries of such prohibition and provide the reasons for such modification.

(6) A prohibition of anchoring or mooring near a seaport established pursuant to this section may not take effect until the commission has reviewed the proposed prohibition and determined by substantial competent evidence that the prohibition is necessary for any of the reasons listed in subsection (1). An application for a prohibition must be reviewed and acted upon within 90 days after receipt of the completed application. If, within 30 days after the governing body of the seaport submits an application, the commission finds such application is incomplete, the commission must notify and advise the governing body of the seaport as to what information is needed to deem the application complete. An application is considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified. An application is deemed complete if the commission fails to notify and advise the governing body of the seaport within 30 days after receiving the application. The commission's action on the application is subject to review

under chapter 120.

(7) After commission approval of a prohibition on anchoring and mooring and the boundaries of such prohibition, the governing body of the seaport shall review such prohibition annually at a public meeting. After the review, the governing body of the seaport shall notify the commission of the results of its review, and, if applicable, submit an application to the commission with any proposed modifications to such boundaries.

(8) The governing body of each seaport shall include in its seaport security plan and its seaport strategic plan, as required under ss. 311.12 and 311.14, respectively, any approved limitations on anchoring and mooring established by the commission.

(9) The commission may adopt rules pursuant to ss. 120.136(1) and 120.54 to implement this section.

Section 2. Paragraph (a) of subsection (1) of section 327.4109, Florida Statutes, is amended, and subsection (5) of that section is reenacted, to read:

327.4109 Anchoring or mooring prohibited; exceptions; penalties.—

(1)(a) The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

1. Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;

2. Within 500 feet of a superyacht repair facility. For purposes of this subparagraph, the term "superyacht repair facility" means a facility that services or repairs a yacht with

a water line of 120 feet or more in length; or

3. Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the commission upon request of a local government within which the mooring field is located. The commission may adopt rules to implement this subparagraph.

4. Within a zone established by the commission at the request of a seaport pursuant to s. 311.104.

(5) A violation of this section is a noncriminal infraction, punishable as provided in s. 327.73(1)(bb).

Section 3. For the purpose of incorporating the amendment made by this act to section 327.4109, Florida Statutes, in a reference thereto, paragraph (bb) of subsection (1) of section 327.73, Florida Statutes, is reenacted to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(bb) Section 327.4109, relating to anchoring or mooring in a prohibited area, for which the penalty is:

1. For a first offense, up to a maximum of $100.

2. For a second offense, up to a maximum of $250.

3. For a third or subsequent offense, up to a maximum of $500.

Any person cited for a violation of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $100, except as otherwise provided in this

section. Any person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 4. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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4.22.25
Meeting Date

SB 594
Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Melissa Marsden

Phone 815 751 7445

Address PO Box 749582
Street

Email MelissaMarsden1@gmail.com

Green Cove Springs FL 32043
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

594
Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Bell

Phone 612-594-4429

Address 411 Walnut St #14920
Street

Email mbell20688@gmail.com

Green Cove Spgs, FL 32043
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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/2025
Meeting Date

Fiscal Policy
Committee

594
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kimberly Russo

Phone 843-879-5030

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Street

Email krusso@greatloop.org

Summerville, SC 29483
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: America's Great Loop Cruisers' Assoc.

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

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:	CS/SB 612
INTRODUCER:	Criminal Justice Committee and Senator Burgess
SUBJECT:	Murder
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Vaughan	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 612 amends s. 782.04(5), F.S., to create a new category of third degree murder for individuals younger than 18 who unlawfully distribute a specified substance that is proven to have caused or proven to have been a substantial factor in producing the death of the user. Substances include:

- A Schedule I controlled substance;
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.[1]

This new third degree murder category constitutes a second degree felony.

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.

[1] Section 782.04(l)(a)3.a.-j., F.S.

The bill takes effect on July 1, 2025.

II. Present Situation:

Nationwide, there has been an increase in young adults being charged as the result of distributing a substance that has caused death of another individual. In 2022, a California District Attorney's office charged a sixteen-year-old with murder for distributing Fentanyl that killed a pre-teen.[2] The San Bernardino County District Attorney's Office has utilized this charge twice to in recent years amid a spike in teenager overdose deaths in Southern California.[3]

Murder by Unlawful Distribution of Certain Controlled Substances

Section 782.04(1)(a)3., F.S., provides that first degree murder includes the unlawful killing of a human being which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or a mixture containing any of the following substances, when such substance or mixture is proven to be the *substantial factor* of the death of the user:

- A Schedule I controlled substance;[4]
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.

"Substantial factor" means that the use of a substance or mixture alone is sufficient to cause an overdose or serious bodily injury, regardless of whether any other substance or mixture used is also sufficient to cause an overdose or serious bodily injury.[5]

First degree murder is a capital felony,[6] punishable by death or life imprisonment.[7]

Third Degree Murder – Exclusion of Unlawful Distribution of Certain Controlled Substances

Section 782.04(4), F.S., provides that it is third degree murder, a second degree felony, when an unlawful killing of a human being, was perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate any felony *other than* any

[2] ABC News, *Mother reacts to murder charge against teen accused in her 12-year-old's fatal overdose*. available at https://abc7news.com/san-jose-teen-od-death-girl-drug-overdose-fentanyl/11509568/, (last visited March 18, 2025).
[3] Fox News, *California teen charged with murder for providing fentanyl to drug overdose victim*, available at https://www.foxnews.com/us/california-teen-charged-murder-providing-fentanyl-drug-overdose-victim?msockid=1aa65dbe159a63171107495a14b362c4, (last visited March 18, 2025).
[4] Section 893.03(1), F.S., provides a list of controlled substances.
[5] Section 782.04(5)(a), F.S.
[6] Section 782.04(1)(a)3., F.S.
[7] Section 782.082, F.S.

felony listed in subsection (4). This list of excluded felonies includes unlawful distribution by a person 18 years of age or older of any of the following substances when such substance is proven to be the *substantial cause* of the death of the user:

- A Schedule I controlled substance;
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.[8]

Currently, persons under 18 years of age are excluded from the capital crime of murder for the unlawful distribution of the above listed substances:

A person less than 18 years of age who distributes such substance and such distribution causes death may be charged with the second degree felony of third degree murder depending on the circumstances.

Capital Felonies

Under current Florida law, the term "capital felony" means a crime for which a person may be sentenced to death or life imprisonment.[9] Among these crimes are:

- The unlawful killing of a human being:
  - When perpetrated from a premeditated design to effect the death of the person killed or any human being;[10]
  - When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any specified offense;[11] or
  - Which resulted from the unlawful distribution by a person 18 years of age or older of any specified substances, or mixture containing any specified substance, when such substance or mixture is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user.
- Sexual battery, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age.[12]
- Trafficking in specified controlled substances.[13]

A person under the age of 18 at the time of the offense will receive a sentence of life in prison as specified in s. 775.082(1)(b)1., F.S. If after sentencing the court finds that life imprisonment is

[8] Section 782.04(4)(l), F.S.
[9] See Sections 921.141, 921.142, and 921.1425, F.S.
[10] Section 782.04(1)(a)1., F.S.
[11] Section 782.04(1)(a)2., F.S.
[12] Section 794.011(2), F.S.
[13] See s. 893.135, F.S.

not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years.[14]

III. Effect of Proposed Changes:

The bill amends s. 782.04(5), F.S., to create a new category of third degree murder for individuals younger than 18 who unlawfully distribute a specified substance that is proven to have caused or proven to have been a substantial factor in producing the death of the user. Substances include:

- A Schedule I controlled substance;
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.[15]

This new third degree murder category constitutes a second degree felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

[14] Section 775.082(1)(b)1., F.S.
[15] Section 782.04(l)(a)3.a.-j., F.S.

E. Other Constitutional Issues:

None.

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 19 new commitments to prison under s. 782.04(4), F.S. However, it is not known how many of these commitments were due to the unlawful distribution of specific controlled substances leading to the death of a user.[16]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 782.04 of the Florida Statutes.

[16] Office of Economic and Demographic Research, *SB 612 - Murder,* (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 by Criminal Justice on March 25, 2025:
The committee substitute establishes third degree murder, classified as a second degree felony, for individuals under 18 who distribute a substance proven to have caused or significantly contributed to someone's death.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Burgess

591-02842-25 2025612c1

A bill to be entitled

An act relating to murder; amending s. 782.04, F.S.; creating the offense of murder in the third degree; providing criminal penalties; providing an effective date.

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

Section 1. Present subsection (5) of section 782.04, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

782.04 Murder.—

(5) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, the unlawful distribution of any substance listed in sub-subparagraphs (1)(a)3.a.-j. by a person younger than 18 years of age, when such substance is proven to have caused or is proven to have been a substantial factor in producing the death of the user, is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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:	CS/SB 614
INTRODUCER:	Children, Families, and Elder Affairs Committee and Senator Polsky
SUBJECT:	Public Education of Background Screening Requirements
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kennedy	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Favorable**
3.	Kennedy	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 614 requires the Agency for Health Care Administration (AHCA), in coordination with other specified agencies, to launch a user-friendly, public-facing webpage by January 1, 2026, that serves as a centralized hub for background screening education and awareness.

The site must explain the Care Provider Background Screening Clearinghouse process, Level 2 screening requirements, fingerprinting procedures, and include a searchable job catalog, disqualifying offenses, exemption steps, and a downloadable checklist.

Additionally, the bill requires all specified agencies to prominently link to this resource from their websites and encourage the inclusion of the link in job postings. Annual updates are required by October 1.

The bill has an insignificant, negative fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

II. Present Situation:

Criminal Background Screening

Criminal background screening plays a key role in protecting vulnerable populations such as children, individuals with disabilities, and the elderly. The Florida Department of Law Enforcement (FDLE) operates the Care Provider Background Screening Clearinghouse, which handles fingerprint-based background checks for individuals applying to work in various care settings. These screenings include both state and federal criminal history checks. Level 2 screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through the FDLE, and national criminal history records checks through the Federal Bureau of Investigation (FBI).[1]

Various state agencies require background screenings depending on the population served. For example, the Department of Children and Families (DCF) mandates screenings for individuals working in childcare facilities, foster care, adoption agencies, and certain recreational programs.[2] The Agency for Health Care Administration (AHCA) also plays a role in oversight, particularly for health care providers.[3] Other agencies include the Department of Health (DOH), the Department of Elder Affairs (DOEA), the Department of Juvenile Justice (DJJ), the Agency for Persons with Disabilities (APD), and the Department of Education (DOE) and specific entities, including school districts, special districts, the Florida School for the Deaf and the Blind, the Florida Virtual School, charter schools and alternative schools, workforce boards, and local licensing agencies, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.[4]

To ensure accountability, statute enforces strict penalties for noncompliance. Programs that fail to screen personnel or knowingly retain individuals with disqualifying offenses may face legal action.[5] Under s. 409.175(12), F.S., such violations can result in first-degree misdemeanor or third-degree felony charges, depending on the circumstances.[6]

Chapter 435, F.S., sets the legal standards for background screening of individuals in positions of trust, particularly those working with vulnerable populations. It outlines Level 1 (state-only) and Level 2 (state and federal fingerprint-based) screenings:

- **Level 1**: Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement

[1] Section 435.01, F.S.
[2] Department of Children and Families, *Background Screening*, available at https://www.myflfamilies.com/services/background-screening (last visited March 26, 2025).
[3] Agency for Health Care Administration, *Background Screening*, available at https://ahca.myflorida.com/health-quality-assurance/bureau-of-central-services/background-screening (last visited March 26, 2025).
[4] Section 435.02(7), F.S.
[5] Section 409.175, F.S.
[6] *Id.*

(FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,[7] and may include criminal records checks through local law enforcement agencies.[8,9]

- **Level 2**: Screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[10]

Florida law prohibits anyone, including individuals, agencies, foster homes, and children's camps, from using criminal or juvenile record information obtained through background screening for anything other than employment decisions.[11]

Disqualifying Offenses

Disqualifying offense refers to a criminal conviction that legally bars an individual from employment in certain positions of trust or care, particularly those involving vulnerable populations such as children, the elderly, or persons with disabilities.[12] If a person has been convicted of a disqualifying offense, they are generally ineligible for employment in licensed facilities or programs unless they obtain an exemption from disqualification.[13] Employers are prohibited from hiring individuals with these offenses unless a formal exemption is granted by the appropriate agency.[14] Disqualifying offenses include:

Statute	Offense Description
39.205	Failure to report child abuse, abandonment, or neglect
393.135	Sexual misconduct with developmentally disabled clients
394.4593	Sexual misconduct with mental health patients
414.39	Public assistance fraud (felony)
415.111	Abuse, neglect, or exploitation of aged or disabled adults
777.04	Attempts, solicitation, and conspiracy to commit listed offenses
782.04	Murder
782.07	Manslaughter and aggravated manslaughter
782.071	Vehicular homicide
782.09	Killing of unborn child by injury to mother
Chapter 784	Felony assault, battery, or culpable negligence
784.011	Assault (victim was a minor)
784.021	Aggravated assault
784.03	Battery (victim was a minor)
784.045	Aggravated battery

[7] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, www.nsopw.gov (last visited March 26, 2025).
[8] Department of Law Enforcement, *State of Florida Criminal History Records Check*, http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx (last visited March 26, 2025).
[9] Section 435.03, F.S.
[10] Section 435.04, F.S.
[11] Section 409.175(12), F.S.
[12] Section 435.01, F.S.
[13] Section 435.07, F.S.
[14] Section 435.06, F.S.

Statute	Offense Description
784.075	Battery on facility staff or juvenile probation officer
787.01	Kidnapping
787.02	False imprisonment
787.025	Luring or enticing a child
787.04(2)	Interfering with custody—taking child beyond state lines
787.04(3)	Avoiding custody hearing—taking child beyond state lines
787.06	Human trafficking
787.07	Human smuggling
790.115(1)	Exhibiting firearms or weapons within 1,000 feet of school
790.115(2)(b)	Possessing weapons on school property
794.011	Sexual battery
794.041	Prohibited acts by persons in familial/custodial authority
794.05	Unlawful sexual activity with certain minors
794.08	Female genital mutilation
Chapter 796	Prostitution-related offenses
798.02	Lewd and lascivious behavior
Chapter 800	Lewdness and indecent exposure
806.01	Arson
810.02	Burglary
810.14	Voyeurism (felony)
810.145	Video voyeurism (felony)
Chapter 812	Theft, robbery, and related crimes (felony)
817.563	Fraudulent sale of controlled substances (felony)
825.102	Abuse or neglect of elderly or disabled adult
825.1025	Lewd acts upon elderly or disabled adult
825.103	Exploitation of elderly or disabled adult (felony)
826.04	Incest
827.03	Child abuse or neglect
827.04	Contributing to delinquency or dependency of a child
827.05	Negligent treatment of children (former statute)
827.071	Sexual performance by a child
831.311	Counterfeit-resistant prescription blanks
836.10	Threats of violence or terrorism
843.01	Resisting arrest with violence
843.025	Depriving officer of communication or protection
843.12	Aiding in an escape
843.13	Aiding juvenile inmate escape
Chapter 847	Obscene literature
859.01	Poisoning food or water
873.01	Illegal sale or purchase of human organs or tissue
874.05	Gang recruitment or encouragement
Chapter 893	Drug offenses (felony or involving minors)
916.1075	Sexual misconduct with forensic clients
944.35(3)	Cruel treatment of inmate causing great bodily harm

Statute	Offense Description
944.40	Escape
944.46	Aiding escaped prisoner
944.47	Introducing contraband into correctional facility
985.701	Sexual misconduct in juvenile programs
985.711	Contraband in detention facilities

Exemptions

An exemption from disqualification in Florida allows individuals who have been disqualified from employment due to a criminal offense to request permission to work in positions requiring background screening, despite their criminal history.[15] According to statute, the licensing agency may grant to any employee otherwise disqualified from employment an exemption from disqualification for employment or permission to work solely in a nonclient-facing role if certain criteria are met.[16] The exemptions are as follows:[17]

- Two years have elapsed since the individual has completed or been lawfully released from confinement supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

Exemptions from disqualification are not available for individuals convicted of certain serious criminal offenses such as sexual misconduct with children, murder, kidnapping, human trafficking, and other violent or sexually explicit offenses involving vulnerable populations unless a specific statutory provision allows it.[18] These offenses are viewed as incompatible with positions of trust or care, particularly those involving children, the elderly, or persons with disabilities.[19]

Care Provider Background Screening Clearinghouse

The Care Provider Background Screening Clearinghouse (Clearinghouse) was first authorized in 2010 to create a centralized system for background screening across multiple health and human services agencies.[20] Prior to the Clearinghouse, individuals working with vulnerable populations, such as children, the elderly, or persons with disabilities, who often had to undergo separate background checks for each agency or employer, even within similar roles. This resulted in unnecessary delays, duplication of efforts, and increased costs for providers and the state.

The Clearinghouse was formally launched and began operations in 2012 in coordination with the AHCA and other state agencies.[21] The statute authorizes the AHCA to implement and maintain

[15] Section 435.07(1), F.S.
[16] *Id.*
[17] Section 435.07, F.S.
[18] Section 435.07(4), F.S.
[19] Section 431.01, F.S.
[20] Section 435, F.S.
[21] Section 435.12, F.S.

the Clearinghouse in coordination with other state agencies, including the DCF, the DOH, the DOEA, the APD, the DJJ, and the DOE.[22]

The Clearinghouse allows these agencies to access and share background screening results and eligibility determinations for individuals working or seeking to work in positions that require screening.[23] Authorized employers and state agencies can access screening results and eligibility decisions in real time, helping speed up hiring and licensing.[24] Each screening includes a photo to verify the person's identity.[25] All screenings are Level 2 background checks, which include fingerprinting and checks with the FDLE, the FBI, and state abuse registries.[26] The Clearinghouse stores fingerprints for up to five years using the FDLE Civil Workflow Control System (CWCS) and allows for easy rescreening and ongoing monitoring.[27] The Clearinghouse ensures regulatory compliance, prevents unnecessary duplication, and supports continuity across sectors while maintaining the integrity and security of screening information.

III. Effect of Proposed Changes:

Section 1 amends s. 435.12, F.S., to require the Agency for Health Care Administration (AHCA), in coordination with other specified agencies, to create a public-facing webpage that serves as a centralized hub for background screening education and awareness. This webpage must be accessible, non-technical, and tailored to qualified entities.

The webpage must explain how the Care Provider Background Screening Clearinghouse works, clarify Level 2 screening requirements, and outline procedures for live-scan fingerprinting, including vendor information and estimated costs. It must also feature a searchable catalog listing all employment positions legally subject to screening, identifying disqualifying offenses and outlining the exemption process.

The site must provide a downloadable checklist that summarizes key steps, timelines, and agency contacts related to the screening process. Additionally, the bill requires all specified agencies to prominently link to this resource from their websites and encourage the inclusion of the link in job postings.

The webpage must go live by January 1, 2026, and be updated annually by October 1 to reflect changes in law or process.

Section 2 provides the bill takes effect July 1, 2025.

[23] Section 435.12(1), F.S.
[23] Section 435.12(1), F.S.
[24] *Id.*
[25] Section 435.12(2)(c), F.S.
[26] Section 435.04, F.S.
[27] Rule 59A-35.090, F.A.C.

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 bill will have an insignificant, negative fiscal impact on state expenditures that can be absorbed within existing resources for the development, operation, and annual updating of a publicly accessible webpage as part of the Care Provider Background Screening Clearinghouse explaining background screening requirements and procedures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 435.12 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.)

CS by Children, Families, and Elder Affairs Committee on April 1, 2025:
The CS requires the Agency for Health Care Administration, in consultation with the Department of Law Enforcement and other specified agencies to:

- Develop and maintain a publicly available webpage as part of the existing Care Provider Background Screening Clearinghouse (Clearinghouse) system.
- Website must include clear, non-technical information tailored to qualified entities about background screening requirements.
  - Details on Level 2 background screening, the Clearinghouse and Live scan fingerprinting or similar system.
  - A searchable catalog, organized by agency, listing job classes/positions required to undergo screening, list of disqualifying offenses, exemption requirements and process, downloadable checklist outlining the screening process, timelines, and contact information, tailored for qualified entities.
- Each involved agency must provide a clear and conspicuous link to the webpage on their own websites and include the link in job vacancy ads and posts.
- Website must be live by January 1, 2026, and be reviewed and updated annually by October 1.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs; and Senator Polsky

586-03173A-25 2025614c1

A bill to be entitled

An act relating to public education of background screening requirements; amending s. 435.12, F.S.; requiring the Agency for Health Care Administration and the Department of Law Enforcement, in consultation with certain agencies, to develop and maintain a care provider background screening education and awareness webpage; providing requirements for resources provided on the webpage; requiring that specified agencies provide a link to the webpage on their respective websites and promote the inclusion of the link in certain media; requiring that the webpage be active by a specified date and updated annually; providing an effective date.

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

Section 1. Subsection (4) is added to section 435.12, Florida Statutes, to read:

435.12 Care Provider Background Screening Clearinghouse.—

(4)(a) As part of the Care Provider Background Screening Clearinghouse, the Agency for Health Care Administration, in consultation with all specified agencies that are required by law to use the clearinghouse for employment screening, must develop and maintain a publicly available webpage which provides a central source for care provider background screening education and awareness. This webpage may be part of the current web-based clearinghouse system. The resources available on the webpage must be written in nontechnical and accessible language,

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586-03173A-25 2025614c1

tailored to qualified entities as defined in s. 943.0542(1)(b) and include, but need not be limited to:

1. Information and education related to employment screening requirements of qualified entities, to include:

a. The Care Provider Background Screening Clearinghouse.

b. Level 2 screening standards under chapter 435.

c. Live-scan fingerprinting, or other third-party systems, including information on process, vendors, locations, and potential costs.

2. A searchable catalog, by specified agency, of qualified entity employment classes and positions required by law to undergo employment screening through the clearinghouse, to include:

a. Disqualifying offenses.

b. Exemption requirements and process.

3. A downloadable checklist detailing the process, timelines, and contact information for employment screening process support, tailored to qualified entities.

(b) Specified agencies must include a clear and conspicuous link to the webpage on their respective websites and promote the inclusion of the link in all job vacancy advertisements and posts by qualified entities.

(c) The webpage must be active by January 1, 2026, and reviewed and updated by October 1, 2026, and each subsequent year to incorporate any changes to law, the clearinghouse, or the employment screening process.

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

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

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:	CS/CS/SB 622
INTRODUCER:	Fiscal Policy Committee; Regulated Industries Committee; and Senators Rodriguez and Calatayud
SUBJECT:	Jai Alai Permitholders
DATE:	April 22, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS**
2.	Davis	Betta	AEG	**Favorable**
3.	Baird	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 622 provides that holders of a valid pari-mutuel permit are entitled to lease their pari-mutuel permitted facilities to any jai alai permitholder within a 35-mile radius. This changes the current restriction that only allows holders of valid pari-mutuel permits to lease their facilities to any other holder of a same class valid pari-mutuel permit. The bill also removes the authority for these permitholders to be entitled to obtain an additional permit; however, they may apply for a license to conduct specified gaming activities at the leased premises.

Finally, the bill requires that a jai alai permitholder that leases a facility from another permitholder must conduct a minimum of 20 live performances using such permitholder's existing permit and may not operate under the lessor's permit.

The bill is not expected to affect state revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill takes July 1, 2025.

II. Present Situation:

Pari-Mutuel Wagering in Florida

Since approximately 1931, pari-mutuel wagering (PMW) activities have been authorized in Florida for jai alai, greyhound racing, and horseracing. Pari-mutuel wagering is a system of betting where all bets are placed into a pool and the payout is *then* distributed among the winners, proportionally to their wagers, after deducting a percentage for the house.

These activities are overseen and regulated[1] by the Division of Pari-Mutuel Wagering (division) within the Florida Gaming Control Commission (commission), which is housed for administrative purposes within the Department of Legal Affairs, Office of the Attorney General.[2] The commission issues permits and operating licenses for PMW activities. Only pari-mutuel wagering permitholders under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their PMW facilities.

Pari-Mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (Act)[3] provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.[4] Pari-mutuel wagering activities are limited to operators who have received a permit from the division, which is then subject to ratification by county referendum.[5] Permitholders apply for an operating license annually to conduct PMW activities.[6] Certain permitholders are also authorized to operate cardrooms[7] and slot machines at their facility.[8]

The Act generally requires that any transfer or assignment of a permit receive prior approval[9] by the commission, which must determine the eligibility[10] of persons and entities to hold a permit. Similarly, if a permit is held by a corporation or business entity other than an individual, the transfer of ten percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission.[11]

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[1] From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, which, in 1993, became the Department of Business and Professional Regulation.
[2] *See* ss. 16.71-16.716, F.S.
[3] Chapter 550, F.S.
[4] Section 550.054(1), F.S.
[5] Section 550.054(2), F.S.
[6] Section 550.0115, F.S.
[7] Section 849.086, F.S.
[8] Section 551.104, F.S.
[9] There is one exception to the prior-approval requirement in s. 550.054(11)(a), F.S., which is that the holder of a permit converted to a jai alai permit "may lease or build anywhere within the county in which its permit is located." As of 2021, such conversions are prohibited. See s. 550.054(15)(d), F.S.
[10] *See* s. 550.1815, F.S.
[11] Section 550.054(11)(b), F.S.

The Act restricts pari-mutuel permitholders from being issued an operating license to conduct PMW, slot machine gaming, or the operation of a cardroom if the permitholder did not hold an operating license for the conduct of PMW for Fiscal Year 2020-2021.[12]

The Act restricts pari-mutuel permitholders from holding a permit to conduct PMW and associated cardroom or slot machine licenses[13] unless the permitholder, other than a limited thoroughbred permitholder, held an operating license for the conduct of PMW for Fiscal Year 2020-2021.[14]

The Act specifies that permits held on January 1, 2021, are deemed valid,[15] but new permits for pari-mutuel wagering may not be approved or issued.[16]

The commission is required to revoke the permit of any permitholder, other than a limited thoroughbred permitholder, who did not hold an operating license for the conduct of PMW for Fiscal Year 2020- 2021. A permit revoked under this provision is void and may not be reissued.[17]

Those pari-mutuel permits approved under ch. 550, F.S., are issued to the specific location in the permit application and for a specific type of pari-mutuel activity. Authorized pari-mutuel permit types include: greyhound racing, jai alai, thoroughbred racing, quarter horse racing, and harness horse racing.

Leasing of Pari-Mutuel Facilities

Florida allows holders of pari-mutuel permits to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit.[18] There is a requirement that the facility be located within a 35-mile radius of the lessee.[19] Once a lease agreement is in place, the lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premise.[20]

Florida defines the same class of races, games or permit as:

With respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, other greyhound permitholders conducting pari-mutuel wagering; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.[21]

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[12] Section 550.01215(1)(d), F.S.
[13] Under s. 551.114(4), F.S., designated slot machine gaming areas must be located at the address specified in the licensed permitholder's slot machine license issued for Fiscal Year 2020-2021.
[14] Section 550.054(15)(a), F.S.
[15] Section 550.054(15)(b), F.S.
[16] Section 550.054(15)(c), F.S.
[17] Section 550.054(9)(c), F.S.
[18] Section 550.475, F.S.
[19] *Id*.
[20] *Id*.
[21] Section 550.002(31), F.S.

During Fiscal Year 2024-2025, approximately six pari-mutuel operating licenses are operating by lease at another same class pari-mutuel permitholder's permitted facility under s. 550.475, F.S.[22]

Jai Alai

Jai alai is a fast-paced sport involving players hurling a ball against a wall, that can be configured in various ways, typically involving single players, teams of two, or in modern leagues, teams of six. Beginning in the early 20th century in Florida, jai alai experienced great popularity but has since seen a decline in popularity throughout the 21st century.

There are approximately 10 jai alai operating licenses operating at seven permitted facilities.[23] During Fiscal Year 2023-2024, jai alai permitholders brought in less than $1,000,000 in revenue from the pari-mutuel handle.[24] In Fiscal Year 2023-2024, only Dania Jai Alai and Magic City Jai Alai were conducting live jai alai games.

III. Effect of Proposed Changes:

Section 1 amends s. 550.475, F.S., to allow a pari-mutuel permit holder to lease their facilities to *any* jai alai permitholder when located within a 35-mile radius.

This amends the current law to allow a pari-mutuel permit holder to lease their facilities to jai alai permitholders, even if the jai alai permitholder *is not* in the same class as the pari-mutuel holder, (i.e., thoroughbred permit holder could lease their premises to a jai alai permitholder).

The bill also removes the authority for these permitholders to be entitled to obtain an additional permit; however, they may apply for a license to conduct intertrack wagering and operate its race meet or jai alai games activities at the leased premises.

Finally, the bill requires that a jai alai permitholder that leases a facility from another permitholder must conduct a minimum of 20 live performances using such permitholder's existing permit and may not operate under the lessor's permit.

Sections 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[22] *See* Florida Gaming Control Commission, *2025 Agency Legislative Bill Analysis for SB 622* at 2 (March 4, 2025) (on file with the Senate Committee on Regulated Industries).
[23] *See* Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited March 24, 2025).
[24] *Id*.

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:

The bill may have a positive economic impact on businesses by opening up more opportunities for lessors and lessees of pari-mutuel wagering facilities. The amount of additional revenue that may be generated is unknown.

C. Government Sector Impact:

The bill is not expected to impact state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 550.475 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 April 22, 2025:
The committee substitute provides:

- That valid pari-mutuel permitholders may lease their facilities at their permitted location to any jai alai permitholder.
- The lessee may apply for a license to conduct intertrack wagering and operate its race meet or jai alai games at leased facility but may not operate a cardroom or slot machine at the leased facility.
- The jai alai permitholder that leases a facility must conduct a minimum of 20 live performances using their own permit and may not operate under the lessor's permit.

CS by Regulated Industries on March 25, 2025:
The committee substitute provides that a holder of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of a same class valid or to any jai alai permitholder.

Additionally, the committee substitute provides that such lessee may apply (as opposed to being entitled) for a license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises.

B. Amendments:

None.

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

725608

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state may ~~are entitled to~~ lease ~~any and all of~~ their facilities, located at

725608

the address listed on the permit on January 1, 2021, to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee may apply for a ~~is entitled to a permit and~~ license to conduct intertrack wagering and operate its race meet or jai alai games at the leased facility but may not operate a cardroom or slot machine license at the leased facility. A jai alai permitholder that leases a facility in accordance with this section must conduct a minimum of 20 live performances using such permitholder's existing permit and may not operate under the lessor's permit ~~premises~~.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to jai alai permitholders; amending s. 550.475, F.S.; authorizing holders of valid pari-mutuel permits to lease certain facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessees to apply for a certain license; prohibiting such lessees from operating a cardroom or slot machine at the leased facility; requiring certain jai alai permitholders to conduct a minimum number of live performances using their existing permit; prohibiting

725608

operation under a lessor's permit; providing an effective date.

669490

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Rodriguez) recommended the following:

Senate Amendment to Amendment (725608)

Delete lines 10 - 18
and insert:
~~entitled to~~ lease ~~any and all of~~ their facilities at their permitted location as of January 1, 2021, to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee may apply for a ~~is entitled to a permit and~~ license to conduct intertrack wagering and operate its race

669490

meet or jai alai games at the leased facility but may not operate a cardroom or slot machine license at the leased facility. A jai alai permitholder that leases a facility from another permitholder in

By the Committee on Regulated Industries; and Senators Rodriguez and Calatayud

580-02870-25 2025622c1

A bill to be entitled

An act relating to jai alai permitholders; amending s. 550.475, F.S.; providing that holders of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessee to apply for a license, rather than be entitled to a permit and license, to conduct specified gaming activities at the leased premises; reenacting ss. 550.054(14)(b) and 550.615(8), F.S., relating to application for permit to conduct pari-mutuel wagering and intertrack wagering, respectively, to incorporate the amendment made to s. 550.475, F.S., in references thereto; providing an effective date.

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

Section 1. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state may ~~are entitled to~~ lease ~~any and all of~~ their pari-mutuel permitted facilities to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee may apply for a ~~is entitled to a permit and~~ license to conduct intertrack wagering and operate its race meet or jai alai games at the leased

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

580-02870-25 2025622c1

premises.

Section 2. For the purpose of incorporating the amendment made by this act to section 550.475, Florida Statutes, in a reference thereto, paragraph (b) of subsection (14) of section 550.054, Florida Statutes, is reenacted to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(14)

(b) The commission, upon application from the holder of a jai alai permit meeting all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A permitholder of a permit converted under this section shall be required to apply for and conduct a full schedule of live racing each fiscal year to be eligible for any tax credit provided by this chapter. The holder of a permit converted pursuant to this subsection or any holder of a permit to conduct greyhound racing located in a county in which it is the only permit issued pursuant to this section who operates at a leased facility pursuant to s. 550.475 may move the location for which the permit has been issued to another location within a 30-mile radius of the location fixed in the permit issued in that county, provided the move does not cross the county boundary and such location is approved under the zoning regulations of the county or municipality in which the permit is located, and upon such relocation may use the permit for the conduct of pari-mutuel wagering and the operation of a cardroom. The provisions of s. 550.6305(9)(d) and (f) shall apply to any permit converted under this subsection and shall continue to apply to any permit which was previously included

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

under and subject to such provisions before a conversion pursuant to this section occurred.

Section 3. For the purpose of incorporating the amendment made by this act to section 550.475, Florida Statutes, in a reference thereto, subsection (8) of section 550.615, Florida Statutes, is reenacted to read:

550.615 Intertrack wagering.—

(8) In any three contiguous counties of the state where there are only three permitholders, all of which are greyhound permitholders, if any permitholder leases the facility of another permitholder for all or any portion of the conduct of its live race meet pursuant to s. 550.475, such lessee may conduct intertrack wagering at its pre-lease permitted facility throughout the entire year.

Section 4. This act shall take effect July 1, 2025.

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

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:	CS/SB 716
INTRODUCER:	Criminal Justice Committee and Senator Martin
SUBJECT:	Sexual Offenses by Persons Previously Convicted of Sexual Offenses
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Vaughan	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 716 creates s. 794.0116, F.S., to provide that certain sexual offenses will carry mandatory minimum sentences if committed by a registered sexual offender or sexual predator. The bill also sets forth that a defendant sentenced under this section is not eligible for gain-time or any other form of discretionary early release, other than pardon or executive clemency, before serving the minimum sentence.

A person who was previously convicted of, or had adjudication withheld for, a crime listed in ss. 943.0435 or 775.21, F.S., and commits a violation of any of the following shall be sentenced to a mandatory minimum term of imprisonment of 10 years:

- Luring or enticing a child under s. 787.025(2)(c), F.S.;
- Lewd or lascivious battery or molestation under s. 800.04(4) or (5), F.S.;
- Lewd or lascivious battery or molestation upon an elderly or disabled person under s. 825.1025(2) or (3), F.S.;
- Sexual performance by a child or child pornography (victims older than 12 years of age) under s. 827.071, F.S.;
- Selling or buying of minors under s. 847.0145, F.S.; or,
- Sexual battery under s. 794.011, excluding 794.011(10), F.S.

Sexual offenders and sexual predators who were previously convicted of, or had adjudication withheld for, a crime listed in ss. 943.0435 or 775.21, F.S., and subsequently are convicted of a new crime of sexual performance by a child or child pornography (victims 12 years of age or

younger) under s. 827.071, F.S., shall be sentenced to a minimum mandatory term of imprisonment of 20 years.

The bill specifies that if the mandatory minimum term of imprisonment imposed exceeds the maximum sentence authorized under ss. 775.082, 775.084, or ch. 921, F.S., the mandatory minimum term of imprisonment must be imposed. If the mandatory minimum term of imprisonment is less than the sentence that could be imposed under ss. 775.082, 775.084, or ch. 921, F.S., the sentence imposed must include the minimum term of imprisonment under the bill.

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

The bill takes effect on October 1, 2025.

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles (DHSMV), and law enforcement officials. Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.[1] The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.[2]

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.[3] The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes[4] and are implemented through the combined efforts of law enforcement, the DOC, the Department of Juvenile Justice, the DSHMV, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person: [5]

[1] Sections 775.21 and 943.0435, F.S.
[2] *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).
[3] Sections 775.21 and 943.0435, F.S.
[4] Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.
[5] Section 775.21, F.S.

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;[6]
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.[7]

A person is classified as a sexual offender if the person:[8]

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age of older.

Sex Offender Recidivism

Sex crimes have historically been difficult to measure due to the nature of the crimes, underreporting and timeframes surrounding the crimes. These factors contribute to the complex nature of measuring offenses and rates of recidivism. Sexual recidivism rates vary widely, ranging from 5% after three years to 24% after 15 years.[9]

The Department of Corrections defines recidivism as a return to prison, as the result of either a new conviction or a violation of post-prison supervision, within three years of their prison release date. Inmates incarcerated with the primary offense of a sexual/lewd behavior reactivated at a rate of:

- 11.4% within 12 months of release,
- 8.5% within 24 months of release,
- 6.3% within 36 months of release.[10]

Jessica Lunsford Act

The Jessica Lunsford Actwas enacted in Florida in 2005 following the tragic abduction, rape, and murder of nine-year-old Jessica Lunsford by a repeat sex offender. Individuals convicted of lewd or lascivious molestation of a child under 12 years old face a mandatory minimum sentence of 25

[6] Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).
[7] Sections 775.21(4) and (5), F.S., The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.
[8] Section 943.0435, F.S.
[9] U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Chapter 5: Adult Sex Offender Recidivism*, available at https://smart.ojp.gov/somapi/chapter-5-adult-sex-offender-recidivism (last visited April 10, 2025).
[10] Florida Department of Corrections, *Florida Prison Recidivism Report: Releases from 2009 to 2021*, available at https://fdc-media.ccplatform.net/content/download/25944/file/FDC%20Recidivism%20Report%202019%20Cohort%20July%202024.pdf (last visited April 10, 2025).

years in prison, [11] with the exception of a life felony committed on or after September 1, 2005 which is punishable by life imprisonment or at least 25 years in prison followed by probation or community control for the offenders natural life.[12]

Dangerous Sexual Felony Offender

The Dangerous Sexual Felony Offender Act provides that a person is a "dangerous sexual felony offender" if he or she is convicted of violations specified in s. 794.0115, F.S,. Dangerous sexual felony offenders must be sentenced to a mandatory minimum term of 25 years of imprisonment. They may be sentenced above that threshold up to, and including, life imprisonment.

Sex Offenses and Crimes Against Children

Luring or Enticing a Child

Section 787.025(2)(c), F.S., provides that it is a third degree felony to commit the offense of luring or enticing a child, after having been previously convicted of a specified offense. A person 18 years of age or older commits such offense if he or she:

- Was previously been convicted of a sexual battery offense under ch. 794, F.S., or a lewd or lascivious offense under s. 800.04, F.S., or s.847.0135(5), F.S., or a violation of a similar law of another jurisdiction; and
- Intentionally lures or entices, or attempt to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose.

The Florida Supreme Court has interpreted "for other than a lawful purpose" as "for an 'illegal' purpose, i.e., with intent to violate Florida law by committing a crime.[13]

Lewd and Lascivious Battery on an Elderly or Disabled Person

A person commits a lewd and lascivious battery upon an elderly person or disabled person, when he or she encourages, forces, or entices an elderly person or disabled person to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent.[14]

Sexual activity, as it relates to lewd and lascivious battery on an elderly or disabled person, means the oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object.[15]

Lewd or Lascivious Molestation on Persons Under the Age of 16

A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces

[11] Section 800.04(5)(b), F.S.
[12] Section 775.082(3)(a)(4), F.S.
[13] *State v. Brake*, 796 So. 2d at 529, (Fla. 2001). While the Court in Brake upheld the constitutionality of the statute on a vagueness challenge to the "other than a lawful purpose" language, the court struck down a provision of the law that provides that luring a child "without the consent of the child's parent or legal guardian shall be prima facie evidence of other than a lawful purpose."
[14] Section 825.1025(2), F.S. A lewd or lascivious battery on an elderly person or disabled person is a second degree felony.
[15] Section 825.1025(1), F.S. Sexual activity does not include an act done for a bona fide medical purpose.

or entices a person under 16 years of age to touch the perpetrator, commits lewd or lascivious molestation.[16]

An offender 18 years of age or older who commits lewd or lascivious molestation against a victim:

- Less than 12 years of age, commits a life felony.
- Twelve years of age or older but less than 16 years of age, commits a second degree felony.
- Twelve years of age or older but less than 16 years of age and the person was previously convicted of specified offenses under s. 800.04(5)(c)2.,F.S., commits a first degree felony.[17]

An offender less than 18 years of age who commits lewd or lascivious molestation against a victim:

- Less than 12 years of age, commits a second degree felony.
- Twelve years of age or older but less than 16 years of age, commits a third degree felony.

Sexual Performance by a Child

Section 827.071, F.S., provides that it is a second degree felony to employ, authorize, or induce a child younger than 18 years of age to engage in a sexual performance or for a parent, legal guardian, or custodian of such child to consent to the participation by such child in a sexual performance. It is also a second degree felony for any person to produce, direct, or promote any performance which includes sexual conduct by a child less than 18 years of age. A person may not possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child.

Additionally, it is a third degree felony for a person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include any sexual conduct by a child.[18]

Selling or Buying of Minors

Section 847.0145, F.S. provides that selling or buying of minors is when any parent, legal guardian, or other person having custody or control of a minor sells or otherwise transfers custody or control of such minor or offers to sell or otherwise transfer custody of such minor, either:

- With knowledge that the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit; or,
- With intent to promote either engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct or the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

Whoever sells, transfers or obtains custody or control of a minor commits a first degree felony.

[16] Section 800.04(5)(a), F.S.
[17] Section 800.04(5), F.S.
[18] Section 827.071(5), F.S.

Sexual Battery

Chapter 794, F.S., contains numerous sections of law relating to sexual battery. Section 794.011, F.S., defines the crime of "sexual battery" to mean oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. A sexual battery may be classified as high as a capital felony depending on factors such as the age of the offender, age of the victim, and injuries.

Criminal Punishment Code

The Criminal Punishment Code (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10). The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.[19]

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. Absent mitigation, the

[19] Section 775.082, F.S.

permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.[20]

If the scored lowest permissible sentence exceeds the maximum penalty in Section 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment.[21]

Mandatory Minimum Sentencing

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court- imposed sentences.[22] These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

Gain-Time

Section 944.275, F.S., allows the Department of Corrections (DOC) to grant deductions from sentences in the form of gain-time to encourage satisfactory inmate behavior, to provide an incentive for inmates to participate in productive activities, and to reward inmates who perform outstanding deeds or services.

For sentences imposed for offenses committed on or after October 1, 1995, an inmate may not earn any type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in an inmate's release, prior to serving a minimum of 85 percent of the sentence imposed. Credits awarded by the court for time physically incarcerated are credited toward satisfaction of 85 percent of the sentence imposed. Except as provided by s. 944.275, F.S., an inmate may not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the inmate will have served 85 percent of the sentence imposed. If an inmate is found to have violated state law or department rules, gain-time may be forfeited according to law.[23]

Inmates sentenced to life imprisonment must be incarcerated for the rest of their natural lives, unless granted pardon or clemency.[24] Certain offenders are statutorily prohibited from earning gain-time.

[20] Section 921.0024, F.S.
[21] *Id.*
[22] U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications*, available at https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future (last visited on April 10, 2025).
[23] Sections 944.275(5) and 944.28, F.S.
[24] Section 944.275(4)(f), F.S.

III. Effect of Proposed Changes:

CS/SB 716 creates s. 794.0116, F.S., to provide that certain sexual offenses will carry mandatory minimum sentences if committed by a registered sexual offender or sexual predator. The bill also sets forth that a defendant sentenced under this section are not eligible for gain-time or any other form of discretionary early release, other than pardon or executive clemency, before serving the minimum sentence.

A person who was previously convicted of or had adjudication withheld for a crime listed in ss. 943.0435 or 775.21, F.S., and commit a violation of any of the following shall be sentenced to a mandatory minimum term of imprisonment of 10 years:

- Luring or enticing a child under s. 787.025(2)(c), F.S.;
- Lewd or lascivious battery or molestation under s. 800.04(4) or (5), F.S.;
- Lewd or lascivious battery or molestation upon an elderly or disabled person under s. 825.1025(2) or (3), F.S.;
- Sexual performance by a child or child pornography (victims older than 12 years of age) under s. 827.071, F.S.;
- Selling or buying of minors under s. 847.0145, F.S.; or,
- Sexual battery under s. 794.011, excluding 794.011(10), F.S.

Sexual offenders and sexual predators who were previously convicted or had adjudication withheld of a crime listed in ss. 943.0435 or 775.21, F.S., and subsequently are convicted of a new crime of sexual performance by a child or child pornography (victims 12 years of age or younger) under s. 827.071, F.S., shall be sentenced to a minimum mandatory term of imprisonment of 20 years.

The bill specifies that if the mandatory minimum term of imprisonment imposed exceeds the maximum sentence authorized under ss. 775.082 or 775.084, or ch. 921, F.S., the mandatory minimum term of imprisonment must be imposed. If the mandatory minimum term of imprisonment is less than the sentence that could be imposed under ss. 775.082 or 775.084, or ch. 921, F.S., the sentence imposed must include the minimum term of imprisonment under the bill.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 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, there are currently 11,914 inmates incarcerated under these statutes, with several of these offenses already having a higher average sentence length than the proposed mandatory minimum sentence. Therefore, the magnitude of the prison bed impact cannot be determined.[25]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 794.0116

[25] Office of Economic and Demographic Research, *SB 716 – Sexual Offenses by Registered Sexual Offenders or Sexual Predators*, (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 by Criminal Justice on March 11, 2025:
The committee substitute provides that a person who is convicted of certain sex offenses, rather than a person who must register as a sex offender, must serve a mandatory minimum for a conviction of specified offenses.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Martin

591-02288-25 2025716c1

A bill to be entitled

An act relating to sexual offenses by persons previously convicted of sexual offenses; creating s. 794.0116, F.S.; providing mandatory minimum terms of imprisonment for specified sexual offenses when committed by registered sexual offenders or sexual predators; providing requirements for such sentences; providing an effective date.

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

Section 1. Section 794.0116, Florida Statutes, is created to read:

794.0116 Sexual offenses by registered sexual offenders or sexual predators; mandatory sentencing.—

(1) A person who was previously convicted of or had adjudication withheld for any offense listed in s. 775.21 or s. 943.0435 and commits a violation of s. 787.025(2)(c); s. 794.011, excluding s. 794.011(10); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071; or s. 847.0145 shall be sentenced to a mandatory minimum term of imprisonment as follows:

Statute	Mandatory Minimum
787.025(2)(c)	10 years
794.011, excluding s. 794.011(10)	10 years
800.04(4) or (5)	10 years
825.1025(2) or (3)	10 years
827.071 (victims older than 12 years of age)	10 years
827.071 (victim 12 years of age or younger)	20 years
847.0145	10 years

(2) Notwithstanding s. 775.082(3), chapter 958, any other law, or any interpretation or construction thereof, a person subject to sentencing under this section must be sentenced to the mandatory term of imprisonment provided under this section. If the mandatory minimum term of imprisonment imposed under this section exceeds the maximum sentence authorized under s. 775.082, s. 775.084, or chapter 921, the mandatory minimum term of imprisonment under this section must be imposed. If the mandatory minimum term of imprisonment under this section is less than the sentence that could be imposed under s. 775.082, s. 775.084, or chapter 921, the sentence imposed must include the mandatory minimum term of imprisonment under this section.

(3) A defendant sentenced to a mandatory minimum term of imprisonment under this section is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional

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

medical release under s. 947.149, before serving the minimum sentence.

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

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LATE

The Florida Senate

APPEARANCE RECORD

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April 22 2025
Meeting Date

Fiscal Policy
Committee

716
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
City *State* *Zip*

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

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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

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:	CS/SB 742
INTRODUCER:	Education Pre-K - 12 Committee and Senator Simon
SUBJECT:	Workforce Education
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	**Fav/CS**
2.	Gray	Elwell	AHE	**Favorable**
3.	Brick	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 742 allows charter schools to directly access funding through the Workforce Development Capitalization Incentive Grant Program. This funding may be used to cover some or all costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List.

Additionally, the bill increases from three to six the number of programs for which each career center and Florida College System institution must offer a money-back guarantee.

The bill may have an indeterminate negative fiscal impact on local governments. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Workforce Development Capitalization Incentive Grant Program

The Workforce Development Capitalization Incentive Grant Program (CAP Grant) provides grants to school districts and Florida College System (FCS) institutions to support the creation or expansion of career and technical education programs leading to industry certifications included on the CAPE Industry Certification Funding List. These programs may serve secondary students

or postsecondary students, provided the postsecondary career and technical education program also serves secondary students.[1]

Grant funds may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses related to the establishment or expansion of career and technical education programs serving secondary students. Expansion may include increasing program enrollment or adding new areas of specialization. However, grant funds may not be used for recurring instructional costs or institutions' indirect costs.[2]

The Department of Education (DOE) administers the program, and the State Board of Education is authorized to adopt rules for its administration. When ranking applications, the State Board of Education must consider the statewide geographic dispersion of grant funds and prioritize applications from education agencies that maximize workforce development funding by offering high-performing, high-demand programs.[3]

In both 2023[4] and 2024,[5] the Legislature provided $100 million for the CAP Grant.

Money-back Guarantee Program

The Money-back Guarantee Program aims to help individuals achieve self-sufficiency by requiring each school district and FCS institution to refund tuition costs for students who fail to secure employment in their trained field within six months of successfully completing an eligible workforce education program. These programs must prepare students for in-demand, middle- to high-wage occupations.[6]

Each school district and FCS institution must offer a money-back guarantee for at least three programs and establish student eligibility criteria, which may include:

- Student attendance.
- Program performance.
- Career Service or Career Day attendance.
- Internship or work-study participation.
- Job search documentation.
- Development of a career plan with the institution's career services department.[7]

The DOE is required to submit an annual report on the Money-back Guarantee Program. By November 1 of each year, the DOE must report performance results for each participating school district, FCS institution, and program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.[8]

[1] Section 1011.801, F.S.
[2] Section 1011.801(1), F.S.
[3] Section 1011.801(2), F.S.
[4] Section 51, ch. 2023-81, L.O.F.
[5] Specific Appropriation 120, s. 2, ch. 2024-231, L.O.F.
[6] Section 1011.803(1), F.S.
[7] Section 1011.803(2), F.S.
[8] Section 1011.803(4), F.S.

Five school districts do not meet the three-program requirement because they only operate two qualifying programs under the Money-back Guarantee Program.[9] A total of 3,872 students have enrolled in an eligible program, including 790 students at FCS institutions and 3,082 students at school districts. To date, no students have requested refunds for any program.[10]

Work Search Requirements under Reemployment Assistance Law

To receive reemployment assistance benefits, an individual must be able to work and available for work during each week of claimed unemployment. To be considered "available for work," a claimant must be actively seeking employment, which is defined as engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers each week.

Alternatively, a claimant may satisfy this requirement by reporting in person to a one-stop career center to meet with a center representative and access reemployment services. The center must maintain records of the services provided and make them available to the department upon request.

The law further provides that a claimant's job search documentation may not include the same prospective employer at the same location for three consecutive weeks, unless the employer has indicated that it is hiring again since the initial contact.

For claimants residing in small counties, as defined in Section 120.52(19), Florida Statutes, the minimum number of required employer contacts is reduced to three per week. Union members may satisfy the work search requirement by reporting daily to their union hiring hall, if that is their customary method of seeking work.[11]

III. Effect of Proposed Changes:

This bill amends s. 1011.801, F.S., to allow charter schools to directly access funding through the Workforce Development Capitalization Incentive Grant Program. This funding may be used to cover costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List.

The bill also amends s. 1011.803, F.S., relating to the Money-back Guarantee Program, to:

- Require each school district and Florida College System (FCS) institution to increase the number of programs for which a money-back guarantee is offered from three to six by July 1, 2026, and to notify the State Board of Education of the additional programs.
- Clarify that enrollment in a qualifying program constitutes enrollment in the money-back guarantee program.
- Provide that eligibility criteria related to job search documentation and internship or work-study participation may not exceed the work search requirements under Reemployment Assistance Law.

[9] School District: MBG Program Offerings (last visited April 8, 2025).
[10] Florida Department of Education, *2024 Money Back Guarantee Program Report* (November 2024), at 4.
[11] Section 443.091(1), F.S.

The bill also expands the Department of Education's annual reporting requirement to include the eligibility criteria for tuition reimbursement by school district, FCS institution, and program, in addition to performance results.

The bill takes effect 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:

While the bill does not require an appropriation of state funds, requiring additional programs under the Money-back Guarantee Program may result in increased costs for school districts and FCS institutions if they have to start a new program to meet the requirement or if students in the additional programs are unable to find jobs within six months of program completion.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1011.801 and 1011.803.

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 March 31, 2025:

The committee substitute:

- Includes a conforming change to clarify charter school eligibility provided in the bill for the Workforce Development Capitalization Incentive Grant Program.
- Replaces the bill's immediate increase from three to six required programs with a phased approach, requiring an additional three programs to be added by July 1, 2026, bringing the total to six programs at that time and:
  - Requires notification to the State Board of Education of the three additional programs.
  - Specifies that enrollment in a qualifying program constitutes enrollment in the money-back guarantee program.
- Caps eligibility criteria for job search documentation and internship/work-study participation by requiring they not exceed the work search requirements in s. 443.091, F.S. (which governs reemployment assistance).
- Expands the Department of Education's existing annual report (due Nov. 1) to include not just performance results, but also the eligibility criteria for tuition reimbursement by school district, FCS institution, and program.
- Includes a title change to an act related to "workforce education."

B. Amendments:

None.

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

581-03084-25 2025742c1

A bill to be entitled

An act relating to workforce education; amending s. 1011.801, F.S.; providing that charter schools are eligible for the Workforce Development Capitalization Incentive Grant Program; amending s. 1011.803, F.S.; revising the number of programs school districts and Florida College System institutions must offer money-back guarantees for through the money-back guarantee program by a specified date; requiring school districts and Florida College System institutions to report such programs to the State Board of Education; providing requirements for specified student eligibility criteria for tuition reimbursement under the program; revising reporting requirements; providing an effective date.

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

Section 1. Section 1011.801, Florida Statutes, is amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts, charter schools, and Florida College System institutions to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts, charter schools, and Florida College System institutions to fund some or all of the costs associated

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581-03084-25 2025742c1

with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List. The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students.

(1) Funds awarded for a workforce development capitalization incentive grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a career and technical education program that serves secondary students. Expansion of a program may include either the expansion of enrollments in a program or expansion into new areas of specialization within a program. No grant funds may be used for recurring instructional costs or for institutions' indirect costs.

(2) The Department of Education shall administer the program. The State Board of Education may adopt rules for program administration. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 2. Subsections (2) and (4) of section 1011.803, Florida Statutes, are amended to read:

1011.803 Money-back Guarantee Program.—

(2) Each school district and Florida College System institution shall establish a money-back guarantee program to:

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

(a) Offer a money-back guarantee on at least three programs. However, by July 1, 2026, each school district and Florida College System institution must offer a money-back guarantee on at least three additional programs and notify the State Board of Education of such programs.

(b) Establish student eligibility criteria for the reimbursement of tuition under the money-back guarantee program that includes:

1. Student attendance.
2. Student program performance.
3. Career Service or Career Day attendance.
4. Participation in internship or work-study programs.
5. Job search documentation.
6. Development of a student career plan with the institution's career services department.

Enrollment in a program established pursuant to this subsection constitutes enrollment in the money-back guarantee program. Eligibility criteria for the reimbursement of tuition established by the school district or Florida College System institution pursuant to subparagraphs 4. and 5. may not exceed the work search requirements under s. 443.091.

(4) By November 1 of each year, the Department of Education shall report performance results and eligibility criteria for the reimbursement of tuition by school district, Florida College System institution, and program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 3. This act shall take effect July 1, 2025.

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The Florida Senate

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4/22/25
Meeting Date

Fiscal Policy
Committee

742
Bill Number or Topic

Amendment Barcode (if applicable)

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

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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.)

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

BILL:	CS/SB 754
INTRODUCER:	Education Pre-K - 12 Committee and Senator Burton
SUBJECT:	International Baccalaureate Bonus Funding
DATE:	April 21, 2025
REVISED:	

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 754 sets a grade of "C" or higher in Theory of Knowledge to be used in addition to International Baccalaureate (IB) examinations to calculate additional full-time equivalent membership funds for school districts and to generate bonuses for IB teachers.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Established in 1968 in Geneva, Switzerland, the International Baccalaureate (IB) programme is designed to develop well-rounded individuals who can respond to today's challenges.[1] As of October 2024, IB programmes were being offered at over 5,900 schools in over 160 countries to more than 1.95 million students throughout all regions of the world.[2] The IB programme offers four different programmes to students aged three to 19:

- Primary Years Programme;
- Middle Years Programme;

[1] International Baccalaureate, *About the IB*, https://www.ibo.org/about-the-ib/, (last visited Mar. 22, 2025).
[2] International Baccalaureate, *Facts and Figures*, https://www.ibo.org/about-the-ib/facts-and-figures/, (last visited Mar. 22, 2025).

- Career-related Programme; and
- Diploma Progamme. [3]

The IB Diploma was established in 1968 as the first IB programmes offered for students aged 16 to 19, consisting of six subject area groups and three core courses.[4] . The IB Diploma curriculum offers courses that students can select from in the following six subject groups:

- Studies in language and literature;
- Language acquisition;
- Individuals and societies;
- Sciences;
- Mathematics; and
- Arts.

Students take a minimum of three or a maximum of four Higher Level (HL) courses and the remaining courses at Standard Level (SL). Additionally, all students enrolled in the IB Diploma Programme must successfully complete the diploma core components which include:

- Theory of Knowledge;
- The Extended Essay; and
- Creativity, activity, service.

The IB examination scores range from one to seven (scores from four to seven are typically considered passing) for each of the six subject groups. The Theory of Knowledge and Extended Essay diploma core components are awarded individual grades from A (excellent) to E (fail) and collectively can contribute up to three bonus points towards earning the IB diploma. [5] IB diplomas are awarded to students who earn at least 24 points from the course's corresponding examinations and the available bonus points from the core components. However, students cannot fail either the Theory of Knowledge and Extended Essay diploma core components and must complete the creativity, activity and service (not scored) component to be awarded the IB diploma.[6]

According to the Department of Education (DOE), there were 17,262 students enrolled in IB programs in 2024-2025 in grades nine through 12.[7]

The Florida Education Finance Program (FEFP) provides a funding incentive for school districts with students in IB courses who successfully complete IB examinations or earn an IB diploma. School districts and schools can earn a value of 0.16 full-time equivalent student membership within the FEFP for each student enrolled in an IB course who receives a score of four or higher on a subject examination. An additional value of 0.3 full-time equivalent student membership is added for each student who receives an IB diploma.

[3] International Baccalaureate, *Programme*, https://www.ibo.org/programmes/, (last visited Mar. 22, 2025).
[4] International Baccalaureate, *Diploma Programme*, https://www.ibo.org/programmes/diploma-programme/, (last visited March 22, 2025).
[5] International Baccalaureate, *DP curriculum*, https://www.ibo.org/programmes/diploma-programme/curriculum/, (last visited March 22, 2025).
[6] Email, Florida League of IB Schools (Mar. 6, 2025).
[7] Florida Department of Education, *Report Cards – Accelerated Course Enrollment* (2024-2025), https://edudata.fldoe.org/ReportCards/Schools.html?school=0000&district=00 (last visited Mar. 22, 2025).

Additionally, school districts are required to distribute bonuses to IB teachers as follows:

- $50 for each student taught in an IB course who earns a score of four higher on the IB examination.
- Additional bonuses of $500 to each IB teacher who teaches in a "D" or "F" rated school and who has at least one student scoring four or higher on the IB examination.[8]

In the most recent FEFP calculation, 3,660.48 weighted FTE were counted for the IB exam as add on FTE.[9]

III. Effect of Proposed Changes:

This bill modifies s. 1011.62, F.S., to include a grade of "C" or higher in Theory of Knowledge in the calculation of additional full-time equivalent membership based on International Baccalaureate (IB) examination scores of students.

The bill also includes a grade of "C" or higher in Theory of Knowledge to be used to provide IB teacher bonuses for students taught and additional bonuses for IB teachers in "D" or "F" rated schools based on student performance.

The bill is likely to increase the funding to school districts that have an IB program based on the additional IB core component (Theory of Knowledge) that is currently not included in funding calculations or for the award of bonuses to IB teachers.

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.

[8] Section 1012.62(1), F.S.
[9] Florida Department of Education, *Florida Education Finance Program* (2024-2025), *available at* https://www.fldoe.org/core/fileparse.php/7507/urlt/24-25FEFP2ndCalc.pdf .

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have an impact on state expenditures but may impact the funds received by school districts under the Florida Educational Finance Program (FEFP). The bill expands the core components that qualify for receipt of additional funding for IB programs. This may increase the number of full-time equivalent (FTE) student membership calculated for students successfully completing the Theory of Knowledge, which could shift funds within the FEFP toward school districts with IB programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.62 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 March 11, 2025:
The committee substitute provides clarifying language specifying that grades of "C" or higher in Theory of Knowledge from the International Baccalaureate (IB) core components are required to be used for additional FTE membership calculation for students enrolled in Florida school districts and for awarding IB teacher bonuses.

B. Amendments:

None.

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

581-02306-25 2025754c1

A bill to be entitled

An act relating to International Baccalaureate bonus funding; amending s. 1011.62, F.S.; revising the requirements for the calculation of additional full-time equivalent membership and certain bonuses based on International Baccalaureate examination scores of students to include students who earn a minimum grade in a specified course; providing an effective date.

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

Section 1. Paragraph (l) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(l) *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination, or a grade of "C" or higher in

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581-02306-25 2025754c1

Theory of Knowledge. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional learning for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate

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instruction:

1. A bonus in the amount of $50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination, or a grade of "C" or higher in Theory of Knowledge.

2. An additional bonus of $500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, or a grade of "C" or higher in Theory of Knowledge, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination, or a grade of "C" or higher in Theory of Knowledge.

Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of $50 for each student who has a qualifying score.

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

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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.)

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

BILL:	SB 776
INTRODUCER:	Senator Ingoglia
SUBJECT:	Aggravating Factors for Capital Felonies
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Favorable**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Cellon	Siples	FP	**Favorable**

I. Summary:

SB 776 amends s. 921.141, F.S., to create an additional aggravating factor for the jury and the sentencing court to consider during capital sentencing proceedings.

The aggravating factor created by the bill provides that if the capital felony was committed against the head of a state, including but not limited to, the President or the Vice President of the United States or the Governor of this or another state, or if in an attempt to commit such crime a capital felony was committed against another individual, the aggravating factor may be considered during a capital trial and sentencing.

The bill has an indeterminate, but likely insignificant, fiscal impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Current Sentencing Proceedings in Capital Cases

Section 921.141, F.S., generally sets forth the requirements relating to proceedings to determine a sentence of either death or life imprisonment without the possibility of parole[1] in capital cases. The court conducts the sentencing proceeding upon conviction or adjudication of guilt of a defendant in a capital felony.[2] Typically, the proceeding is conducted by the trial judge before the trial jury as soon as practicable.[3]

[1] Section 775.082(1)(a), F.S.
[2] Section 921.141(1), F.S.
[3] *Id.*

Aggravating Factors and Mitigating Circumstances

During the sentencing proceeding, the jury (or the judge if the jury is waived by the defendant) considers evidence that is relevant to the nature of the crime and the character of the defendant. The evidence includes matters relating to any of the aggravating factors[4] or mitigating circumstances.[5]

Aggravating factors are facts that tend to show a particular trait or status of the victim, a trait of the defendant, or facts related to the nature of the crime or the manner in which the defendant committed it.[6]

The aggravating factors are limited to the following:

- The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
- The defendant knowingly created a great risk of death to many persons.
- The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.
- The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- The capital felony was committed for pecuniary gain.
- The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- The capital felony was especially heinous, atrocious, or cruel.
- The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.
- The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.
- The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.
- The victim of the capital felony was a person less than 12 years of age.
- The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

[4] Section 921.141(6), F.S.
[5] Section 921.141(7), F.S.
[6] Section 921.141(6), F.S.

- The capital felony was committed by a criminal gang member.[7]
- The capital felony was committed by a person designated as a sexual predator[8]or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a person subject to a domestic violence injunction[9], or an injunction for protection against repeat violence, dating violence and of sexual violence,[10] or a foreign protection order,[11] and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Additionally, the following mitigating circumstances may be considered by the jury or the court as reasons this particular defendant may not be sentenced to death, in the opinion of the jury or the court.

Statutory mitigating circumstances are the following:

- The defendant has no significant history of prior criminal activity.
- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The victim was a participant in the defendant's conduct or consented to the act.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.
- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.
- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.[12]

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[7] "Criminal gang member" means a person who meets two or more of the following criteria: Admits to criminal gang membership; Is identified as a criminal gang member by a parent or guardian; Is identified as a criminal gang member by a documented reliable informant; Adopts the style of dress of a criminal gang; Adopts the use of a hand sign identified as used by a criminal gang; Has a tattoo identified as used by a criminal gang; Associates with one or more known criminal gang members; Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information; Is identified as a criminal gang member by physical evidence; Has been observed in the company of one or more known criminal gang members four or more times; (Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang. Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of the statute. s. 874.03, F.S.

[8] Section 775.21(4)(a), F.S.

[9] Injunction for protection against domestic violence, s. 741.30 F.S.

[10] Injunction for protection against repeat violence, dating violence, and protection in cases of sexual violence, s. 784.046, F.S.

[11] Section 741.315, F.S.

[12] Section 921.141(7)(a)-(h), F.S.

Jury Findings and Recommended Sentence

The jury must return findings identifying each aggravating factor found to exist beyond a reasonable doubt. A finding that an aggravating factor exists must be unanimous.[13] If the jury:

- Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.
- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
  - Whether sufficient aggravating factors exist.
  - Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
  - Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.[14]

If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of death[15]. If at least eight jurors do not determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.[16]

Imposition of Sentence

If the jury has recommended a sentence of:

- Life imprisonment without the possibility of parole, the court must impose the recommended sentence.[17]
- Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury.[18]

If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least one aggravating factor has been proven to exist beyond a reasonable doubt.[19]

[13] Section 921.141(2)(b), F.S.
[14] Section 921.141(2) and (b), F.S.
[15] Section 921.141(2)(c), F.S.
[16] Section 921.141(2)(c), F.S.
[17] Section 921.141(3), F.S.
[18] Section 921.141(3), F.S.
[19] Section 921.141(3), F.S.

III. Effect of Proposed Changes:

The bill amends s. 921.141, F.S., to create an additional aggravating factor for the jury and the sentencing court to consider during a capital sentencing proceeding.

The aggravating factor created in s. 921.141(6)(q), F.S., provides that if the capital felony was committed against the head of a state, including but not limited to, the President or the Vice President of the United States or the Governor of this or another state, or if in an attempt to commit such crime a capital felony was committed against another individual, the aggravating factor may be considered during a capital trial and sentencing.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 bill may have an indeterminate, but likely insignificant, prison bed impact based on the new aggravating factor if additional defendants are convicted and sentenced to life imprisonment or imprisoned until the death sentence is carried out.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.141 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.

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

By Senator Ingoglia

11-00763-25 2025776__

A bill to be entitled

An act relating to aggravating factors for capital felonies; amending s. 921.141, F.S.; adding as an aggravating factor that the capital felony was committed against the head of a state, or in an attempt to commit such crime a capital felony was committed against another individual; providing an effective date.

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

Section 1. Paragraph (q) is added to subsection (6) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(q) The capital felony was committed against the head of a state, including, but not limited to, the President or the Vice President of the United States or the Governor of this or another state, or in an attempt to commit such crime a capital felony was committed against another individual.

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

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DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

04/22/25
Meeting Date

Fiscal Policy
Committee

SB776
Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Hanna — Floridians for Alternatives to the Death Penalty

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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. 2020-2022JointRules.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

4/22/25
Meeting Date

FISCAL POLICY
Committee

776
Bill Number or Topic

Amendment Barcode (if applicable)

Name Joseph Harmon

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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 Conference of Catholic Bishops

☐ 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

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:	CS/CS/SB 890
INTRODUCER:	Fiscal Policy Committee; Appropriations Committee on Health and Human Services; and Senator Yarborough and others
SUBJECT:	Improving Screening for and Treatment of Blood Clots
DATE:	April 23, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Favorable**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Looke	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 890 amends current law to create the Emily Adkins Family Protection Act to improve screening for and treatment of blood clots. Specifically, the bill:

- Specifies that chronic critical illness and genetic predisposition for developing venous thromboembolisms (VTE) are chronic diseases.
- Requires specified training and protocols to assess and treat patients at risk of VTE when the patient is admitted to a hospital with an emergency room or ambulatory surgical center (ASC).
- Requires the Department of Health (DOH) to contract with a private entity to establish and maintain a statewide VTE registry (registry).
- Requires the Agency for Health Care Administration (AHCA) to provide a report to the Governor and the Legislature on the incidence of VTE.
- Requires each hospital with an emergency department and each ASC to report certain information to the registry.
- Requires certified nursing assistants (CNA) serving in a nursing home to receive training on recognizing the signs and symptoms of VTE and techniques for providing an emergency response.
- Requires assisted living facilities (ALF) to provide a pamphlet to residents upon admission containing information on VTE.

The bill has no fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Blood Clots

Blood clotting, or coagulation, is an important process that prevents excessive bleeding when a blood vessel is injured. Platelets (a type of blood cell) and proteins in plasma (the liquid part of blood) work together to stop the bleeding by forming a clot over the injury. Typically, the human body will naturally dissolve the blood clot after the injury has healed.

Sometimes, however, blood clots form on the inside of vessels without an obvious injury or do not dissolve naturally. These situations can be dangerous and require accurate diagnosis and appropriate treatment.

Clots can occur in veins or arteries, which are vessels that are part of the body's circulatory system. While both types of vessels help transport blood throughout the body, they each function differently. Veins are low-pressure vessels that carry deoxygenated blood away from the body's organs and back to the heart. An abnormal clot that forms in a vein may restrict the return of blood to the heart and can result in pain and swelling as the blood gathers behind the clot.

Deep Vein Thrombosis (DVT) is a type of clot that forms in a major vein of the leg or, less commonly, in the arms, pelvis, or other large veins in the body. In some cases, a clot in a vein may detach from its point of origin and travel through the heart to the lungs where it becomes wedged, preventing adequate blood flow. This is called a pulmonary (lung) embolism and can be extremely dangerous.

It is estimated that each year DVT affects as many as 900,000 people in the United States and kills up to 100,000.[1]

Blood Clots and Genetics

Thrombophilia is a medical term used to describe the condition where the blood has an increased tendency to clot. There are many reasons why the blood can have this increased tendency. Thrombophilia is usually categorized into two types–acquired and inherited. In acquired thrombophilia the abnormal clotting is usually related to a specific cause, such as prolonged periods of bed rest after surgery, trauma to the leg, or having cancer. People with inherited thrombophilia tend to form clots due to a genetic predisposition inherited from their parents. People with inherited thrombophilia may have a family history of relatives with abnormal or excessive blood clotting.

[1] American Society of Hematology, *Blood Clots*, available at https://www.hematology.org/education/patients/blood-clots, (last visited March 7, 2025).

Blood clotting proteins, like all proteins, are made by linking together a chain of chemicals called amino acids. The order of the amino acids in the chain make up a specific protein; this order is determined by genes. While there are a number of mutations that can cause inherited thrombophilia, the most common deoxyribose nucleic acid (DNA) mutations are named factor V Leiden and prothrombin G20210A.[2]

Factor V Leiden

Human bodies produce a protein called factor V that helps blood clot. However, there are certain individuals who have a DNA mutation in the gene used to make the factor V protein. These individuals are said to have the "factor V Leiden" mutation.

Normally the factor V protein is produced to help the blood clot and is produced in greater amounts after a blood vessel is damaged. The amount of factor V protein produced is controlled by other proteins, including protein C and protein S. Protein C and protein S combine to help break up factor V, thus preventing it from being reused and clotting the blood.

When a person has factor V Leiden, the mutation causes the protein to be abnormally shaped. This abnormal shape prevents it from being broken down properly by proteins C and S. Since the factor V protein is not broken down, it is left in the blood for a longer period of time and increases the tendency for clotting.

It is estimated that about five percent of Caucasians have factor V Leiden, and it is more common in individuals of European ancestry. In the United States, approximately one to two percent of African Americans, Hispanic Americans, and Native Americans also have the mutation. Factor V Leiden is rare in people of Asian decent.[3]

Prothrombin G20210A Mutation

All individuals make the prothrombin (also called factor two) protein that helps blood clot. However, there are certain individuals who have a DNA mutation in the gene used to make prothrombin called the prothrombin G20210A or the factor II mutation.

Normally, the prothrombin protein is produced to help the blood clot and is produced in greater amounts after a blood vessel is damaged. People who have a mutation in the prothrombin gene produce more prothrombin protein than is normal. Since there is more of the prothrombin protein in the blood, this increases the tendency for clotting.

A change in the prothrombin gene is present in two to four percent of Caucasians and is more common in individuals of European ancestry. In the United States, approximately 0.4 percent of African Americans also have the mutation. Prothrombin G20210A mutation is rare in other demographic groups.

[2] National Blood Clot Alliance, *The Genetics of Thrombophilia,* Elizabeth Varga, available at https://www.stoptheclot.org/about-clots/thrombophilia/genetics-of-thrombophilia/, (last visited March 7, 2025).
[3] Id.

Deep Vein Thrombosis

DVT occurs when a blood clot (thrombus) forms in one or more of the deep veins in the body, usually in the legs. Deep vein thrombosis can cause leg pain or swelling. Sometimes there are no noticeable symptoms.

Persons can get DVT if they have certain medical conditions that affect how the blood clots. A blood clot in the legs can also develop if a person doesn't move for a long time, e.g. sitting for an extended period while traveling a long distance or when a person is on bed rest due to surgery, an illness, or an accident.

Deep vein thrombosis can be serious because blood clots in the veins can break loose. The clots can then travel through the bloodstream and get stuck in the lungs, blocking blood flow (pulmonary embolism). When DVT and pulmonary embolism occur together, it's called VTE.

Many things can increase the risk of developing DVT. The more risk factors are involved, the greater the risk of DVT. Risk factors for DVT include:

- **Age.** Being older than 60 increases the risk of DVT, but DVT can occur at any age.
- **Lack of movement.** Muscle contractions help blood flow. Sitting for a long time, such as when driving or flying, increases the risk of DVT. So does long-term bed rest, which may result from a lengthy hospital stay or a medical condition such as paralysis.
- **Injury or surgery.** Injury to the veins or surgery can increase the risk of blood clots.
- **Pregnancy.** Pregnancy increases the pressure in the veins in the pelvis and legs. The risk of blood clots from pregnancy can continue for up to six weeks after a baby is born. People with an inherited clotting disorder are especially at risk.
- **Birth control pills (oral contraceptives) or hormone replacement therapy.** Both can increase the blood's ability to clot.
- **Being overweight or obese.** Being overweight increases the pressure in the veins in the pelvis and legs.
- **Smoking.** Smoking affects how blood flows and clots, which can increase the risk of DVT.
- **Cancer.** Some cancers increase substances in the blood that cause the blood to clot. Some types of cancer treatment also increase the risk of blood clots.
- **Heart failure.** Heart failure increases the risk of DVT and pulmonary embolism.
- **Inflammatory bowel disease.** Crohn's disease or ulcerative colitis increase the risk of DVT.
- **A personal or family history of DVT or pulmonary embolism.** A person with a family history of these conditions might be at greater risk of developing DVT.
- **Genetics.** Some people have DNA changes that cause the blood to clot more easily.[4]

III. Effect of Proposed Changes:

The bill makes changes related to blood clots.

Section 1 names the act as the "Emily Adkins Family Protection Act."

[4] Mayo Clinic, *Deep Vein Thrombosis*, June 11, 2022, available at https://www.mayoclinic.org/diseases-conditions/deep-vein-thrombosis/symptoms-causes/syc-20352557, (last visited March 7, 2025).

Section 2 amends s. 385.102, F.S., relating to the list of chronic diseases[5] that exist in high proportions among people of this state, to add "chronic critical illness," and "genetic predisposition for developing VTE." The bill also updates the term "chronic obstructive lung disease" to "chronic obstructive pulmonary disease."

Section 3 amends s. 395.1012, F.S., relating to patient safety, to require each hospital with an emergency department and each ambulatory surgical center to:

- Develop and implement policies and procedures for the rendering of appropriate medical attention for persons at risk of forming VTE which reflect evidence-based best practices relating to, at a minimum:
  - Assessing patients for risk of VTE using a nationally recognized risk assessment tool.
  - Treatment options for a patient diagnosed with VTE.
- Train all nonphysician personnel at least annually on the policies and procedures developed under this subsection. For purposes of this subsection, "nonphysician personnel" means all personnel of the licensed facility working in clinical areas and providing patient care, except those persons licensed as health care practitioners.

Section 4 creates s. 395.3042, F.S., to require the DOH to contract with a private entity to establish and maintain, at no cost to the state, a statewide VTE registry (registry) to ensure that the performance measures that are required to be submitted are maintained and available for use to improve or modify the VTE care system, ensure compliance with nationally recognized guidelines, and monitor patient outcomes. The private entity must:

- Have existed for at least 15 consecutive years with a mission of advancing the prevention, early diagnosis, and successful treatment of blood clots.
- Have experience operating a medical registry with at least 25,000 participants.
- Have experience in providing continuing education on VTE to medical professionals.
- Have sponsored a public health education campaign on VTE.
- Be affiliated with a medical and scientific advisory board.

The bill requires each hospital with an emergency department and each ambulatory surgical center to report to the registry the following measures and data on the incidence and prevalence of VTE:

- The number of VTE identified and diagnosed.
- The age of the patient.
- The zip code of the patient.
- The sex of the patient.
- Whether the patient is a resident of a licensed nursing home or assisted living facility.
- Whether the VTE was fatal.
- How the diagnosis was made, such as by using imaging modalities.
- The treatment that was recommended for the VTE.

The bill requires the contracted private entity to use a nationally recognized platform to collect data from each reporting entity and to provide regular reports on the data to the DOH.

[5] The list contains diseases that must be included as chronic diseases under ch. 385, F.S., but is not exclusive.

The bill specifies that the DOH, or the contractor operating the registry, may use or publish information from the registry only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a de-identified summary of the information contained in the registry may be released for general publication.

By June 1, 2026, the AHCA must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the incidence of VTE using inpatient, outpatient, and ambulatory surgical center data for services provided between July 1, 2024, and June 30, 2025. The report must analyze the following:

- Age category, initial primary diagnosis and procedure, and secondary diagnoses, readmission rates for inpatients, admission rates for VTE for which the patient had an ambulatory surgery procedure, and emergency department visits for VTE linked to any previous admission.
- Whether the VTE was present upon admission.
- The incidence of VTE procedures reported on the agency's Florida Health Finder website.
- The principal payor, the sex of the patient, and the patient's discharge status.

The bill allows the private entity operating the registry to use and publish the information from the registry only for the purposes the advancing medical research and medical education.

Section 5 amends s. 400.211, F.S., to require that a nursing home's in-service training for certified nursing assistants (CNA) must include recognizing signs and symptoms of VTE and techniques for providing emergency response. The bill requires that the identification of signs and symptoms of VTE and how to assist with a response protocol must be included in the required training a CNA must have in order for a registered nurse to delegate duties to him or her.

Section 6 amends s. 429.55, F.S., respectively, to require ALFs to provide a consumer information pamphlet to residents upon admission. The pamphlet must contain information about VTE, risk factors, and how residents can recognize signs and symptoms of VTE. The bill provides Legislative findings that many pulmonary embolisms are preventable and that information about the prevalence of the disease could save lives. The bill also defines "pulmonary embolism (PE)" to mean a condition in which part of the clot breaks off and travels to the lungs, possibly causing death and "venous thromboembolism (VTE)" to mean deep vein thrombosis (DVT), which is a blood clot located in a deep vein, usually in the leg or arm. The term can be used to refer to DVT, pulmonary embolism, or both.

The bill takes effect 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:

CS/CS/SB 890 may have an indeterminate, negative fiscal impact on hospital with an emergency department and each ambulatory surgical center which are required under the bill to report specified information to the venous thromboembolism registry created by the bill and adopt new training, policies, protocols, or procedures.

C. Government Sector Impact:

The bill requires the Agency for Health Care Administration to contract with a private entity to establish and maintain, at no cost to the state, the venous thromboembolism registry, therefore, the bill has no fiscal impact on state expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 385.102, 395.1012, 400.211, and 429.55.

This bill creates section 395.3042 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 April 22, 2025:
The committee substitute:

- Moves responsibility for contracting for the VTE registry from the AHCA to the DOH, other than a specified report.
- Specifies that direct care staff in a nursing home are required to be trained on recognizing VTE.
- Removes provisions related to ALF staff training and resident assessments for VTE and replaces those provisions with the requirement that the ALF provide a consumer information pamphlet to residents upon admission.

CS by Appropriations Committee on Health and Human Services on April 15, 2025:
The committee substitute:

- Names the act as the "Emily Adkins Family Protection Act."
- Replaces provisions in the underlying bill specifying one or more of blood clots, deep vein thrombosis (DVT), or pulmonary embolisms with the term "venous thromboembolism (VTE)."
- Revises requirements in the underlying bill related to specified training and care for the treatment of blood clots, pulmonary embolisms, or DVT with a provision requiring hospitals and ASCs to develop policies and procedures for best practices for treating persons with VTE and specifies that nonphysician personnel must be trained at least annually on such policies and procedures.
- Revises the blood clot and pulmonary embolism registry in the underlying bill into the statewide VTE registry by requiring the Agency for Health Care Administration (AHCA) to contract with a private entity meeting specified requirements to establish and maintain the registry, at no cost to the state.
- Specifies the data that must be submitted to the registry and that the private entity must provide regular reports on the data to the AHCA.
- Requires the AHCA to submit a report to the Governor and the Legislature on incidence of VTE in Florida by March 1, 2026.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
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The Committee on Fiscal Policy (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Emily Adkins Family Protection Act."

Section 2. Subsection (1) of section 385.102, Florida Statutes, is amended to read:

385.102 Legislative intent.—It is the finding of the Legislature that:

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(1) Chronic diseases exist in high proportions among the people of this state. These chronic diseases include, but are not limited to, heart disease, hypertension, diabetes, renal disease, chronic obstructive pulmonary disease, cancer, chronic critical illness, and genetic predisposition for developing venous thromboembolisms ~~chronic obstructive lung disease~~. These diseases are often interrelated, and they directly and indirectly account for a high rate of death and illness.

Section 3. Subsection (5) is added to section 395.1012, Florida Statutes, to read:

395.1012 Patient safety.—

(5) Each hospital with an emergency department and each ambulatory surgical center must:

(a) Develop and implement policies and procedures for the rendering of appropriate medical attention for persons at risk of forming venous thromboembolisms which reflect evidence-based best practices relating to, at a minimum:

1. Assessing patients for risk of venous thromboembolism using a nationally recognized risk assessment tool.

2. Treatment options for a patient diagnosed with venous thromboembolism.

(b) Train all nonphysician personnel at least annually on the policies and procedures developed under this subsection. For purposes of this subsection, the term "nonphysician personnel" means all personnel of the licensed facility working in clinical areas and providing patient care, except those persons licensed as health care practitioners.

Section 4. Section 395.3042, Florida Statutes, is created to read:



395.3042 Statewide venous thromboembolism registry.—

(1)(a) The department shall contract with a private entity, that meets all of the conditions of paragraph (b), to establish and maintain, at no cost to the state, a statewide venous thromboembolism registry to ensure that the performance measures required to be submitted under subsection (2) are maintained and available for use to improve or modify the venous thromboembolism care system, ensure compliance with nationally recognized guidelines, and monitor venous thromboembolism patient outcomes.

(b) The private entity must:

1. Be a not-for-profit corporation qualified as tax-exempt under s. 501(c)(3) of the Internal Revenue Code.

2. Have existed for at least 15 consecutive years with a mission of advancing the prevention, early diagnosis, and successful treatment of blood clots.

3. Have experience operating a medical registry with at least 25,000 participants.

4. Have experience in providing continuing education on venous thromboembolism to medical professionals.

5. Have sponsored a public health education campaign on venous thromboembolism.

6. Be affiliated with a medical and scientific advisory board.

(2) Beginning July 1, 2026, each hospital with an emergency department shall regularly report to the statewide venous thromboembolism registry information containing nationally recognized venous thromboembolism measures and data on the incidence and prevalence of venous thromboembolisms. Such data

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must include the following information:

(a) The number of venous thromboembolisms identified and diagnosed.

(b) The age of the patient.

(c) The zip code of the patient.

(d) The sex of the patient.

(e) Whether the patient is a resident of a licensed nursing home or assisted living facility.

(f) Whether the venous thromboembolism was fatal.

(g) How the diagnosis was made, such as by using imaging modalities.

(h) The treatment that was recommended for the venous thromboembolism.

(3) The department shall require the contracted private entity to use a nationally recognized platform to collect data from each hospital with an emergency department on the performance measures required under subsection (2). The contracted private entity shall provide regular reports to the department on the data collected.

(4) By March 1, 2026, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report on the incidence of venous thromboembolism using inpatient and outpatient data for services provided between July 1, 2024, and July 1, 2025. The report must provide analyses of all of the following:

(a) Age category, initial primary diagnosis and procedure, and secondary diagnoses, readmission rates for inpatients, admission rates for venous thromboembolism for which the patient had an ambulatory surgery procedure, and emergency department

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visits for venous thromboembolism linked to any previous admission.

(b) Whether the venous thromboembolism was present upon admission.

(c) The incidence of venous thromboembolism procedures reported on the department's website.

(d) The principal payor, the sex of the patient, and the patient's discharge status.

(5) The contracted private entity operating the registry may only use or publish information from the registry for the purposes of advancing medical research or medical education in the interest of reducing morbidity or mortality.

Section 5. Subsection (4) and paragraph (a) of subsection (5) of section 400.211, Florida Statutes, are amended to read:

400.211 Persons employed as nursing assistants; certification requirement; qualified medication aide designation and requirements.—

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants and must meet the standard specified in s. 464.203(7);

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the

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cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; ~~and~~

5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

6. For direct care staff, recognizing signs and symptoms of venous thromboembolism and techniques for providing an emergency response; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

(5) A nursing home, in accordance with chapter 464 and rules adopted pursuant to this section, may authorize a registered nurse to delegate tasks, including medication administration, to a certified nursing assistant who meets the requirements of this subsection.

(a) In addition to the initial 6-hour training course and determination of competency required under s. 464.2035, to be eligible to administer medication to a resident of a nursing home facility, a certified nursing assistant must:

1. Hold a clear and active certification from the Department of Health for a minimum of 1 year immediately preceding the delegation;

2. Complete an additional 34-hour training course approved by the Board of Nursing in medication administration and

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associated tasks, including, but not limited to, blood glucose level checks, dialing oxygen flow meters to prescribed settings, ~~and~~ assisting with continuous positive airway pressure devices, and identifying signs and symptoms of venous thromboembolism and how to assist with a response protocol; and

3. Demonstrate clinical competency by successfully completing a supervised clinical practice in medication administration and associated tasks conducted in the facility.

Section 6. Section 429.55, Florida Statutes, is amended to read:

429.55 Consumer information ~~website~~.—

(1) CONSUMER INFORMATION WEBSITE.—The Legislature finds that consumers need additional information on the quality of care and service in assisted living facilities in order to select the best facility for themselves or their loved ones. Therefore, the Agency for Health Care Administration shall create content that is easily accessible through the home page of the agency's website either directly or indirectly through links to one or more other established websites of the agency's choosing. The website must be searchable by facility name, license type, city, or zip code. By November 1, 2015, the agency shall include all content in its possession on the website and add content when received from facilities. At a minimum, the content must include:

(a) ~~(1)~~ Information on each licensed assisted living facility, including, but not limited to:

1. ~~(a)~~ The name and address of the facility.

2. ~~(b)~~ The name of the owner or operator of the facility.

3. ~~(c)~~ The number and type of licensed beds in the facility.



4.~~(d)~~ The types of licenses held by the facility.

5.~~(e)~~ The facility's license expiration date and status.

6.~~(f)~~ The total number of clients that the facility is licensed to serve and the most recently available occupancy levels.

7.~~(g)~~ The number of private and semiprivate rooms offered.

8.~~(h)~~ The bed-hold policy.

9.~~(i)~~ The religious affiliation, if any, of the assisted living facility.

10.~~(j)~~ The languages spoken by the staff.

11.~~(k)~~ Availability of nurses.

12.~~(l)~~ Forms of payment accepted, including, but not limited to, Medicaid, Medicaid long-term managed care, private insurance, health maintenance organization, United States Department of Veterans Affairs, CHAMPUS program, or workers' compensation coverage.

13.~~(m)~~ Indication if the licensee is operating under bankruptcy protection.

14.~~(n)~~ Recreational and other programs available.

15.~~(o)~~ Special care units or programs offered.

16.~~(p)~~ Whether the facility is a part of a retirement community that offers other services pursuant to this part or part III of this chapter, part II or part III of chapter 400, or chapter 651.

17.~~(q)~~ Links to the State Long-Term Care Ombudsman Program website and the program's statewide toll-free telephone number.

18.~~(r)~~ Links to the websites of the providers.

19.~~(s)~~ Other relevant information that the agency currently collects.

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(b) ~~(2)~~ Survey and violation information for the facility, including a list of the facility's violations committed during the previous 60 months, which on July 1, 2015, may include violations committed on or after July 1, 2010. The list shall be updated monthly and include for each violation:

1. ~~(a)~~ A summary of the violation, including all licensure, revisit, and complaint survey information, presented in a manner understandable by the general public.

2. ~~(b)~~ Any sanctions imposed by final order.

3. ~~(c)~~ The date the corrective action was confirmed by the agency.

(c) ~~(3)~~ Links to inspection reports that the agency has on file.

(2) VTE CONSUMER INFORMATION.—

(a) The Legislature finds that many PEs are preventable and that information about the prevalence of the disease could save lives.

(b) The term "pulmonary embolism (PE)" means a condition in which part of the clot breaks off and travels to the lungs, possibly causing death.

(c) The term "venous thromboembolism (VTE)" means deep vein thrombosis (DVT), which is a blood clot located in a deep vein, usually in the leg or arm. The term can be used to refer to DVT, pulmonary embolism, or both.

(d) Assisted living facilities must provide a consumer information pamphlet to residents upon admission. The pamphlet must contain information about VTE, risk factors, and how residents can recognize the signs and symptoms of VTE.

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The agency may adopt rules to administer this section.

Section 7. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to improving screening for and treatment of blood clots; providing a short title; amending s. 385.102, F.S.; revising legislative findings under the Chronic Diseases Act; amending s. 395.1012, F.S.; requiring hospitals with emergency departments and ambulatory surgical centers to develop and implement policies and procedures and conduct training for the rendering of appropriate medical attention for persons at risk of forming venous thromboembolisms; creating s. 395.3042, F.S.; requiring the Department of Health to contract with a private entity to establish a statewide venous thromboembolism registry at no cost to the state; providing requirements for the private entity; requiring hospitals with an emergency department, beginning on a date certain, to regularly report certain information to the statewide venous thromboembolism registry; requiring the department to require the private entity to use a nationally recognized platform to collect certain data; requiring the private entity to provide regular reports to the


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department on such data; requiring the department, by a date certain, to provide to the Governor and the Legislature a specified report; providing requirements for such report; providing applicability; amending s. 400.211, F.S.; revising requirements for certain annual inservice training for certified nursing assistants employed by nursing home facilities; revising training requirements for certain certified nursing assistants who may be delegated tasks in nursing home facilities; amending s. 429.55, F.S.; providing legislative findings; defining terms; requiring assisted living facilities to provide a consumer information pamphlet containing specified information to residents; providing an effective date.

920966

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
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The Committee on Fiscal Policy (Yarborough) recommended the following:

Senate Amendment to Amendment (877818) (with title amendment)

Delete lines 88 - 103
and insert:
(4) By June 1, 2026, the agency shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report on the incidence of venous thromboembolism using inpatient and outpatient data for services provided between July 1, 2024, and June 30, 2025. The

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report must provide analyses of all of the following:

(a) Age category, initial primary diagnosis and procedure, and secondary diagnoses, readmission rates for inpatients, admission rates for venous thromboembolism for which the patient had an ambulatory surgery procedure, and emergency department visits for venous thromboembolism linked to any previous admission.

(b) Whether the venous thromboembolism was present upon admission.

(c) The incidence of venous thromboembolism procedures reported on the agency's Florida Health Finder website.

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

And the title is amended as follows:

Delete line 272

and insert:

department on such data; requiring the Agency for Health Care Administration, by

By the Appropriations Committee on Health and Human Services; and Senators Yarborough, Berman, Gruters, and Rouson

603-03585-25 2025890c1

A bill to be entitled

An act relating to improving screening for and treatment of blood clots; providing a short title; amending s. 385.102, F.S.; revising legislative findings under the Chronic Diseases Act; amending s. 395.1012, F.S.; requiring hospitals with emergency departments and ambulatory surgical centers to develop and implement policies and procedures and conduct training for the rendering of appropriate medical attention for persons at risk of forming venous thromboembolisms; creating s. 395.3042, F.S.; requiring the Agency for Health Care Administration to contract with a private entity to establish a statewide venous thromboembolism registry at no cost to the state; providing requirements for the private entity; requiring hospitals with an emergency department and ambulatory surgical centers, beginning on a date certain, to regularly report certain information to the statewide venous thromboembolism registry; requiring the agency to require the private entity to use a nationally recognized platform to collect certain data; requiring the private entity to provide regular reports to the agency on such data; requiring the agency, by a date certain, to provide to the Governor and the Legislature a specified report; providing requirements for such report; providing applicability; amending s. 400.211, F.S.; revising requirements for certain annual inservice training for certified nursing assistants employed by nursing home

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603-03585-25 2025890c1

facilities; revising training requirements for certain certified nursing assistants who may be delegated tasks in nursing home facilities; amending s. 429.41, F.S.; revising minimum standards for the care of residents in assisted living facilities; amending s. 429.52, F.S.; revising requirements for the core competency test for administrators of assisted living facilities; providing an effective date.

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

Section 1. This act may be cited as the "Emily Adkins Family Protection Act."

Section 2. Subsection (1) of section 385.102, Florida Statutes, is amended to read:

385.102 Legislative intent.—It is the finding of the Legislature that:

(1) Chronic diseases exist in high proportions among the people of this state. These chronic diseases include, but are not limited to, heart disease, hypertension, diabetes, renal disease, chronic obstructive pulmonary disease, cancer, chronic critical illness, and genetic predisposition for developing venous thromboembolisms ~~chronic obstructive lung disease~~. These diseases are often interrelated, and they directly and indirectly account for a high rate of death and illness.

Section 3. Subsection (5) is added to section 395.1012, Florida Statutes, to read:

395.1012 Patient safety.—

(5) Each hospital with an emergency department and each

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

ambulatory surgical center must:

(a) Develop and implement policies and procedures for the rendering of appropriate medical attention for persons at risk of forming venous thromboembolisms which reflect evidence-based best practices relating to, at a minimum:

1. Assessing patients for risk of venous thromboembolism using a nationally recognized risk assessment tool.

2. Treatment options for a patient diagnosed with venous thromboembolism.

(b) Train all nonphysician personnel at least annually on the policies and procedures developed under this subsection. For purposes of this subsection, "nonphysician personnel" means all personnel of the licensed facility working in clinical areas and providing patient care, except those persons licensed as health care practitioners.

Section 4. Section 395.3042, Florida Statutes, is created to read:

395.3042 Statewide venous thromboembolism registry.—

(1)(a) The agency shall contract with a private entity, that meets all of the conditions of paragraph (b), to establish and maintain, at no cost to the state, a statewide venous thromboembolism registry to ensure that the performance measures required to be submitted under subsection (2) are maintained and available for use to improve or modify the venous thromboembolism care system, ensure compliance with nationally recognized guidelines, and monitor venous thromboembolism patient outcomes.

(b) The private entity must:

1. Be a not-for-profit corporation qualified as tax-exempt

under s. 501(c)(3) of the Internal Revenue Code.

2. Have existed for at least 15 consecutive years with a mission of advancing the prevention, early diagnosis, and successful treatment of blood clots.

3. Have experience operating a medical registry with at least 25,000 participants.

4. Have experience in providing continuing education on venous thromboembolism to medical professionals.

5. Have sponsored a public health education campaign on venous thromboembolism.

6. Be affiliated with a medical and scientific advisory board.

(2) Beginning July 1, 2026, each hospital with an emergency department and each ambulatory surgical center shall regularly report to the statewide venous thromboembolism registry information containing nationally recognized venous thromboembolism measures and data on the incidence and prevalence of venous thromboembolisms. Such data must include the following information:

(a) The number of venous thromboembolisms identified and diagnosed.

(b) The age of the patient.

(c) The zip code of the patient.

(d) The sex of the patient.

(e) Whether the patient is a resident of a licensed nursing home or assisted living facility.

(f) Whether the venous thromboembolism was fatal.

(g) How the diagnosis was made, such as by using imaging modalities.

(h) The treatment that was recommended for the venous thromboembolism.

(3) The agency shall require the contracted private entity to use a nationally recognized platform to collect data from each hospital with an emergency department and each ambulatory surgical center on the performance measures required under subsection (2). The contracted private entity shall provide regular reports to the agency on the data collected.

(4) By March 1, 2026, the agency must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report on the incidence of venous thromboembolism using inpatient, outpatient, and ambulatory surgical center data for services provided between July 1, 2024, and July 1, 2025. The report shall provide analyses of all of the following:

(a) Age category, initial primary diagnosis and procedure, and secondary diagnoses, readmission rates for inpatients, admission rates for venous thromboembolism for which the patient had an ambulatory surgery procedure, and emergency department visits for venous thromboembolism linked to any previous admission.

(b) Whether the venous thromboembolism was present upon admission.

(c) The incidence of venous thromboembolism procedures reported on the agency's Florida Health Finder website.

(d) The principal payor, the sex of the patient, and the patient's discharge status.

(5) The contracted private entity operating the registry may only use or publish information from the registry for the

purposes of advancing medical research or medical education in the interest of reducing morbidity or mortality.

Section 5. Subsection (4) and paragraph (a) of subsection (5) of section 400.211, Florida Statutes, are amended to read:

400.211 Persons employed as nursing assistants; certification requirement; qualified medication aide designation and requirements.—

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants and must meet the standard specified in s. 464.203(7);

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; ~~and~~

5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

6. Recognizing signs and symptoms of venous thromboembolism and techniques for providing an emergency response; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs

of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

(5) A nursing home, in accordance with chapter 464 and rules adopted pursuant to this section, may authorize a registered nurse to delegate tasks, including medication administration, to a certified nursing assistant who meets the requirements of this subsection.

(a) In addition to the initial 6-hour training course and determination of competency required under s. 464.2035, to be eligible to administer medication to a resident of a nursing home facility, a certified nursing assistant must:

1. Hold a clear and active certification from the Department of Health for a minimum of 1 year immediately preceding the delegation;

2. Complete an additional 34-hour training course approved by the Board of Nursing in medication administration and associated tasks, including, but not limited to, blood glucose level checks, dialing oxygen flow meters to prescribed settings, ~~and~~ assisting with continuous positive airway pressure devices, and identification of signs and symptoms of venous thromboembolism and how to assist with a response protocol; and

3. Demonstrate clinical competency by successfully completing a supervised clinical practice in medication administration and associated tasks conducted in the facility.

Section 6. Paragraph (g) of subsection (1) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also promote a safe and sanitary environment that is residential and noninstitutional in design or nature and may allow for technological advances in the provision of care, safety, and security, including the use of devices, equipment, and other security measures related to wander management, emergency response, staff risk management, and the general safety and security of residents, staff, and the facility. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the Department of Children and Families and the Department of Health, shall adopt rules to administer this part, which must include reasonable and fair minimum standards in relation to:

(g) The care of residents provided by the facility, which must include:

1. The supervision of residents;

2. The provision of personal services;

3. The provision of, or arrangement for, social and leisure activities;

4. The assistance in making arrangements for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;

5. The management of medication stored within the facility and as needed by residents;

6. The dietary needs of residents;

7. Resident records; ~~and~~

8. Internal risk management and quality assurance; and

9. Identification of residents who are at risk for developing venous thromboembolism and the treating facility's response protocols to help ensure access to timely treatment.

Section 7. Paragraph (h) is added to subsection (3) of section 429.52, Florida Statutes, to read:

429.52 Staff training and educational requirements.—

(3) The agency, in conjunction with providers, shall develop core training requirements for administrators consisting of core training learning objectives, a competency test, and a minimum required score to indicate successful passage of the core competency test. The required core competency test must cover at least the following topics:

(h) Identification of and responding to residents at high risk of developing venous thromboembolism.

Section 8. This act shall take effect July 1, 2025.

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

4.22.25
Meeting Date

Fiscal Policy
Committee

890
Bill Number or Topic

Amendment Barcode (if applicable)

Name Leslie Lake

Phone 917-592-2228

Address 2714 Players Ct.
Street
Wellington FL 33414
City State Zip

Email LLake@STOPTHECLOT.ORG

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

4/22/2025
Meeting Date

Fiscal Policy
Committee

890
Bill Number or Topic

877818
Amendment Barcode (if applicable)

Name Bijou Heli, Florida Assisted Living Association Phone 850-383-1159

Address 1614 Mahan Center Blvd., Suite 104 Email
Street

Tallahassee FL 32308
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. 2020-2022JointRules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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April 22, 2025
Meeting Date

Fiscal Policy
Committee

890
Bill Number or Topic

877818
Amendment Barcode (if applicable)

Name Jason Hand

Phone 850-443-0024

Address 2292 Wednesday Street, Ste. 1
Street

Email jhand@floridaseniorliving.org

Tallahassee FL 32308
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 Senior Living Association

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

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9/22/25
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Ascal Policy
Committee

890
Bill Number or Topic

Amendment Barcode (if applicable)

Name Douglas Adkins

Phone 904-583-0135

Address 863 Laguna
Street

Fernandina Bch, FL 32034
City State Zip

Email doug@dougsprus.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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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April 22, 2025
Meeting Date

Fiscal Policy
Committee

890
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tom Parker

Phone 850-224-3907

Address 307 W. Park Ave
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Email tparker@fhca.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:
Florida Health Care Association

☐ 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.

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.)

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

BILL:	SB 892
INTRODUCER:	Senator Simon
SUBJECT:	Florida State University Election Law Center
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	HE	**Favorable**
2.	Gray	Elwell	AHE	**Favorable**
3.	Brick	Siples	FP	**Favorable**

I. Summary:

SB 892 creates the Florida State University Election Law Center within the Florida State University College of Law to conduct nonpartisan research, provide training, and serve as a resource on election law issues. The center will study topics including:

- Voting rights, redistricting, and campaign finance.
- Election administration, election disputes, and related issues.
- Election integrity and best practices for electoral systems.

The bill authorizes the center to:

- Hire faculty, develop courses, and host events.
- Assist government entities with election law matters.
- Offer student scholarships and fellowships.

The bill provides that the center will be funded through appropriations as provided in the General Appropriations Act, charitable donations and grants, and other university funds.

This bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Election Law

Election law covers a wide array of topics, including political spending, voting rights, ballot propositions, redistricting, gerrymandering, and campaign finance. Useful secondary materials include legal resources as well as interdisciplinary sources in the areas of political science,

history, and public policy.[1] Federal statutes, such as the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, regulate key aspects of election law, while state laws dictate voter eligibility, ballot access, and election procedures.[2]

At the state level, elections are primarily governed by Chapters 97 through 106, Florida Statutes, which address voter registration, election administration, campaign finance, and recount procedures.[3] The Florida Division of Elections, under the Department of State, provides guidance and oversight for elections, while county supervisors of elections administer elections locally.[4] Legal challenges related to election law arise in state and federal courts, particularly concerning issues of voter access, redistricting, and campaign finance regulations.[5]

Florida State University College of Law

Florida State University (FSU) College of Law, located in Tallahassee, Florida, is a nationally recognized public law school. The college offers a range of legal education programs, including specialized courses in constitutional law, administrative law, and public policy, leveraging its proximity to the Florida Capitol to provide students with access to state government institutions and legal practitioners.[6]

Florida State University Election Law Center

The FSU Election Law Center, housed within the FSU College of Law, provides nonpartisan research, training, and policy analysis on election law. The center collaborates with election officials, legislators, and scholars to improve election administration, voting rights, and election integrity. It also offers student scholarships, externships, and research fellowships to support careers in election law.[7]

The center is led by a Faculty Director and an Executive Director, who oversee its academic, research, and outreach initiatives.[8] The center hosts conferences, lectures, and training sessions, including the Election Law Conference and the Distinguished Lecture in Election Law.[9]

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[1] University of California, Irvine School of Law, *Election Law Research Guide*, available at https://libguides.law.uci.edu/election (last visited Mar. 22, 2025).
[2] 52 U.S.C. ss. 10301–10508 (Voting Rights Act of 1965); 52 U.S.C. ss. 20501–20511 (National Voter Registration Act of 1993).
[3] *See generally* Chapters 97–106, F.S.
[4] *See* Florida Department of State, Division of Elections, *About Us*, https://dos.fl.gov/elections/about-us/ (last visited Mar. 22, 2025).
[5] *See, e.g.*, *League of Women Voters of Fla. v. Lee*, 595 F. Supp. 3d 1042 (N.D. Fla. 2022) (addressing Florida's voting restrictions and their impact on minority voters).
[6] Florida State University College of Law, *College of Law*, https://law.fsu.edu/ (last visited Mar. 22, 2025).
[7] Florida State University College of Law, *Election Law Center*, https://law.fsu.edu/academics/election-law-center (last visited Mar. 22, 2025).
[8] Florida State University College of Law, *Election Law Center Welcomes Executive Director*, https://law.fsu.edu/press-release/election-law-center-welcomes-executive-director (last visited Mar. 22, 2025).
[9] Florida State University College of Law, *2024 Distinguished Lecture in Election Law*, https://law.fsu.edu/2024-distinguished-lecture-election-law (last visited Mar. 22, 2025).

Intellectual Freedom and Viewpoint Diversity

"Intellectual freedom and viewpoint diversity" is the exposure of students, faculty, and staff to, and the encouragement of their exploration of, a variety of ideological and political perspectives. State universities are prohibited from shielding students, faculty, or staff from ideas or opinions they may find uncomfortable, unwelcome, disagreeable, or offensive.

The Board of Governors of the State University System is required to conduct an annual assessment of intellectual freedom and viewpoint diversity at each state university, using an objective, nonpartisan, and statistically valid survey. This survey measures the extent to which competing ideas and perspectives are presented and whether members of the university community feel free to express their beliefs and viewpoints.[10]

III. Effect of Proposed Changes:

This bill establishes the Florida State University (FSU) Election Law Center within the FSU College of Law. The bill creates s. 1004.421, F.S., to codify the center's establishment and define its purpose and scope.

Election Law

The bill defines "election law" broadly to include, but not be limited to, the following areas:

- Voting rights.
- Election administration.
- Election emergencies.
- Election integrity.
- Voter registration and voter registration databases.
- Cyber or other technical issues relating to elections.
- Federal, state, and local legal provisions governing the electoral process.
- Election contests for any federal, state, or local office.
- Matters relating to the Electoral College or the casting, counting, or validity of electoral votes.
- Federal and state campaign finance law.
- Election audits.
- Apportionment and redistricting.
- Doctrines relating to justiciability, civil procedure, and remedies in election-related cases.

Additionally, the bill extends the definition of election law to historical, empirical, and comparative studies of the specified topics, as well as philosophical and theoretical discussions on democracy, democratic theory, and republicanism.

[10] Section 1001.706(13), F.S.

Goals of the Florida State University Election Law Center

The bill establishes the goals of the FSU Election Law Center, directing it to advance scholarship, education, and public confidence in election law. The bill specifically provides that the goals of the center are to:

- Conduct and promote rigorous, objective, nonpartisan, and evidence-based research on significant constitutional, statutory, and regulatory issues related to election law.
- Plan and host events to facilitate learning about the electoral process and election law, providing opportunities for students, scholars, legislators, judges, election administrators, attorneys, and members of the public to engage in discussions.
- Develop and sponsor publicly accessible materials and resources that educate the public on elections and election law, ensuring transparency and accessibility.
- Assist students by providing learning opportunities, practical experience, and career pathways in election law.
- Enhance the reputation of the FSU College of Law as a nationally recognized center for cutting-edge legal scholarship and technical expertise in election law.
- Serve as a nonpartisan resource to address election law inquiries from federal, state, and local election officials, the Legislature, and legislative staff. The center supports understanding of the electoral process and promotes public confidence in Florida's electoral system.
- Develop objective, evidence-based analysis, best practices, and potential reforms to election statutes, regulations, and policies to:
  - Strengthen electoral systems to effectively manage natural disasters and other emergencies that could disrupt elections.
  - Promote public confidence in the electoral process by promoting transparency and integrity.
  - Ensure that all qualified United States citizens in Florida have a reasonable, adequate, and safe opportunity to exercise their right to vote.
  - Minimize the risks of mistakes, fraud, violations, accidents, or other irregularities that could affect elections.

Authorized Activities of the Center

The bill authorizes the FSU Election Law Center to undertake a range of activities to fulfill its mission of advancing election law research, education, and policy development. The bill authorizes the center to:

- Hire necessary faculty and staff to support the center's operations and develop and teach courses related to election law.
- Organize and host events such as workshops, symposia, roundtables, interviews, public discussions, lectures, and conferences.
- Conduct, aid, and sponsor research on election law and publish or make publicly available articles, reports, analyses, databases, or websites to disseminate election law scholarship and policy insights.
- Provide training and continuing education for members of the federal and state judiciaries and judicial organizations, attorneys, Department of State personnel, supervisors of elections and their employees, and other election administrators.

- Offer formal and informal assistance to the Legislature and governmental entities or officials at the federal, state, and county levels on matters related to elections and election law. This assistance may include research, reports, public comments, testimony, or briefs.
- Award scholarships and research assistantships to outstanding students interested in election law and sponsors fellowships to fund qualified students to work with the center or at local, state, or federal offices and nonpartisan entities engaged in election law matters.
- Form partnerships with other centers, programs, institutes, and associations as appropriate to promote the center's goals.

Data Sharing and Confidentiality Requirements

The bill authorizes the Department of State, supervisors of elections, the State Library, and the State Archives to cooperate with the FSU Election Law Center by sharing electronic copies of information or data in their possession, custody, or control upon request of the center's faculty director.

The bill requires the center and its employees to be subject to, and to store such information or data consistent with, confidentiality and security requirements that are comparable to those that apply to the Department of State, supervisors of elections, and their employees.

Funding for the Center

The bill provides that the center will be funded through appropriations as provided in the General Appropriations Act, charitable donations and grants, and other university funds.

Leadership and Governance

The bill requires the dean of the FSU College of Law to appoint a faculty director to lead the center who is a tenured member of the faculty of the law school. The bill requires the faculty director to hire an executive director to conduct the center's day-to-day operations.

The bill requires the faculty director, in consultation with the executive director, to:
- Establish programs that promote the center's goals.
- Develop the budget and disburse the funds appropriated, donated, or provided to the center.
- Hire employees for the center.
- Oversee the center's research, education, and training programs, events, and work product.

Academic Freedom and Intellectual Diversity Protections

The bill requires the center's research, work, activities, filings, speakers, events, and operations be subject to academic freedom protections. The bill prohibits the center or any of its full-time faculty or staff from being compelled to conduct, consult on, or otherwise assist any research or initiatives by any outside federal, state, or local official or agency or private person or entity. The bill further requires the center to promote intellectual freedom and viewpoint diversity, which is the exposure of students, faculty, and staff to, and the encouragement of their exploration of, a variety of ideological and political perspectives.

The bill takes effect 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:

The Florida State University Election Law Center may incur costs to implement the bill's requirements. Without being specific, the bill provides that the center will be funded through appropriations in the General Appropriations Act, charitable donations and grants, and other university funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.421 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.

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

By Senator Simon

3-01557-25 2025892__

A bill to be entitled

An act relating to the Florida State University Election Law Center; creating s. 1004.421, F.S.; creating the center within the Florida State University College of Law; defining the term "election law"; providing the goals of the center; authorizing the center to hire staff and develop courses; authorizing the center to hold events and conduct, aid, and sponsor specified research; authorizing the center to provide training and continuing education; authorizing the center to provide assistance to the Legislature and other governmental entities; authorizing the center to provide scholarships and assistantships and to partner with specified entities; authorizing specified entities to cooperate with the center and share specified information; providing mechanisms for the funding of the center; requiring the dean of the college of law to appoint a faculty director; providing the duties of the faculty and executive directors; providing an effective date.

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

Section 1. Section 1004.421, Florida Statutes, is created to read:

1004.421 Election Law Center at the Florida State University.—The Florida State University Election Law Center is hereby created at the Florida State University College of Law.

(1)(a) For purposes of this section, the term "election law" shall be construed broadly to include, but not be limited to, issues related to:

1. Voting rights.

2. Election administration.

3. Election emergencies.

4. Election integrity.

5. Voter registration and voter registration databases.

6. Cyber or other technical issues relating to elections.

7. Federal, state, and local legal provisions governing the electoral process.

8. Election contests for any federal, state, or local office.

9. Matters relating to the Electoral College or the casting, counting, or validity of electoral votes.

10. Federal and state campaign finance law.

11. Election audits.

12. Apportionment and redistricting.

13. Doctrines relating to justiciability, civil procedure, and remedies which may arise in election-related cases.

(b) Election law includes the historical, empirical, and comparative aspects of the topics specified in paragraph (a), as well as philosophical and theoretical issues relating to democracy, democratic theory, and republicanism more broadly.

(2) The goals of the center are to:

(a) Conduct and promote rigorous, objective, nonpartisan, evidence-based research concerning important constitutional, statutory, and regulatory issues relating to election law.

(b) Plan and host events to allow students, scholars, legislators, judges, election administrators, attorneys, and

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

members of the public to learn about the electoral process and election law.

(c) Develop and sponsor publicly accessible materials and resources concerning elections and election law.

(d) Assist students in learning about, gaining practical experience with, and pursuing career opportunities relating to election law.

(e) Enhance the Florida State University College of Law's reputation as a nationally respected source for cutting-edge legal scholarship and technical legal expertise.

(f) Serve as a credible, objective, nonpartisan resource to address election law inquiries from federal, state, and local election officials and the Legislature and legislative staff; bolster understanding of the electoral process; and promote public confidence in Florida's electoral system.

(g) Develop objective, evidence-based analysis, best practices, and potential reforms to statutes, regulations, and other policies governing elections to:

1. Enable electoral systems to deal more effectively with natural disasters and other emergencies that can impede or undermine an election;

2. Bolster public confidence in the electoral process;

3. Ensure that United States citizens who meet this state's voter qualification requirements have a reasonable, adequate, and safe opportunity to exercise their right to vote; and

4. Minimize the possibility of mistake, fraud, violations, accidents, or other irregularities impacting elections.

(3) The center may do all of the following:

(a) Hire necessary faculty and staff and develop and teach

courses relating to election law.

(b) Hold events, including workshops, symposia, roundtables, interviews, public discussions, lectures, and conferences.

(c) Conduct, aid, and sponsor research relating to election law, to publish or otherwise make publicly available articles, reports, analyses, databases, or websites relating to election law issues.

(d) Provide training and continuing education for the federal and state judiciaries and judicial organizations, attorneys, Department of State personnel, supervisors of elections and their employees, and other election administrators.

(e) Provide formal or informal assistance to the Legislature, as well as to governmental entities or officials at the federal, state, or county levels, concerning elections or election law, including, but not limited to, research, reports, public comments, testimony, or briefs.

(f) Provide scholarships and research assistantships to outstanding students interested in election law and sponsor fellowships to pay for qualified students to work with the center or at any local, state, or federal office or nonpartisan entity that deals with election law.

(g) Partner with other centers, programs, institutes, and associations, as appropriate, to promote the center's goals.

(4) The Department of State, supervisors of elections, the State Library, and the State Archives may cooperate and share with the center electronic copies of information or data in their possession, custody, or control upon request of the

center's faculty director to further the goals of the center, provided that the center and its employees are subject to, and store such information or data consistent with, confidentiality and security requirements comparable to those that apply to the department, supervisors of elections, and their employees.

(5) The center shall be funded through appropriations as provided in the General Appropriations Act, charitable donations and grants, and other university funds.

(6) The dean of the Florida State University College of Law shall appoint a faculty director to lead the center. The faculty director must be a tenured member of the faculty of the law school. The faculty director shall hire an executive director to conduct the center's day-to-day operations. The faculty director, in consultation with the executive director, shall do all of the following:

(a) Establish programs that promote the center's goals.

(b) Develop the budget and disburse the funds appropriated, donated, or provided to the center.

(c) Hire employees for the center.

(d) Oversee the center's research, education, and training programs, events, and work product.

(7) The center's research, work, activities, filings, speakers, events, and operations shall be subject to academic freedom protections. The center or any of its full-time faculty or staff may not be compelled to conduct, consult on, or otherwise assist any research or initiatives by any outside federal, state, or local official or agency or private person or entity. The center shall seek to promote intellectual freedom and viewpoint diversity as defined in s. 1001.706(13)(a)1.

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

The Florida Senate

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4/22/25
Meeting Date

(S) Fiscal
Committee

SB 892
Bill Number or Topic

Amendment Barcode (if applicable)

Name Clay Ingram - FSU

Phone

Address 222 S. Copeland St.
Street

Email hcingram@fsu.edu

TLH 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: FSU

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

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4-21
Meeting Date

Fiscal
Committee

892
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maureen Wagner Vinson

Phone 908-208-4956

Address 3861 Ardmore Lane
Street

Email mwagner3@law.fsu.edu

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:

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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.)

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

BILL:	SB 936
INTRODUCER:	Senator Davis
SUBJECT:	Statewide Study on Automation and Workforce Impact
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	**Favorable**
2.	Griffin	Nortelus	ATD	**Favorable**
3.	Dike	Siples	FP	**Favorable**

I. Summary:

SB 936 requires the Bureau of Workforce Statistics and Economic Research (bureau) at the Department of Commerce (department) to perform a statewide study on the effects of automation, robotics, and AI on the state's workforce. The study must analyze specified information and impacts and must be conducted every three years so the bureau can update its policy recommendations.

The bill does not appear to have a fiscal impact to the department. **See Section V. Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Automation, Robotics, and AI in the Workforce

Since the Industrial Revolution, the issue of machines replacing humans in the workplace has become increasingly concerning to the workforce.[1] There is increasing evidence that automation of lower skill occupations has contributed to wage inequality.[2] Although the use of robotics is lower in the U.S. than other countries, the estimates of one study on automation in the workforce "imply that each additional robot per thousand workers reduces the local employment-to-population ratio by 0.39 percentage points and wages by about 0.77 percent."[3] Other researchers

[1] Sara Brown, MIT, *A New Study Measures the Actual Impact of Robots on Jobs. It's Significant*., available at https://mitsloan.mit.edu/ideas-made-to-matter/a-new-study-measures-actual-impact-robots-jobs-its-significant (last visited Mar. 28, 2025).
[2] Daron Acemoglu and Pascual Restrepo, *Robots and Jobs: Evidence from US Labor Markets*, 128:6 J. POL. ECON. 2188, 2189, available at https://www.journals.uchicago.edu/toc/jpe/2020/128/6 (last visited Mar. 28, 2025).
[3] *Id*. at 2241.

"found that for every robot added per 1,000 workers in the U.S., wages decline by 0.42 percent and the employment-to-population ratio goes down by 0.2 percentage points — to date, this means the loss of about 400,000 jobs."[4]

Regarding Florida specifically, rapid advances in technology may threaten the availability of jobs. One study "estimates that the Miami metropolitan statistical area (MSA), which includes Miami-Dade, Broward, and Palm Beach counties, will likely see about 23 percent of its total workforce displaced by automation by 2030 — or 761,000 South Florida jobs."[5] Another study found that "43.4 percent of jobs across Florida had a high risk of automation in 2023."[6] Further, a survey by the Florida Chamber Foundation shows that 77 percent of industry leaders "anticipate changes in core technologies, workforce generational shifts, or artificial intelligence will disrupt their business."[7]

Meanwhile, proponents of AI argue that it can make businesses work more efficiently by automating routine operations and letting workers focus on more important tasks.[8] Businesses can use AI to communicate with even more clients and customers than possible with just human efforts.[9] Moreover, some research on laborers who work alongside automation shows that those workers have higher wages than those workers that do not have the same computer literacy skills.[10]

III. Effect of Proposed Changes:

Definitions

The bill defines the term "artificial intelligence" to mean a machine-based learning system that can, for a given set of human-defined objectives make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

- Perceive real and virtual environments.
- Abstract perceptions into models through analysis in an automated manner.
- Model inferences to formulate options for information or action.

[4] Brown, *supra* note 1.
[5] Rob Wile, MIAMI HERALD, *Nearly 1 million South Florida workers face automation. Here's who will survive*., available at https://www.miamiherald.com/news/business/article232600937.html (last visited Mar. 28, 2025).
[6] Melanie Schmees and John Shannon, Issue Brief: Automation in Southwest Florida, available at https://www.fgcu.edu/cob/reri/news/reports/issue-brief-automation-in-southwest-florida (last visited Mar. 28, 2025).
[7] FLORIDA CHAMBER FOUND., *Florida Workforce 2030*, available at https://www.flchamber.com/wp-content/uploads/2020/02/Florida-Workforce-2030-Report_FINAL_web.pdf (last visited Mar. 28, 2025).
[8] Tyler Weitzman, FORBES, *Understanding The Benefits And Risks Of Using AI In Business*, available at https://www.forbes.com/councils/forbesbusinesscouncil/2023/03/01/understanding-the-benefits-and-risks-of-using-ai-in-business/ (last visited Mar. 28, 2025).
[9] *Id.*
[10] Ashley Nunes, HARV. BUS. REV., *Automation Doesn't Just Create or Destroy Jobs—It Transforms Them*, available at https://hbr.org/2021/11/automation-doesnt-just-create-or-destroy-jobs-it-transforms-them (last visited Mar. 28, 2025).

Statewide Study on Automation

Under the bill, the bureau must study the economic impact of automation, AI, and robotics on employment in the state, focusing on job losses and gains due to AI and automation.
By December 1, 2025, and every three years after that, the bureau must submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bureau must conduct the study every three years to update its policy recommendations.

The study must analyze:
- Industries most affected and projected job displacement over the next ten years due to the use of AI.
- Geographic regions within this state most vulnerable to job loss or displacement.
- Demographics of workers that are most at risk.
- Impact on wages and job quality in key job sectors.
- Economic benefits, including productivity growth and job creation.
- Workforce training programs addressing job loss or displacement.
- Policy recommendations for workforce resilience, including education and retraining investments.
- The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

When executing this study, the bureau may consult with:
- Business and industry representatives.
- Academic institutions with labor economics expertise.
- Local economic councils and chambers of commerce.
- Any groups the bureau deems necessary to complete the study.

Effective Date

The bill sets out an effective date of 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The study will marginally increase the workload of the bureau; however, the costs of which can likely be absorbed by the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida law.

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 Davis

5-01344A-25 2025936__

A bill to be entitled

An act relating to a statewide study on automation and workforce impact; defining the term "artificial intelligence"; requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; specifying contents of the study; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date; requiring the bureau to conduct the study at specified intervals of time; providing an effective date.

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

Section 1. Statewide Study on Automation and Workforce Impact.—

(1) As used in this section, the term "artificial intelligence" or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

(a) Perceive real and virtual environments.

(b) Abstract perceptions into models through analysis in an automated manner.

(c) Model inferences to formulate options for information

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5-01344A-25 2025936__

or action.

(2) The Bureau of Workforce Statistics and Economic Research of the Department of Commerce shall study the economic impact of automation, AI, and robotics on employment in the state, with a specific focus on job losses and gains due to AI and automation.

(3) The study shall analyze:

(a) Industries most affected and projected job displacement over the next 10 years, particularly due to use of AI.

(b) Geographic regions within this state most vulnerable to job loss or displacement.

(c) Demographics of workers that are most at risk.

(d) Impact on wages and job quality in key job sectors.

(e) Economic benefits, including productivity growth and job creation.

(f) Workforce training programs addressing job loss or displacement.

(g) Policy recommendations for workforce resilience, including education and retraining investments.

(h) The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

(4) The bureau may consult with:

(a) Business and industry representatives.

(b) Academic institutions with labor economics expertise.

(c) Local economic councils and chambers of commerce.

(d) Any groups the bureau deems necessary to complete the study.

(5) The bureau must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a

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report of its findings and recommendations by December 1, 2025, and every 3 years thereafter pursuant to subsection (6).

(6) The bureau must conduct the study every 3 years to assess automation's impact on the workforce and to update its policy recommendations.

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

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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.)

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

BILL:	CS/SB 964
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice and Senator Bernard
SUBJECT:	Parole
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Favorable**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Wyant	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 964 amends s. 947.174, F.S., to require the Department of Corrections (DOC) to provide the Florida Commission on Offender Review (FCOR or commission) information on an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs. The bill requires the commission to review the information in determining whether to modify an inmate's presumptive parole release date.

The commission is currently required to review the objective parole guidelines annually, making any revisions considered necessary by virtue of statistical analysis of commission actions. The bill amends s. 947.165, F.S., to require the commission to submit such statistical analysis to the President of the Senate and the Speaker of the House of Representatives.

The bill does not have a fiscal impact on state revenue or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

The FCOR makes a variety of determinations regarding parole and other releases, and reviews releasees' supervision status every two years. In both parole and conditional medical release hearings, testimony and pertinent information may be provided by a representative of an inmate,

an inmate's family, by victims of the offense, and the victim's family. During hearings, the commission conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The commission makes final determinations with regard to revocation of post release supervision, where a releasee may have violated conditions of their release.[1]

The FCOR consists of three commissioners[2] appointed by the Governor and Cabinet from a list of eligible applicants submitted by the parole qualifications committee. Each appointment must be certified to the Senate for confirmation. The membership of the commission must include representation from minority persons.[3,4] Commissioners serve a term of six years, and no person is eligible to be appointed for more than two consecutive six year terms.[5]

The FCOR has the powers and performs the duties of:[6]

- Determining what persons shall be placed on parole.
- Fixing the time and conditions of parole.
- Determining whether a person has violated parole and taking action with respect to such a violation.
- Making such investigations as may be necessary.
- Reporting to the Board of Executive Clemency the circumstances, the criminal records, and the social, physical, mental, and psychiatric conditions and histories of persons under consideration by the board for pardon, communication of sentence, or remission of fine, penalty, or forfeiture.
- Establishing the terms and conditions of persons released on conditional release and determining subsequent ineligibility for conditional release due to a violation and acting with respect to such violation.
- As the Control Release Authority, determining what persons will be released on control release, establishing the time and conditions of control release, if any, and determining whether a person has violated the conditions and acting with respect to such violation.
- Determining what persons will be released on conditional medical release, establishing conditions of release, and determining whether a person has violated the conditions, and acting with respect to such violation.

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[1] Florida Commission on Offender Review, *Organization*, available at: https://www.fcor.state.fl.us/overview.shtml (last visited March 20, 2025).
[2] The Florida Commission on Offender Review was created to consist of six members who are residents of the state. Effective July 1, 1996, the membership of the commission shall consist of three members. Section 947.01, F.S.
[3] "Minority person" means a lawful, permanent resident of Florida who is: (a) an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; (b) a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; (c) an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asian, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; (d) a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; and (e) an American woman. Section 288.703(4), F.S.
[4] Section 947.02(1), F.S.
[5] Section 947.03, F.S.
[6] Section 947.13(1)(a)-(h), F.S.

In 1978, the Legislature enacted the Objective Parole Guidelines Act. Pursuant to s. 947.165, F.S., the FCOR is required to develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. The guidelines are to be developed according to an acceptable research method and must be based the seriousness of offense and the likelihood of favorable parole outcome. The guidelines require the commission to aggravate[7] or aggregate[8] each consecutive sentence in establishing the presumptive parole release date.[9] Factors used in arriving at the salient factor[10] score and the severity of offense behavior[11] may not be applied as aggravating circumstances.

The FCOR is required to review the objective parole guidelines and make any revisions considered necessary by virtue of statistical analysis of commission actions, which analysis uses acceptable research and methodology.[12]

III. Effect of Proposed Changes:

The bill amends s. 947.174, F.S., to require the Department of Corrections (DOC) to provide the commission information on an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs. The DOC must make the information available and bring it to the attention of the commission within a reasonable amount of time. The commission must review the information in determining whether to modify an inmate's presumptive parole release date.

The commission is required to review the objective parole guidelines annually, making any revisions considered necessary by virtue of statistical analysis of commission actions. The bill amends s. 947.165, F.S., to require the commission to submit such statistical analysis to the President of the Senate and the Speaker of the House of Representatives.

The bill takes effect July 1, 2025.

[7] "Aggravate" means to add a number of months to established number of months selected from the matrix time range. Rule 23-21.002(1).
[8] "Aggregation" means a process to separate multiple criminal episodes and score each single episode by determining the salient factor score, severity of offense behavior, presence of aggravating or mitigating circumstances, and assess a number of months of incarceration for each scored episode. The total of months for each scored episode is then aggregated (added together) for the establishment of a presumptive parole release date. Rule 23-21.002(2).
[9] "Presumptive parole release date" means the tentative parole release date, when authorized by the Commission as set forth in s. 947.172, F.S. Rule 23-21.002(31).
[10] "Salient factors" are the indices of the offender's present and prior criminal behavior and related factors found by experience to be predictive in regard to parole outcome. Rule 23-21.002(43).
[11] "Severity of offense behavior" means the statutorily assigned degree of felony or misdemeanor for the present offense of conviction. Rule 23-21.002(45).
[12] Section 947.165(2), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 947.165.

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 Appropriations Committee on Criminal and Civil Justice on April 15, 2025:

- Removes the revised requirements for objective parole guidelines.
- Requires DOC to provide FCOR information on an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs; requires the commission to review this information in determining whether to modify an inmate's presumptive parole release date.

B. Amendments:

None.

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

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

604-03624-25 2025964c1

A bill to be entitled

An act relating to parole; amending s. 947.165, F.S.; requiring the Florida Commission on Offender Review to provide a specified statistical analysis to the Legislature; amending s. 947.174, F.S.; requiring the Department of Corrections to provide specified information to the commission; requiring the commission to review specified information in certain circumstances; providing an effective date.

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

Section 1. Subsection (2) of section 947.165, Florida Statutes, is amended to read:

947.165 Objective parole guidelines.—

(2) At least once a year, the commission shall review the objective parole guidelines and make any revisions considered necessary by virtue of statistical analysis of commission actions, which analysis uses acceptable research and methodology. Upon completion of the review, the commission shall provide the statistical analysis to the President of the Senate and the Speaker of the House of Representatives.

Section 2. Subsection (3) of section 947.174, Florida Statutes, is amended to read:

947.174 Subsequent interviews.—

(3) The department shall, within a reasonable amount of time, make available and bring to the attention of the commission such information as is deemed important to the review of the presumptive parole release date, including, but not

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604-03624-25 2025964c1

limited to, current progress reports, psychological reports, and disciplinary reports, as well as information regarding an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs. The commission shall review such information in determining whether to modify an inmate's presumptive parole release date.

Section 3. This act shall take effect July 1, 2025.

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The Florida Senate

APPEARANCE RECORD

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

4/22/25
Meeting Date

FP
Committee

964
Bill Number or Topic

Amendment Barcode (if applicable)

Name AARON WAYT
FL ASSN OF CRIM DEF LAWYERS

Phone (407) 435-3194

Address
Street

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TLH FL 32308
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. 2020-2022JointRules.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.)

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

BILL:	CS/SB 976
INTRODUCER:	Children, Families, and Elder Affairs Committee and Senator Bernard
SUBJECT:	Court-appointed Psychologists
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tuszynski	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Favorable**
3.	Tuszynski	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 976 clarifies the process which a parent seeking to disqualify a court-appointed psychologist must follow, and also clarifies that moving to disqualify the psychologist is not a condition precedent to filing a supplemental legal action against the psychologist. Additionally, the bill clarifies that a two-way attorney fee shifting provision applies in any supplemental legal actions against the psychologist in his or her capacity as a court appointee, and does not apply to the underlying legal action.

The bill also requires the parent first move to disqualify the psychologist and appoint a different, alternative psychologist before a parent can file an administrative complaint against a court-appointed psychologist.

The bill will likely have an insignificant negative fiscal impact on state expenditures and revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Family Law

In Florida, the general reference to "family law" matters include many different types of cases. Family law courts have jurisdiction over cases involving:

- Dissolution of marriage.
- Annulment.
- Child support.
- Paternity.
- Adoption.
- Name changes.
- Civil domestic violence, repeat violence, dating violence, stalking, and sexual violence injunctions.
- Juvenile dependency.
- Modifications and enforcements of orders, and more.[1]

Best Interests of the Child Standard

Throughout all family law proceedings involving a minor child, the primary focus of the court is on the best interest of the minor child. Thus, when determining any issue involving child custody, the judge must first assess how his or her order would impact the child. Florida law provides a non-exhaustive list of 20 factors that a court must consider to determine the best interests of a minor child.[2] The factors affecting the welfare and interests of the child and the circumstances of the family, include, but are not limited to the:

- Demonstrated capacity and disposition of each parent to facilitate and encourage a continuing parent-child relationship, honor the timesharing schedule, and accommodate necessary changes.
- Anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.
- Demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child.
- Length of time the child has lived in a stable environment and the desirability of maintaining continuity.
- Geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan.
- Mental health, physical health, and moral fitness of the parents.
- Home, school, and community record of the child.
- Reasonable preference of the child.[3]
- Demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including the child's friends, teachers, and daily activities.

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[1] Florida Office of the State Courts Administrator, *Family Court in Florida*, available at: https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida (last visited March 26, 2025).
[2] Section 61.13(3), F.S.
[3] Section 61.13(3), F.S.

- Demonstrated capacity and disposition of each parent to:
  - Provide a consistent routine; and
  - Communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.
- Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, or evidence that a parent has or has had a reasonable cause to believe that he or she or his or her minor child or children are in imminent danger of becoming victims of an act of domestic violence.
- Evidence that either parent has ever knowingly provided false information about to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.
- Particular parenting tasks customarily performed by each parent, including the extent to which parenting responsibilities were undertaken by third parties.
- Demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.
- Demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.
- Capacity and disposition of each parent to protect the child from the ongoing litigation regarding child custody.
- Developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.
- Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

Parental Responsibility

Florida courts have consistently ruled that a parent's desire and right to the companionship, care, custody, and management of his or her children is an important interest that warrants deference and, absent a powerful countervailing interest, protection. Further, a parent has general responsibilities owed to his or her children, including supervision, health and safety, education, care, and protection. In Florida, parenting is broken down into two distinct components: parental responsibility (decision-making) and timesharing (physical visitation with the child based on a parenting plan). Although the right to integrity of the family is among one of the most fundamental rights, when parents divorce or separate, the parents' rights are subject to the overriding concern for the ultimate welfare or best interests of their children.

In family law matters, the commonly referred to idea of "custody" is broken down into parental responsibility and timesharing. Parental responsibility refers to the legal duty and right of a parent to care for, protect, and raise his or her child, including making important decisions regarding the child's upbringing and welfare such as religion, medical decisions, and education issues. Timesharing refers to the actual schedule each parent spends with the child according to a timesharing schedule detailed in a parenting plan.

Under Florida law, a court generally orders parental responsibility of a minor child to be shared by both parents.[4] However, a court may deviate from shared parental responsibility if it finds that shared parental responsibility would be detrimental to the minor child.[5] In determining whether there would be a detriment to the child, the court shall consider:

- Evidence of domestic violence;[6]
- Whether either parent has or has had a reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of domestic violence or sexual violence by the other parent against the parent or against the child or children whom the parents share in common, regardless of whether a cause of action has been brought or is pending on the issue;
- Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect by the other parent; and
- Any other relevant factors.[7]

Current law provides factors that create a rebuttable presumption that shared parental responsibility is detrimental to the child, as follows:

- A parent has been convicted of a first-degree misdemeanor or higher level of crime involving domestic violence as defined in s. 741.28, F.S., and ch. 775, F.S.;
- A parent meets the criteria for the termination of his or her parental rights under s. 39.806(1)(d), F.S. relating to a parent who is incarcerated; or
- A parent has been convicted of or had adjudication withheld as a sexual offender for an offense enumerated in s. 943.0435(1)(h)1.a., F.S., and at the time of the offense the parent was 18 years old or older and the victim was under 18 years old or the parent believed the victim to be under 18.[8]

Parenting Plan

A court may prescribe a "parenting plan"[9] by which the parents are ordered to share decision-making and physical custody of the minor child. The parenting plan may order parents to exercise shared parental responsibility, it may delegate decision-making authority over specific matters to one parent, or it may grant a parent sole parental responsibility over the minor child. Common issues concerning a minor child may include education, healthcare, and social or emotional wellbeing.

A parenting plan is a document created to govern the relationship between parents relating to decisions that must be made regarding the minor child at issue.[10] A parenting plan must contain a timesharing schedule for the parents and the child.[11] The parenting plan should attempt to

[4] Section 61.13(2)(c)(2), F.S.
[5] *Id*.
[6] Section 741.28, F.S.
[7] Section 61.13(2)(c)(2), F.S.
[8] Section 61.13(2)(c)(3), F.S.
[9] A "parenting plan" is a document created to govern the relationship between the parents relating to decisions which must be made regarding the child and must contain a timesharing schedule for the parents and child. S. 61.046(14), F.S. If a parenting plan is agreed to by the parties, it must be approved by the court.
[10] Section 61.046(14), F.S.
[11] *Id*.

address all issues concerning the minor child, including, but not limited to, the child's education, health care, and physical, social, and emotional well-being.[12] In creating the parenting plan, the court must consider all circumstances between the parents, including their historic relationship, domestic violence, and other factors.[13] A parenting plan is either created and agreed to by both parents and approved by the court, or is established by the court if the parents cannot agree to a plan or the parents agree to a plan that is not approved by the court.[14] A parenting plan may be utilized in cases involving minor children unrelated to a dissolution of marriage or in connection to a dissolution of marriage.

A parenting plan approved by the court must, at a minimum:

- Describe in adequate detail how the parents will share and be responsible for the daily tasks associated with raising the minor child;
- Include the timesharing schedule arrangements that specify the time that the minor child will spend with each parent;
- Designate which parent will be responsible for healthcare, school-related matters, and other activities; and
- Describe in adequate detail the methods and technologies the parents will use to communicate with the child.[15]

Given the potential for heated disputes in matters involving a minor child, it is imperative that the parenting plan be as detailed as possible to eliminate ambiguity surrounding each parent's responsibilities and specific timesharing with the minor child. This generally includes a detailed description of the various holidays and with which parent the child will spend each holiday,[16] the location of the exchange from one parent's timesharing to the other parent's timesharing, who is responsible for the child's travel expenses, the times during which one parent will ensure the minor child is available to communicate with the other parent, the delegation of specific decision-making topics, and more.[17]

To assist parties with creating a parenting plan that meets the requirements under s. 61.13, F.S., the Florida Supreme Court has published a standardized parenting plan form, Form 12.995(a).[18] The form attempts to cover all possible aspects of an acceptable parenting plan including which parent can enroll the child in extra-curricular activities, the specific meaning of academic breaks and holidays, the process by which a parent should request a temporary schedule change, the specific days the child should be with each parent, and the specific time the exchange should occur.

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[12] Section 61.046(14), F.S.
[13] *Id*.
[14] *Id*.
[15] Section 61.13(2)(b), F.S.
[16] *See Mills v. Johnson*, 147 So. 3d 1023 (Fla. 2d DCA 2014) in which the trial court erred by adopting a timesharing schedule that did not address holiday timesharing given the historically contentious parenting relationship between the parties.
[17] *See generally Magdziak v. Sullivan*, 185 So. 3d 1291 (Fla. 5th DCA 2016); *see also Scudder v. Scudder*, 296 So. 3d 426 (Fla. 4th DCA 2020).
[18] Florida Supreme Court Approved Family Law Form 12.995(a), Parenting Plan (Feb. 2018), available at: https://www.flcourts.gov/content/download/686031/file_pdf/995a.pdf (last visited Mar. 26, 2025).

Timesharing

Under current law, a rebuttable presumption exists that equal time-sharing of a minor child is in the child's best interests.[19] As such, a court will start with the presumption that time-sharing should be divided equally (commonly referred to as "50/50") between both parents. However, either parent may rebut the presumption by proving that such equal-timesharing is not in the minor child's best interests.

To successfully overcome the presumption, the parent seeking to rebut the presumption must prove that 50/50 timesharing is not in the child's best interests by a preponderance of the evidence (that is, that the evidence presented is more convincing and likely true than the other parent's evidence, or in other words, meaning it's more probable than not). In establishing a timesharing schedule, except for when the parties agree to a schedule without court intervention, the court must consider the best interests of the child[20] and evaluate all "best interest"[21] factors.

When creating or modifying a time-sharing schedule, the court must evaluate all factors and must make specific written findings of fact related to each factor.[22]

Court-Appointed Social Investigation and Study

Section 61.20, F.S., provides authority for the court to order a "social investigation and study" in matters where the parenting plan is at issue. As such, a court may order a social investigation and study concerning all relevant details relating to the child and each parent in the case. Under Florida law, a social investigation and study may be ordered in any action where the parenting plan is at issue because the parents cannot agree and either:

- Such an investigation has not been done and, thus, a study has not been provided to the court by the parties; or
- The court determines that the investigation and study that have been done are insufficient.[23]

In a case where the court deems it necessary to order a social investigation and study, either the parties can jointly choose an investigator, or, if they are unable to agree, the court will select and appoint an investigator.[24] The social investigator must be qualified as an expert to testify regarding his or her written study.[25,26] The investigation and study must be conducted by:

- Qualified staff of the court;
- A child-placing agency licensed pursuant to s. 409.175, F.S.;
- A psychologist licensed under ch. 490, F.S.;
- A clinical social worker;
- A Marriage and Family therapist; or
- A mental health counselor licensed under ch. 491, F.S.[27]

[19] Section 61.13(2)(c)(1), F.S.
[20] Section 61.13(2)(c), F.S.
[21] Section 61.13(3), F.S.
[22] Section 61.13(2)(c)(1), F.S.
[23] Section 61.20(1), F.S.
[24] Fla. Fam. L.R.P. 12.364.
[25] *Id*.
[26] Section 90.702, F.S.
[27] Section 61.20(2), F.S.

Additionally, if a party is indigent and the court does not have qualified staff to perform the investigation and study, the court may request that the Department of Children and Family Services (DCF) conduct the study.[28]

When a social investigation and study is ordered, each party must be provided a copy of the report in advance of a hearing on the matter and must have an opportunity to review the report and offer evidence to rebut conclusions contained therein. [29] The Florida Family Law Rules of Procedure requires the written report to be provided to the parties no later than 30 days before trial.[30]

Court Appointed Psychologist

There are specific provisions related to court-appointed psychologists who are ordered to develop a parenting plan recommendation in a dissolution of marriage, domestic violence, or a paternity matter involving the relationship of a child and a parent.[31] Under current law, a court-appointed psychologist is presumed to be acting in good faith if his or her recommendation has been reached under standards that a reasonable psychologist would use to develop a parenting plan recommendation.[32]

Additionally, current law prohibits an administrative complaint against a court-appointed psychologist who acted in good faith from being filed anonymously. As such, a parent who wishes to file an administrative complaint against a court-appointed psychologist must include his or her name, address, and telephone number in the complaint.[33] However, current law does not require a parent to first seek to disqualify and replace the psychologist before he or she may file an administrative complaint against the psychologist.

Under current law, a parent who desires to file a legal action against such a court-appointed psychologist must petition the judge or presided over the underlying matter to appoint another psychologist.[34] If that parent establishes good cause for such an additional appointment, the court shall appoint another psychologist.[35] Current law provides for the award of two-way attorney fees in such a civil legal action dependent on whether the psychologist is found liable. As such, if, in a civil legal action against the psychologist, the psychologist is held not liable, the parent who brought the action is responsible for all reasonable costs and reasonable attorney fees associated with the action for the psychologist.[36] However, if the psychologist is held liable, he

[28] Section 61.20(2), F.S.
[29] *See Sacks v. Sacks*, 991 So. 2d 922 (Fla. 5th DCA 2008) (providing that parties must have a reasonable period of time prior to trial so that each can properly evaluate the report, undertake discovery, where appropriate, and have an adequate opportunity for preparation of rebuttal evidence; *see also Leinbach v. Leinbach*, 634 So. 2d 252, 253 (Fla. 2d DCA 1994) (providing that procedural due process prohibits a trial court from relying on a social investigation report to determine child custody without first providing the report to the parties and permitting them to introduce evidence that might rebut the conclusions or recommendations included in the report).
[30] Fla. Fam. L.R.P. 12.363(b).
[31] *See generally*, s. 61.122, F.S.
[32] Section 61.122(1), F.S.
[33] Section 61.122(2), F.S.
[34] Section 61.122(3), F.S.
[35] *Id*.
[36] Section 61.122(4), F.S.

or she will be responsible for and must pay all reasonable costs and attorney fees for the parent who brought the action.[37]

Attorney Fees

Historical Treatment of Attorney Fees

The traditional "English rule" entitled a prevailing party in civil litigation to attorney fees as a matter of right. However, Florida and a majority of other United States jurisdictions have adopted the "American rule," where each party bears its own attorney fees unless a "fee-shifting statute" provides an entitlement to fees. In Florida, several such fee-shifting statutes entitle the prevailing party or, more specifically, a particular prevailing claimant or plaintiff, to have his or her fees paid by the other party.[38]

Statutorily-Provided Attorney Fees

Several Florida and federal statutes state that a prevailing party in court proceedings is entitled to attorney fees as a matter of right.[39] These statutes are known as "fee-shifting statutes" and often entitle the prevailing party to a reasonable attorney fee, which must be paid by the other party. When a fee-shifting statute applies, the court must determine and calculate what constitutes a reasonable attorney fee. One such fee-shifting statute pertains to actions brought against court-appointed psychologists.[40]

Lodestar Approach

In 1985, the Florida Supreme Court held that courts should calculate the amount of statutorilyauthorized attorney fees under the "lodestar approach."[41] Under this approach, the first step is for the court to determine the number of hours reasonably expended by an attorney on the case. The second step requires the court to determine a reasonable hourly rate. The number of hours reasonably expended (determined in the first step), multiplied by the reasonable hourly rate (determined in the second step), produces the "lodestar amount," which is considered an objective basis for what the attorney fee amount should be.

Administrative Complaint Process

In Florida, certain professions and businesses are monitored by various agencies and departments. For example, a licensed attorney must be in good standing with the Florida Bar, and a disgruntled client may file a complaint with the Bar in relation to the attorney's representation

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[37] Section 61.122(4), F.S.
[38] *See, e.g.*, s. 400.023, F.S. (nursing home resident); s. 440.34, F.S. (claimant in a workers' compensation case in certain situations); s. 501.2105, F.S. (plaintiff in specified FDUTPA actions); ss. 626.9373 and 627.428, F.S. (prevailing insured party in a case brought against an insurer); s. 790.33, F.S. (plaintiff in a suit to enforce his or her firearm rights); *see also* 42 U.S.C. s. 1988(b) (federal fee-shifting statute for prevailing parties in actions to enforce certain civil rights statutes).
[39] *See, e.g.*, s. 627.428, F.S. (providing that an insured who prevails against an insurer is entitled to "a reasonable sum" of attorney fees); s. 501.2105, F.S. (providing that the prevailing party in an action under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA) is entitled to "a reasonable legal fee"); 42 U.S.C. s. 1988(b) (providing that a prevailing party seeking to enforce specified civil rights statutes may recover "a reasonable attorney's fee").
[40] Section 61.122(4), F.S.
[41] *Fla. Patient's Comp. Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).
[42] Florida Department of Health, *Enforcement*, available at: https://www.floridahealth.gov/licensing-and-regulation/enforcement/index.html (last visited March 26, 2025).

of the client. Likewise, the Florida Department of Health (DOH) investigates complaints and reports involving healthcare providers and enforces applicable laws.[42] As such, DOH may take administrative action against providers under its purview including issuing reprimands, fines, restricting the practice of a specific provider, requiring remedial education, probation, license suspension or license revocation.[43] Depending on the severity of the allegation, a professional who is the subject of an administrative action may ultimately lose his or her license and be prohibited from practicing in the state if the complaint is determined to be verified and truthful.

The DOH does not charge a fee for anyone to file a complaint against a professional under its purview and the complaint remains confidential if probable cause is not found.[44] However, if probable cause is found, the complaint remains confidential until 10 days after such probable cause is found.[45]

The DOH currently licenses and regulates a large variety of healthcare professionals including medical doctors and psychologists.[46]

III. Effect of Proposed Changes:

Section 1 amends s. 61.122, F.S., to clarify that moving to disqualify a court-appointed psychologist is not a condition precedent to filing a supplemental legal action against the psychologist. The bill imposes a procedural condition precedent a parent must meet before he or she can file an administrative complaint against a court-appointed psychologist who was appointed to conduct a social investigation and study or make a parenting plan recommendation in a family law action. As such, a parent who wishes to file an administrative complaint against a court-ordered psychologist in relation to the psychologist's parenting plan recommendation must first move to disqualify the court-appointed psychologist from the family law proceeding before he or she can file an administrative complaint.

The bill requires a parent who wants to disqualify the selection of a court-appointed psychologist who has acted in good faith in developing a parenting plan recommendation to petition the judge presiding over the family law case to appoint a new, alternative psychologist in lieu of the originally appointed psychologist.

The bill also clarifies which party is responsible for paying certain attorney fees and costs in any supplemental legal action (that is, a separate legal action arising out of the underlying family law matter, not a pleading filed within the same case) against a court-appointed psychologist in his or her capacity as a court-appointed resource in a family law matter. The bill clarifies that the two-way attorney fee shifting structure outlined under current law applies to any additional or supplemental legal action against the court-appointed psychologist and does not apply as it relates to any hearings or filings in the underlying family law proceeding.

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[42] Florida Department of Health, *Enforcement*, available at: https://www.floridahealth.gov/licensing-and-regulation/enforcement/index.html (last visited March 26, 2025).
[43] *Id*.
[44] *Id*.
[45] *Id*.
[46] A complete list of the professions regulated under DOH can be found at https://www.floridahealth.gov/licensing-and-regulation/index.html.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

The bill may have an indeterminate, yet insignificant, fiscal impact on local government for increases in workload associated with additional filings related to the disqualification of a court-appointed psychologist.

C. Government Sector Impact:

The bill will likely have an insignificant negative fiscal impact on the Department of Children and Families for increases in workload associated with additional filings related to the disqualification of a court-appointed psychologist. The costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 61.122 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.)

CS by Children, Families, and Elder Affairs on April 1, 2025:

- Changes the title to "court-appointed psychologists;"
- Clarifies that moving to disqualify the psychologist is not a condition precedent to filing a supplemental legal action against the psychologist;
- Prohibits the filing of an administrative compliant before the complainant has moved to disqualify the court-appointed psychologist;
- Clarifies that a two-way attorney fee shifting provision applies in any supplemental legal actions against the psychologist; and
- Makes conforming and clean up language changes.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs; and Senator Bernard

586-03170-25 2025976c1

A bill to be entitled

An act relating to court-appointed psychologists; amending s. 61.122, F.S.; requiring a party to seek disqualification of a court-appointed psychologist before filing an administrative complaint against the psychologist; providing for disqualification motions; revising provisions for award of costs and attorney fees in supplemental actions against court-appointed psychologists; providing an effective date.

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

Section 1. Subsections (2), (3), and (4) of section 61.122, Florida Statutes, are amended to read:

61.122 Parenting plan recommendation; presumption of psychologist's good faith; prerequisite to parent's filing suit; award of fees, costs, reimbursement.—

(2) An administrative complaint against a court-appointed psychologist which relates to a parenting plan recommendation conducted by the psychologist may not be filed anonymously. The individual who files an administrative complaint must include in the complaint his or her name, address, and telephone number. Such an administrative complaint may not be filed until the complainant has moved to disqualify the selection of the psychologist pursuant to subsection (3).

(3) A parent who desires to disqualify the selection of the ~~file a legal action against a~~ court-appointed psychologist or file an administrative complaint against the court-appointed psychologist who has acted in good faith in developing a

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parenting plan recommendation must petition the judge who is presiding ~~presided~~ over the dissolution of marriage, case of domestic violence, or paternity matter involving the relationship of a child and a parent, including time-sharing of children, to appoint an alternative ~~another~~ psychologist. Upon the parent's showing of good cause, the court shall appoint another psychologist. The court shall determine who is responsible for all court costs and attorney ~~attorney's~~ fees associated with making such an appointment.

(4) In any supplemental ~~If a~~ legal action~~, whether it be a civil action, a criminal action, or an administrative proceeding, is~~ filed against a court-appointed psychologist based upon his or her participation in a dissolution of marriage, case of domestic violence, or paternity matter involving the relationship of a child and a parent, including time-sharing of children, the claimant is responsible for all reasonable costs and reasonable attorney ~~attorney's~~ fees associated with the supplemental action for both parties if the psychologist is held not liable. If the psychologist is held liable in civil court, the psychologist must pay all reasonable costs and reasonable attorney's fees for the claimant.

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.)

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

BILL:	SB 1054
INTRODUCER:	Senators Garcia and Avila
SUBJECT:	Tampering with an Electronic Monitoring Device
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Favorable**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Vaughan	Siples	FP	**Favorable**

I. Summary:

SB 1054 amends s. 843.23, F.S., to reclassify the penalties regarding tampering with an electronic device. If a person is charged with or serving a sentence for a:

- Misdemeanor,[1] tampering with an electronic device is a third degree felony.[2]
- Third degree felony, tampering with an electronic device is a second degree felony.[3]
- Second degree felony, tampering with an electronic device is a first degree felony.[4]
- First degree felony or a first degree felony punishable by a term of years not exceeding life, tampering with an electronic device is a first degree felony punishable by a term of years not exceeding life.
- Life or capital felony, tampering with an electronic device is a life felony.

If a person on pretrial release tampers with an electronic monitoring device, his or her pretrial release will be terminated, and will no longer be eligible for pretrial release for the offenses for which they were on release.

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.

[1] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding $1000; a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding $500, as provided in ss. 775.082 and 775.083, F.S.

[2] A third degree felony is punishable by a term of imprisonment not to exceed five years and a $5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

[3] A second degree felony is punishable by a term of imprisonment not exceeding fifteen years and a fine not exceeding $5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

[4] A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding $10,000. Sections 775.082 and 775.083, F.S.

II. Present Situation:

Use of Electronic Monitoring in Florida's Criminal Justice System

There are several stages of the criminal justice system in which a court or another authorized entity may order a person to wear an electronic monitoring device. An electronic monitoring (EM) device is a tamper-resistant device worn on the body that monitors the location of a person at all times of the day. The monitoring agency is notified for various violations of the terms of supervision, such as if the person travels to a location he or she is not authorized to be or if the device is removed. Electronic monitoring systems can be either "passive" or "active" and are typically operated through ratio frequency or global positioning system (GPS) monitoring.[5] Some of the instances where a person may be placed on an EM include:

- A court order allowing the release from custody to a pretrial release program while the defendant awaits trial.[6]
- A judge placing an offender on probation[7] or community control[8] in lieu of or in addition to incarceration.[9]
- Supervision by the Florida Commission on Offender Review (FCOR).[10]

Electronic Monitoring

The Department of Corrections (DOC) must electronically monitor an offender sentenced to community control when the court has imposed such condition.[11] Any offender placed under supervision who violates the terms and conditions of supervision and is restored to supervision may be supervised by means of an electronic monitoring device or system if ordered by the court.[12]

Electronic monitoring is a condition of a court or commission order for probationers, community controllees, or conditional releasees who have current or prior convictions for violent or sexual offenses. A system that actively monitors and identifies the offender's locations and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations must be used.[13]

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[5] Office of Juvenile Justice and Delinquency Prevention, *Home Confinement and Electronic Monitoring*, October 2014, available at https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/home_confinement_em.pdf (last visited March 3, 2025).

[6] Office of Program Policy Analysis & Gov't Accountability, *County Pretrial Release Programs: Calendar Year 2017*, Report No. 18-06, at 1, 2, and 8-9, November 2018, available at https://oppaga.fl.gov/Documents/Reports/18-06.pdf (last visited March 3, 2025); See also s. 907.041, F.S., which provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with an enumerated dangerous crime.

[7] Section 948.001(8), F.S., Probation is a form of community supervision requiring specified contacts with probation officers and other conditions a court may impose. Standard conditions of probation are enumerated in s. 948.03, F.S., and are not required to be announced on the record, but the court must orally pronounce, as well as provide in writing, any special conditions of probation imposed.

[8] Section 948.001(3), F.S., defines "community control" as a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Section 948.10(2), F.S., provides that caseloads must be no more than 30 cases per officer.

[9] Sections 948.01 and 948.11, F.S.

[10] Section 947.1405(7), (8), and (10), F.S.

[11] Section 948.11(1), F.S.

[12] Section 948.11(2), F.S.

[13] Section 948.11(6), F.S.

Probation

The Office of Community Corrections currently supervises more than 145,000 offenders throughout Florida. These adult offenders are monitored and supervised by probation officers located in 130 probation offices. This includes offenders released from prison on parole, conditional release, or conditional medical release. It also includes offenders placed on court ordered supervision including regular probation, administrative probation, drug offender probation, sex offender probation, and community control.[14]

Tampering with an Electronic Monitoring Device

Section 843.23, F.S., provides it is a third-degree felony[15] to tamper with an EM, which includes any device that is used to track the location of a person. It is unlawful for a person to intentionally and without authority:

- Remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court or order by the FCOR; or
- Request, authorize, or solicit a person to remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device.

Reclassification and Ranking

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.[16] Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.[17] The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony.

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.[18]

Section 775.087(1)(a-c), F.S., reclassifies the penalty in cases that a weapon or a firearm is an essential element during the commission of a felony by reclassifying the penalty to a higher degree.[19]

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[14] Florida Department of Corrections, *Probation Services*, available at http://www.dc.state.fl.us/cc/index.html (last visited March 3, 2025).
[15] A third degree felony is punishable by up to 5 years of incarceration and a fine of up to $5,000. Sections 775.082 and 775.083, F.S.
[16] *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).
[17] *Cf. Spicer v. State*, 615 So.2d 725, 726 (Fla. 2d DCA 1993) (reversing reclassification of robbery with a mask conviction because "[p]enal statutes must be construed in terms of their literal meaning .... [I]f the legislature had intended section 775.0845 [Florida Statutes (1989)] to reclassify offenses, it would have so stated ....").
[18] Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.083, F.S., provides the following maximum fines; $500 for a second degree misdemeanor; $1,000 for a first degree misdemeanor; $5,000 for a third degree felony; and $10,000 for a second degree felony and a first degree felony.
[19] Section 775.087(1)(a-c), F.S.

III. Effect of Proposed Changes:

The bill amends s. 843.23, F.S., to reclassify the penalties regarding tampering with an electronic device. If a person is charged with or serving a sentence for a:

- Misdemeanor,[20] tampering with an electronic device is a third degree felony.[21]
- Third degree felony, tampering with an electronic device is a second degree felony.[22]
- Second degree felony, tampering with an electronic device is a first degree felony.[23]
- First degree felony or a first degree felony punishable by a term of years not exceeding life, tampering with an electronic device is a first degree felony punishable by a term of years not exceeding life.
- Life or capital felony, tampering with an electronic device is a life felony.

If a person on pretrial release tampers with an electronic monitoring device, his or her pretrial release will be terminated, and will no longer be eligible for pretrial release for the offenses for which they were on release.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

[20] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding $1000; a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding $500, as provided in ss. 775.082 and 775.083, F.S.

[21] A third degree felony is punishable by a term of imprisonment not to exceed five years and a $5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

[22] A second degree felony is punishable by a term of imprisonment not exceeding fifteen years and a fine not exceeding $5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

[23] A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding $10,000. Sections 775.082 and 775.083, F.S.

E. Other Constitutional Issues:

None.

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 FDLE, in FY 23-24, there were 503 arrests for tampering with an electronic monitoring device, with 222 guilty/convicted and 45 adjudications withheld.
- Per the DOC, in FY 23-24, there were 12 new commitments to prison for tampering with an electronic monitoring device. It is not known what felony degree they were when tampering with the electronic monitoring device. Therefore, it cannot be determined how many of those incarcerated and those not incarcerated would be impacted by this language.
- Per the DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7 percent. The incarceration rate for a Level 4, 2nd degree felony was 29.5 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent, the incarceration rate for a 1st degree felony, punishable by a term of years not exceeding life was 75.4 percent, and the incarceration rate for a life felony was 87.5 percent.[24]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 843.23 of the Florida Statutes.

[24] Office of Economic and Demographic Research, *SB 1054 – Tampering with Electronic Monitoring Devices*, (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.

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

By Senator Garcia

36-01555-25 20251054__

A bill to be entitled

An act relating to tampering with an electronic monitoring device; amending s. 843.23, F.S.; reclassifying the offense of tampering with an electronic monitoring device to provide graduated penalties; requiring termination of pretrial release of a person who tampers with such a device while on pretrial release; providing an effective date.

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

Section 1. Section 843.23, Florida Statutes, is amended to read:

843.23 Tampering with an electronic monitoring device.—

(1) As used in this section, the term "electronic monitoring device" includes any device that is used to track the location of a person.

(2) It is unlawful for a person to intentionally and without authority:

(a) Remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court order or pursuant to an order by the Florida Commission on Offender Review; or

(b) Request, authorize, or solicit a person to remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device required to be worn or used pursuant to a court order or pursuant to an order by the Florida Commission on Offender Review.

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

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(3) A person who violates this section commits a:

(a) Felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a misdemeanor.

(b) Felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a third degree felony.

(c) Felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a second degree felony.

(d) Felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a first degree felony or a first degree felony punishable by a term of years not exceeding life.

(e) Life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a life or capital felony.

(4) A person on pretrial release who commits a violation of this section shall have his or her pretrial release terminated and shall no longer be eligible for pretrial release for the offenses for which he or she was on release.

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

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

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:	CS/SB 1084
INTRODUCER:	Criminal Justice Committee and Senator Martin
SUBJECT:	Sexual Cyberharassment
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Parker	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1084 amends s. 784.049, F.S., to include legislative findings, that a person depicted in a digitally forged intimate image created by or taken with the person's consent retains a reasonable expectation that the image will remain private despite sharing the image with another person.

The bill provides in the definition of "sexually cyberharass," that a*bsent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it*. The definition of "sexually explicit image," is expanded to include *a digitally forged intimate image*.

Generally, the crime of sexual cyberharassment is a first degree misdemeanor. Under the bill, a person who commits this offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony.

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony, and a second degree felony for a second or subsequent offense.[1]

[1] A second degree felony is punishable by a term of imprisonment of 15 years and a $10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

The bill provides punitive damages as a remedy for violation of this section.

The bill also provides definitions of the terms "digitally forged intimate image" and "nudity."

In addition, the bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment in the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence; and,
- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

The bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections. See Section V. Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Nonconsensual Pornography

The term "revenge porn" is now common in popular usage. It commonly involves one person posting on the Internet sexual images of a former partner following a breakup. In more academic parlance, it is defined as "describing a subset of nonconsensual pornography published for vengeful purposes."[2]

Couples may take pictures of each other in sexual situations, but that does not typically imply consent to traffic in such images outside of the relationship. "Nonconsensual pornography" may thus be defined generally as "distribution of sexually graphic images of individuals without their consent."

"The phrase 'nonconsensual pornography' encompasses 'images originally obtained without consent (e.g., hidden recordings or recordings of sexual assaults) as well as images originally obtained with consent, usually within the context of a private or confidential relationship.'[3]

Nonconsensual distribution of intimate images is when someone takes or shares an intimate Revenge porn isn't limited to romantic partners. A co-worker, family member, or stranger could also gain access to your private images and share them publicly for a variety of reasons. Forty-six states and the District of Columbia have laws against revenge porn.[4]

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[2] *State v. VanBuren*, 2018 VT 95, 2019 WL 2406957 (VT 2019).
[3] *Id*.
[4] Webmd, *What is Revenge Pornography?*, Medically Reviewed by Jennifer Robinson, MD on November 4, 2024, available at https://www.webmd.com/sex-relationships/revenge-porn (last visited March 10, 2025).

In *State v. VanBuren*, 2018 VT 95, The Vermont court strongly emphasized the extreme harm that revenge porn may cause:

> The harm to the victims of nonconsensual pornography can be substantial. Images and videos can be directly disseminated to the victim's friends, family, and employers; posted and "tagged" (as in this case) so they are particularly visible to members of a victim's own community; and posted with identifying information such that they catapult to the top of the results of an online search of an individual's name. In the constellation of privacy interests, it is difficult to imagine something more private than images depicting an individual engaging in sexual conduct, or of a person's genitals, anus, or pubic area, that the person has not consented to sharing publicly. The personal consequences of such profound personal violation and humiliation generally include, at a minimum, extreme emotional distress.[5]

Deep Fakes

Deepfakes represent a subset of the general category of "synthetic media" or "synthetic content." Many popular articles on the subject define synthetic media as any media which has been created or modified through the use of artificial intelligence/machine learning (AI/ML), especially if done in an automated fashion. Deepfakes continue to pose a threat for individuals and industries, including potential largescale impacts to nations, governments, businesses, and society, such as social media disinformation campaigns operated at scale by well-funded nation state actors. Experts from different disciplines whose research interests intersect at deepfakes tend to agree that the technology is rapidly advancing, and the high cost of producing top-quality deepfake content is declining. As a result, we expect an emerging threat landscape wherein the attacks will become easier and more successful, and the efforts to counter and mitigate these threats will need orchestration and collaboration by governments, industry, and society.[6]

Non-consensual pornography emerged as the catalyst for proliferating deepfake content and still represents a majority of AI-enabled synthetic content in the wild. In October 2020, researchers reported over 100,000 computer-generated fake nude images of women created without their consent or knowledge, according to Sensity AI, a firm that specializes in deepfake content and detection. Some of these nude images apparently depicted under-aged individuals as well. The

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[5] *State v. Vanburen*, 2018 VT 95 (VT 2019) (The Vermont Supreme Court held that the law prohibiting nonconsensual distribution of an intimate image was narrowly tailored enough to effectuate Vermont's compelling governmental interest in protecting individual privacy it would likely be upheld. The court indicated that its reasoning was based on the "U.S. Supreme Court's recognition of the relatively low constitutional significance of speech relating to purely private matters, evidence of potentially severe harm to individuals arising from nonconsensual publication of intimate depictions of them, and a litany of analogous restrictions on speech that are generally viewed as uncontroversial and fully consistent with the First Amendment.").

[6] Homeland Security, *Increasing Threat DeepFake Identities*, available at https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited March 10, 2025).

creators used an ecosystem of bots on the messaging platform Telegram to facilitate sharing, trading, and selling services associated with deepfake content.[7,8]

Sexual Cyberharassment

Section 784.049, F.S., provides that "sexual cyberharass" means to publish to an internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image. A person who willfully and maliciously sexually cyberharasses another person commits a first degree misdemeanor.[9]

A person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment commits a third degree felony.
A "Sexually explicit image" is any image depicting nudity,[10] or depicting a person engaging in sexual conduct.[11,12]

III. Effect of Proposed Changes:

The bill amends s. 784.049, F.S., to revise legislative findings, that a person depicted in a digitally forged intimate image created by or taken with the person's consent retains a reasonable expectation that the image will remain private despite sharing the image with another person.

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[7] Siladitya Ray, Forbes, 20 Oct. 2020 | *Bot Generated Fake Nudes of Over 100,000 Women Without Their Knowledge, Says Report,* available at https://www.forbes.com/sites/siladityaray/2020/10/20/bot-generated-fake-nudes-of-over-100000-women-without-their-knowledge-says-report/ (last visited March 13, 2025).
[8] Karen Hao |MIT Technology Review| Deepfake Porn is Ruining Women's Lives. Now the Law My Finally Ban It, available at https://www.technologyreview.com/2021/02/12/1018222/deepfake-revenge-porn-coming-ban/ (last visited March 10, 2025).
[9] A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and $1,000 fine, as provided in ss. 775.082 and 775.083.
[10] "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding. Section 847.001(11), F.S.
[11] "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct.", Section 847.001(19), F.S.
[12] Section 784.049(2)(c), F.S.

Sexual Cyberharass

The bill provides in the definition of "sexually cyberharass," that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it*.

The definition of "sexually explicit image," is expanded to include *a digitally forged intimate image*.

Generally, the crime of sexual cyberharassment is a first degree misdemeanor. Under the bill, a person who commits this offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony.

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony, and a second degree felony for a second or subsequent offense.[13]

The bill provides punitive damages as a remedy for violation of this section.

The bill provides the definitions of the following terms:

- "Digitally forged intimate image" is any intimate image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.
- "Nudity" is the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully or opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

Statute of Limitations

The bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.

[13] A second degree felony is punishable by a term of imprisonment of 15 years and a $10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 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 provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer 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 17 new commitments to prison for commercial sexual activity of a child under 18 years of age. Four of these commitments received life sentences, and three received sentences that would have them released within the five-year forecast window. However, it is not known how many of these offenders would fit the criteria described in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 784.049 section 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 Criminal Justice on March 18, 2025:
The committee substitute:

- Provides a definition for the term "Nudity" that is consistent with other sections of the Florida Statutes.
- Revises the definition of "Digitally forged intimate image" to be more consistent with language about altered or generated images in other statutes.
- Revises language to provide that "absent affirmative consent to disseminate, the depicted person maintains his or her reasonable expectation of privacy."
- Revises language to provide that sexually explicit images include a digitally forged intimate image.
- Adds legislative intent language that a person who creates a digitally forged image of themselves, or the image is created with his or her consent, remains an expectation of privacy.
- Increases the time limitation for the prosecution of misdemeanor and felony violations of sexual cyberharassment.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Martin

591-02564-25 20251084c1

A bill to be entitled

An act relating to sexual cyberharassment; amending s. 784.049, F.S.; providing and revising legislative findings and definitions; providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; providing criminal penalties for persons who commit the offense of sexual cyberharassment with a specified intent or purpose; providing enhanced criminal penalties for second or subsequent violations; authorizing an aggrieved person to initiate a civil action to recover punitive damages; making technical changes; amending s. 775.15, F.S.; providing time limitations for commencing prosecution for violations of sexual cyberharassment; providing an effective date.

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

Section 1. Present paragraphs (d), (e), and (f) of subsection (1) of section 784.049, Florida Statutes, are redesignated as paragraphs (e), (f), and (g), respectively, present subsections (4) through (7) are redesignated as subsections (5) through (8), respectively, a new paragraph (d) is added to subsection (1) and a new subsection (4) is added to that section, and paragraph (a) of subsection (1), subsections (2) and (3), and present subsection (5) of that section are amended, to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

591-02564-25 20251084c1

(a) A person depicted in a sexually explicit image taken with the person's consent retains ~~may retain~~ a reasonable expectation that the image will remain private despite sharing the image with another person~~, such as an intimate partner~~.

(d) A person depicted in a digitally forged intimate image created by or with the consent of the depicted person retains a reasonable expectation of privacy despite sharing the image with another person.

(2) As used in this section, the term:

(a) "Digitally forged intimate image" means an image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual as defined in s. 847.001; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

(b) "Image" includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(c) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to

feeding.

(d) ~~(b)~~ "Personal identification information" means any information that identifies an individual, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation.

(e) ~~(c)~~ "Sexually cyberharass" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image. Absent affirmative consent to disseminate, the depicted person retains his or her reasonable expectation of privacy.

(f) ~~(d)~~ "Sexually explicit image" means a digitally forged intimate image or an ~~any~~ image depicting nudity~~, as defined in s. 847.001,~~ or depicting a person engaging in sexual conduct~~,~~ as defined in s. 847.001.

(3)(a) Except as provided in paragraph (b), a person who willfully and maliciously sexually cyberharasses another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Upon a second or subsequent ~~a person who has one prior~~ conviction for a violation of paragraph (a), a person ~~sexual~~

~~cyberharassment and who commits a second or subsequent sexual cyberharassment~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Except as provided in paragraph (b), a person who violates paragraph (3)(a) with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Upon a second or subsequent conviction for a violation of paragraph (a), a person commits a felony of the second degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

(6) ~~(5)~~ An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Punitive damages.

(d) ~~(c)~~ Reasonable attorney fees and costs.

Section 2. Subsection (22) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(22)(a) A prosecution for a misdemeanor violation of s. 784.049 must be commenced within 5 years after the commission of

the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.

(b) A prosecution for a felony violation of s. 784.049 must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.

Section 3. This act shall take effect October 1, 2025.

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

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:	CS/CS/SB 1136
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Collins
SUBJECT:	Age as an Element of a Criminal Offense
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Wyant	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1136 creates s. 787.001, F.S., to specify that ignorance or misrepresentation of a victim's age is not a defense to certain offenses, when the criminality of conduct depends upon the victim being below a certain age. A bona fide belief that a victim is over a specified age is also not a defense.

The bill prohibits such defenses from being raised in a prosecution for any offense related to kidnapping, false imprisonment, luring or enticing a child, interference with custody, removing minors from the state or concealing minors contrary to state agency order or court order, human trafficking, or human smuggling. However, the bill provides an exception for s. 787.30, F.S., relating to the employment of persons in adult entertainment establishments.

The bill amends s. 787.025, F.S., to increase the penalties for specified offenses involving luring or enticing a child. Additionally, the bill increases the age of such child from 12 to 14 years of age.

The bill amends s. 921.022, F.S., to rank offenses of luring or enticing a child on the offense severity ranking chart of the Criminal Punishment Code as a Level 7.

The bill may have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2025.

II. Present Situation:

Luring or Enticing a Minor

It is a first degree misdemeanor[1] for a person over the age of 18 to intentionally lure or entice, or attempt to lure or entice, a child under the age of 12 into a structure,[2] dwelling,[3] or conveyance[4] for other than a lawful purpose.[5] A second or subsequent offense is a third degree felony.[6,7]

It is a third degree felony if the offender being charged with luring or enticing a minor, has previously been convicted of a violation of:
- Chapter 794, F.S., relating to sexual battery;
- Section 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Section 847.0135(5), F.S., relating to prohibited computer transmissions;[8] or
- A similar law of another jurisdiction.

Section 787.025(3), F.S., provides the following affirmative defenses:
- The person reasonably believed that his or her action was necessary to prevent the child from being seriously injured.
- The person lured or enticed, or attempted to lure or entice, the child under the age of 12 into a structure, dwelling, or conveyance for a lawful purpose.
- The person's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the child.

[1] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to $1,000. Section 775.082 and 775.083, F.S.
[2] "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. Section 787.025(1)(a), F.S.
[3] "Dwelling" means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging together therein at night, together with the curtilage thereof. Section 787.025(1)(b), F.S.
[4] "Conveyance" means any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car. Section 787.025(1)(c), F.S.
[5] Section 787.025(2)(a), F.S.
[6] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Section 775.082 and 775.083, F.S.
[7] Section 787.025(2)(b), F.S.
[8] A person who intentionally masturbates; intentionally exposes the genitals in a lewd or lascivious manner; or intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity live over a computer online service, internet service, or local bulletin board service and who knows or should know or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age, commits lewd or lascivious exhibition. Section 847.0135(5), F.S.

Kidnapping

Under s. 787.01(1), F.S., "kidnapping" means forcibly, secretly, or by threat confining,[9] abducting, or imprisoning another person against his or her will and without lawful authority, with intent to:

- Hold the victim for ransom or reward or as a shield or hostage;
- Commit or facilitate the commission of any felony;
- Inflict bodily harm upon or to terrorize the victim or another person; or
- Interfere with the performance of any governmental or political function.

A person who kidnaps another person is guilty of a first degree felony,[10] punishable by imprisonment for a term of years not exceeding life.[11]

A person who kidnaps a child under the age of 13 and who, in the course of committing the kidnapping, also commits one or more of the following, is guilty of a life felony:[12, 13]

- Aggravated child abuse;[14]
- Sexual battery against the child;[15]
- Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition;[16]
- A violation relating to prostitution of the child;[17]
- Exploitation of the child or allowing the child to be exploited;[18] or
- A violation relating to human trafficking.[19]

False Imprisonment

Section 787.02(2), F.S., prohibits a person from falsely imprisoning[20] another person as a third degree felony.

[9] Confinement of a child under the age of 13 is against his or her will if such confinement is without the consent of his or her parent or legal guardian. Section 787.01(1)(b), F.S.
[10] A first-degree felony is otherwise punishable by up to 30 years' imprisonment and a fine of $10,000. ss. 775.082, 775.083, and 775.084, F.S.
[11] Section 787.01(2), F.S.
[12] Section 787.01(3)(a), F.S.; The offense is ranked as a Level 10 offense on the offense severity ranking chart (OSRC). Section 921.0022, F.S.
[13] A life felony is punishable for a term of imprisonment up to life and a $15,000 fine. ss. 775.082, 775.083, and 775.084, F.S.
[14] Section 827.03, F.S.
[15] Chapter 794, F.S.
[16] Sections 800.04, F.S., and 847.0135(5), F.S.
[17] Former s. 796.03, F.S., and former s. 796.04, F.S.
[18] Section 450.151, F.S.
[19] Section 787.06(3)(g), F.S.
[20] "False imprisonment" means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against his or her will. Confinement of a child under the age of 13 is against his or her will if such confinement is without the consent of his or her parent or legal guardian. Section 787.02(1), F.S.

A person who falsely imprisons a child under the age of 13 and who, in the course of falsely imprisoning the child, commits any of the following offenses, is guilty of a first degree felony, punishable by imprisonment for a term not exceeding life:[21]

- Aggravated child abuse;[22]
- Sexual battery against the child;[23]
- Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition;[24]
- A violation relating to prostitution of the child;[25]
- Exploitation of the child or allowing the child to be exploited;[26] or
- A violation relating to human trafficking.[27]

Interference with Custody

Section 787.03(1), F.S., prohibits a person from knowingly or recklessly taking or enticing, or aiding, abetting, hiring, or otherwise procuring another to take or entice, any minor or any incompetent person from the custody of the minor's or incompetent person's parent, his or her guardian, a public agency having the lawful charge of the minor or incompetent person, or any other lawful custodian without lawful authority. A violation of this prohibition is a third degree felony.[28]

Additionally, in the absence of a court order determining rights to custody or visitation with any minor or with any incompetent person, any parent of the minor or incompetent person, whether natural or adoptive, stepparent, legal guardian, or relative of the minor or incompetent person who has custody thereof and who takes, detains, conceals, or entices away that minor or incompetent person within or without the state with malicious intent to deprive another person of his or her right to custody of the minor or incompetent person commits a third degree felony.[29]

In a prosecution for a violation of s. 787.03, F.S., proof that a person has not attained the age of 18 years creates the presumption that the defendant knew the minor's age or acted in reckless disregard thereof.[30]

Removing Minors from the State or Concealing Minors Contrary to State Agency Order or Court Order

Section 787.04, F.S., prohibits a person from leading, taking, enticing, or removing a minor beyond the limits of this state, or concealing the location of a minor:

- In violation of a court order that he or she has personal knowledge of;[31]

[21] Section 787.02(3)(a), F.S.; The offense is ranked as a Level 9 offense on the OSRC.
[22] Section 827.03, F.S.
[23] Chapter 794, F.S.
[24] Sections 800.04, and 847.0135(5), F.S.
[25] Former s. 796.03, F.S., and former s. 796.04, F.S.
[26] Section 450.151, F.S.
[27] Section 787.06(3)(g), F.S.
[28] The offense is ranked as a Level 4 offense on the OSRC.
[29] Section 787.03(2), F.S.
[30] Section 787.03(5), F.S.
[31] Section 787.04(1), F.S.; The offense is ranked as a Level 2 offense on the OSRC.

- With criminal intent, during the pendency of any action or proceeding affecting custody of the minor, after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending;[32] and
- Knowingly and willfully, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received actual or constructive notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.[33]

Additionally, a person, who has carried beyond the limits of this state any minor whose custody is involved in any action or proceeding pending in this state pursuant to the order of the court in which the action or proceeding is pending or pursuant to the permission of the court, is prohibited from thereafter failing to produce the minor in the court or deliver the minor to the person designated by the court.[34]

Any violation of the foregoing provisions in s. 787.04, F.S., is a third degree felony.

Human Trafficking

A person may not knowingly, or in reckless disregard of the facts, engage in human trafficking,[35] attempt to engage in human trafficking, or benefit financially by receiving anything of value from participating in a venture that has subjected a person to human trafficking for commercial sexual activity, labor, or services:

- By using coercion;[36]
- With or of a child or person believed to be a child younger than 18;[37] or
- If for commercial sexual activity, with a mentally defective[38] or mentally incapacitated[39] person.[40]

Any human trafficking offense committed upon a child younger than 18 years of age or an adult believed by the defendant to be a child younger than 18 years of age for labor or services is punishable as a first degree felony.[41] However, if a child younger than 18 years of age or an adult

[32] Section 787.04(2), F.S.; The offense is ranked as a Level 4 offense on the OSRC.
[33] Section 787.04(3), F.S.; The offense is ranked as a Level 4 offense on the OSRC.
[34] Section 787.04(4), F.S.
[35] "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining of another person for the purpose of exploiting that person. S. 787.06(2)(d), F.S.
[36] Sections787.06(3)(a)2., (b), (c)2., (d), (e)2., and (f)2., F.S.
[37] Sections 787.06,(3)(a)1., 787.06(3)(c)1., 787.06(3)(e)1., 787.06(3)(f)1., F.S., the offense is ranked as a Level 9 offense on the OSRC; and s. 787.06(3)(g), F.S.
[38] "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. Section 794.011(1)(c), F.S.
[39] "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. Section 794.011(1)(d), F.S.
[40] Section 787.06(3)(g), F.S.
[41] Section 787.06(3)(a)1., F.S., the offense is ranked as a Level 8 offense on the OSRC.; s. 787.06(3)(c)1., F.S., the offense is ranked as a Level 9 offense on the OSRC; and s. 787.06(3)(e)1., F.S., the offense is ranked as a Level 8 on the OSRC.

believed by the defendant to be a child younger than 18 years of age, or a person who is mentally defective or mentally incapacitated, is involved in human trafficking for the purposes of commercial sexual activity, the defendant commits a life felony.[42]

A defendant's ignorance of the victim's age, the victim's misrepresentation of his or her age, or a defendant's bona fide belief of the victim's age cannot be raised as a defense in a prosecution for a human trafficking offense.[43]

Human Smuggling

Section 787.07, F.S.,[44] prohibits a person from knowingly and willfully transporting an individual into this state who the person knows, or reasonably should know, has entered the United States illegally from another country. A violation of this prohibition is a third degree felony.[45] However, a person who transports a minor into this state in violation of this prohibition commits a second degree felony.[46, 47]

Employing Persons Under the Age of 21 Years in Adult Entertainment Establishments

Section 787.30(2)(a), F.S., prohibits an owner, manager, employee, or contractor of an adult entertainment establishment[48] from knowingly employing, contracting with, contracting with another person to employ, or otherwise permitting a person under the age of 21 years to perform or work in an adult entertainment establishment. A violation of this prohibition is a first degree misdemeanor.

This section also prohibits an owner, manager, employee, or contractor of an adult entertainment establishment from knowingly employing, contracting with, contracting with another person to employ, or otherwise permitting a person under the age of 21 years to perform or work while nude in an adult entertainment establishment. A violation of this prohibition is a second degree felony.[49]

Any owner, manager, employee, or contractor of an adult entertainment establishment who employs a person to perform as an entertainer or work in any capacity in an adult entertainment establishment is required to carefully check a driver license, identification card, passport, or United States Uniformed Services identification card presented by the person and to act in good

[42] Section 787.06(3)(g), F.S.; The offense is ranked as a Level 10 offense on the OSRC.
[43] Section 787.06(9), F.S.
[44] Section 787.07, F.S., has been preliminarily enjoined by the United States District Court for the Southern District of Florida, based on field and conflict preemption. *Farmworker Ass'n of Fla., Inc. v. Moody*, 734 F. Supp. 3d 1311 (S.D. Fla. 2024).
[45] Section 787.07(1), F.S.
[46] Section 787.07(3), F.S.
[47] A second-degree felony is punishable by up to fifteen years' imprisonment and a fine of $10,000. Sections. 775.082, 775.083, and 775.084, F.S.
[48] "Adult entertainment establishment" includes adult bookstores, adult theaters, special cabaret, and unlicensed massage establishments. Section 847.001(2), F.S.
[49] Section 787.30(2)(b), F.S.

faith and reliance upon such a representation and the appearance of the person in determining that he or she is 21 years of age or older.[50]

A person prosecuted for violating a prohibition related to employing a person under 21 years of age in an adult entertainment establishment may not raise ignorance of another person's age or a person's misrepresentation of his or her age as a defense.[51]

Prohibited Computer Usage

Under s. 847.0135(3), F.S., a person commits a third degree felony if he or she knowingly uses a computer online service, internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child[52] or another person believed by the offender to be a child, to commit any illegal act described in ch. 794, F.S., relating to sexual battery, ch. 800, F.S., relating to lewdness and indecent exposure, or ch. 827, F.S., relating to abuse of children, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the offender to be a child; or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed by the offender to be the same, to consent to such child's participation in any act described in ch. 794, F.S., ch. 800, F.S., or ch. 827, F.S., or to otherwise engage in any sexual conduct.[53]

Criminal Punishment Code

The Criminal Punishment Code[54] (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).[55] The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.[56]

[50] Section 787.30(3), F.S.
[51] Section 787.30(4), F.S.
[52] "Child" means any person, whose identity is known or unknown, younger than 18 years of age. Section 847.001(10), F.S.
[53] The offense is ranked as a Level 7 offense on the OSRC.
[54] Sections 921.002-921.0027, F.S. *See* chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.
[55] Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.
[56] Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.083, F.S., provides the following maximum fines; $500 for a second degree misdemeanor; $1,000 for a first degree misdemeanor; $5,000 for a third degree felony; and $10,000 for a second degree felony and a first degree felony.

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.[57] Absent mitigation,[58] the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.[59]

Relevant Caselaw

While the general rule is that every crime must include a specific intent, or a mens rea, the Legislature and courts recognize an exception where the state has a compelling interest in protecting underage persons from being sexually abused or exploited. In cases relating to sex offenses or abuse involving minors, a persons ignorance of the age of the victim is not a defense, nor is the misrepresentation of age or a defendant's bona fide[60] belief that such victim is over the specified age.[61,62]

[57] Section 921.0024, F.S., Unless otherwise noted, information on the Code is from this source.
[58] The court may "mitigate" or "depart downward" from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.
[59] If the scored lowest permissible sentence exceeds the maximum penalty in s.775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.
[60] "Bona fide" means being real or genuine, in Latin the word literally means "in good faith." Merriam-Webster, *Law Dictionary*, available at: https://www.merriam-webster.com/dictionary/bona%20fide#legalDictionary (last visited March 21, 2025).
[61] *State v. Sorakrai*, 543 So. 2d 294 (Fla. 2d DCA 1989)
[62] *Grady v. State*, 701 So. 2d 1181 (Fla. 5th DCA 1997)

III. Effect of Proposed Changes:

The bill creates s. 787.001, F.S., to specify that ignorance or misrepresentation of a victim's age is not a defense to certain offenses, when the criminality of conduct depends upon the victim being below a certain age. A bona fide belief that a victim is over a specified age is also not a defense. The bill provides an exception for s. 787.30, F.S., relating to the employment of persons in adult entertainment establishments.

The bill amends s. 787.025, F.S., to increase the age for a child being lured or enticed, and to increase penalties, for a person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 14 into or out of a structure, dwelling, conveyance for an unlawful purpose, in the following manner:

- The offense is increased from a first degree misdemeanor to a third degree felony.
- The offense is increased from a third degree felony to a second degree felony, for a second or subsequent offense.
- If the offender has been previously convicted of a violation of ch.794, F.S., ss. 800.04, or 847.0135(5), F.S., or a violation of a similar law of another jurisdiction, the offense is increased from a third degree felony to a second degree felony.

The bill amends s. 921.022, F.S., to rank the specified offenses on the offense severity ranking chart of the Criminal Punishment Code as a Level 7.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s.18 of the State Constitution.

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 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 provided a preliminary estimate that the bill may have a positive indeterminate prison bed impact on the DOC. The EDR provides that while current offender numbers are low, it is not known how increasing the age threshold to 14 years old as well as felony levels and degrees might expand the potential offender pool.

Per the Florida Department of Law Enforcement, in FY 23-24, there were four misdemeanor arrests and no felony arrests for luring or enticing a child under the age of 12 into a structure, with three misdemeanor guilty/conviction charges and no adjudication withheld charges. There were no guilty/convicted charges or adjudication withheld charges for felonies. Per the DOC, there were no new commitments to prison in FY 23-24 for violations of s. 787.025.[63]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 787.025 and 921.0022.

This bill creates section 787.001 of the Florida Statutes.

[63] Office of Economic and Demographic Research CS/SB 1136 – Age as an Element of a Criminal Offense, (on file with the Senate Appropriations Committee on Criminal and Civil 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 April 15, 2025:
The committee substitute increases the penalties for a person 18 years and older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 14 into or out of a structure, dwelling, or conveyance for unlawful purposes.

CS by Criminal Justice on March 25, 2025:
The committee substitute:

- Increases the age of a child being enticed or lured into a structure from 12 to 16.
- Revises the affirmative defense provided to incorporate the increase in age for a child.

B. Amendments:

None.

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

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

604-03625-25 20251136c2

A bill to be entitled

An act relating to age as an element of a criminal offense; creating s. 787.001, F.S.; providing that ignorance of a victim's age, misrepresentation of a victim's age, and a bona fide belief concerning a victim's age are not defenses to certain offenses in which the victim's age is an element of the offense; providing an exception; amending s. 787.025, F.S.; revising the age requirements for committing the offenses relating to luring or enticing a child; providing increased criminal penalties; revising an affirmative defense; amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Section 787.001, Florida Statutes, is created to read:

787.001 Victim's age; ignorance and misrepresentation not defenses.—When, in this chapter, the criminality of conduct depends upon the victim being below a certain age, ignorance of the victim's age is not a defense. Misrepresentation of a victim's age by any person or a bona fide belief that a victim is over a specified age is also not a defense. This section does not apply to s. 787.30.

Section 2. Subsection (2) and paragraph (b) of subsection (3) of section 787.025, Florida Statutes, are amended to read:

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

604-03625-25 20251136c2

787.025 Luring or enticing a child.—

(2)(a) A person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 14 ~~12~~ into or out of a structure, dwelling, or conveyance for other than a lawful purpose commits a felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) A person 18 years of age or older who, having been previously convicted of a violation of paragraph (a), intentionally lures or entices, or attempts to lure or entice, a child under the age of 14 ~~12~~ into or out of a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person 18 years of age or older who, having been previously convicted of a violation of chapter 794, s. 800.04, or s. 847.0135(5), or a violation of a similar law of another jurisdiction, intentionally lures or entices, or attempts to lure or entice, a child under the age of 14 ~~12~~ into or out of a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) It is an affirmative defense to a prosecution under this section that:

(b) The person lured or enticed, or attempted to lure or entice, the child under the age of 14 ~~12~~ into or out of a structure, dwelling, or conveyance for a lawful purpose.

Section 3. Paragraphs (f) and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

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921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.

784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
787.025(2)(a)	3rd	Luring or enticing a child.

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790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.

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800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in

		2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.
812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.

812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.

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825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do

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		bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.

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914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive)

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		into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.

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402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic

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		medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.

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483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial

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		transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.

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784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting

		to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age

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		or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law

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		enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or

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		advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under

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		16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.

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843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d),

		(2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone,

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		200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135	1st	Trafficking in synthetic

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(1)(m)2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply

		with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 4. This act shall take effect October 1, 2025.

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DUPLICATE

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/2025
Meeting Date

Fiscal Policy
Committee

SB 1136
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 8505661979

Address 2167 Mahan Dr.
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Tallahassee FL 32308
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 Sheriffs 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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4/22/25
Meeting Date

Fiscal
Committee

SB1136
Bill Number or Topic

Amendment Barcode (if applicable)

Name Abby Hilley

Phone 321-229-7054

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Street

Email abby.hilley@ocsofl.com

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:
Orange County Sheriff's Office

☐ 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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4/22/25
Meeting Date

Fiscal Policy
Committee

1136
Bill Number or Topic

Amendment Barcode (if applicable)

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Street

Email Mhudson@volusia sheriffs.gov

DeLand fl. 32713
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: Volusia Sheriffs Office

☐ 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

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:	CS/CS/SB 1156
INTRODUCER:	Fiscal Policy Committee; Health Policy Committee; and Senator Harrell
SUBJECT:	Home Health Aide for Medically Fragile Children Program
DATE:	April 23, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Fav/CS**
2.	Barr	McKnight	AHS	**Favorable**
3.	Looke	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1156 amends laws relating to the Home Health Aide for Medically Fragile Children (HHAMFC) program. Specifically, the bill:

- Specifies that the HHAMFC must complete an approved training program and the employing home health agency must provide validation of the HHAMFC prior to providing services to an eligible relative. The employing home health agency must also provide training on HIV/AIDS and ensure that the HHAMFC holds and maintains a certification in cardiopulmonary resuscitation (CPR).
- Eliminates current specified topics and required hours of training for HHAMFCs and specifies that training must include supervised practical training that is tailored to the child's care needs.
- Increases the Medicaid utilization cap from eight hours per day to 12 hours per day.
- Provides that the $25 per hour Medicaid reimbursement rate is a minimum rate.
- Requires the Agency for Health Care Administration (AHCA) to seek federal approval to allow providers to receive reimbursement under the program and to disregard the income earned by a HHAMFC from the program when calculating eligibility for Medicaid.
- Requires managed care plans to provide the AHCA with data necessary to assess the rate and extent of hospitalizations for children attended by HHAMFCs compared with those attended by a registered nurse (RN) or licensed practical nurse (LPN).
- Requires home health agencies to report adverse incidents within 48 hours of the incident, defines the term "adverse incident," and requires the AHCA to include data on adverse incidents occurring under the care of a HHAMFC in the assessment.

- Requires the AHCA to make all necessary requests and submissions to obtain federal approval and initiate any necessary rulemaking within 60 days of the act becoming law.

The bill has a significant negative fiscal impact to the Florida Medicaid program. **See Section V., Fiscal Impact Statement.**

The bill takes effect upon becoming a law.

II. Present Situation:

Home Health Aide for Medically Fragile Children Program

The Home Health Aide for Medically Fragile Children (HHAMFC) Program was created by the Legislature in 2023, in response to the national health care provider shortage and its impact on medically fragile children and their family caregivers, to provide an opportunity for family caregivers to receive training and gainful employment.[1] While other Medicaid programs exist that compensate a family member who provides home health services to a Medicaid enrollee, the HHAMFC Program is the only one that compensates a family member who is not a licensed nurse, specifically for the provision of home health services to a medically fragile child.

The program allows a family caregiver to be reimbursed by Medicaid as an HHAMFC. To qualify, the care must be provided to a relative who is 21 years old or younger with an underlying physical, mental, or cognitive impairment that prevents him or her from safely living independently. The relative must also be eligible to receive skilled care or respite care services under the Medicaid program.[2] The family caregiver must be at least 18 years old, demonstrate a minimum ability to read and write, and successfully pass background screening requirements. The family caregiver must also complete an approved training program or have graduated from an accredited prelicensure nursing education program and be waiting to take the state licensing exam.[3]

The Agency for Health Care Administration (AHCA) is required to establish a Medicaid fee schedule to reimburse a home health agency for services provided by an HHAMFC at a rate of $25 per hour for up to 8 hours per day.[4]

Training

The AHCA, in consultation with the Board of Nursing, approves HHAMFC training programs developed by home health agencies. A training program must consist of at least 85 hours and include at least 40 hours of theoretical instruction in nursing, 20 hours of skills training on basic nursing, 16 hours of clinical training under the direct supervision of a licensed registered nurse, and an unspecified minimum number of hours of training on HIV/AIDS infections. Additionally, an HHAMFC must obtain and maintain a current certificate in cardiopulmonary resuscitation

[1] Chapter 2023-183, Laws of Fla.
[2] Section 400.462(12), F.S.
[3] Section 400.4765(2), F.S.
[4] Section 400.4765(9), F.S.

(CPR) and complete 12 hours of annual in-service training each 12-month period. The training on HIV/AIDS and CPR may be counted towards the 12 hours of in-service training.[5]

The 40 hours of theoretical instruction in nursing must include the following topics:
- Person-centered care;
- Communication and interpersonal skills;
- Infection control;
- Safety and emergency procedures;
- Assistance with activities of daily living;
- Mental health and social service needs;
- Care of cognitively impaired individuals;
- Basic restorative care and rehabilitation;
- Patient rights and confidentiality of personal information and medical records; and
- Relevant legal and ethical issues.

The 20 hours of skills training must consist of basic nursing skills training in the following areas:
- Hygiene, grooming, and toileting;
- Skin care and pressure sore prevention;
- Nutrition and hydration;
- Measuring vital signs, height, and weight;
- Safe lifting, positioning, and moving of patients;
- Wound care;
- Portable oxygen safety and other respiratory procedures;
- Tracheostomy care;
- Enteral care and therapy;
- Peripheral intravenous assistive activities and alternative feeding methods; and
- Urinary catheterization and ostomy care.

An HHAMFC must complete the six hours of training required for home health aides under s. 400.489, F.S., prior to administering medication upon delegation by a registered nurse.

A home health agency must offer training in various formats, and any interactive instruction must be provided during various times of the day. If an HHAMFC allows 24 months to pass without providing any personal care services to an eligible relative, the family caregiver must retake all required training.[6]

Authorized Tasks

An HHAMFC is authorized to perform certain tasks if delegated by a registered nurse, including medication administration and tasks associated with:[7]
- Activities of daily living, including bathing, dressing, eating, maintaining continence, toileting, and transferring;
- Maintaining mobility;

[5] Section 400.4765(3), F.S.
[6] Section 400.4765(3)(b), F.S.
[7] Section 400.462(18), F.S.

- Nutrition and hydration;
- Assistive devices;
- Safety and cleanliness;
- Data gathering;
- Reporting abnormal signs and symptoms;
- Postmortem care;
- End-of-life care;
- Patient socialization and reality orientation;
- Cardiopulmonary resuscitation and emergency care;
- Residents' or patients' rights;
- Documentation of services performed;
- Infection control;
- Safety and emergency procedures;
- Hygiene and grooming;
- Skin care and pressure sore prevention;
- Wound care;
- Portable oxygen use and safety and other respiratory procedures;
- Tracheostomy care;
- Enteral care and therapy; and
- Peripheral intravenous assistive activities and alternative feeding methods.

Services provided by an HHAMFC must not duplicate private duty nursing services provided to an eligible recipient and must result in a reduction in the number of private duty nursing service hours provided to an eligible recipient.[8]

Annual Assessment Report

The AHCA is required to conduct annual assessments of the HHAMFC Program and report their findings by January 1 of each year to the Governor and the Legislature. The report must include an assessment of caregiver satisfaction with the program, identify additional support that may be needed by HHAMFC's, and assess the rate and extent of the hospitalization of children receiving home health services from an HHAMFC compared to those receiving traditional home health services.

Federal Home Health Aide Regulations

Training

Pursuant to the federal Centers for Medicare & Medicaid Services (CMS) conditions of participation, a Medicare certified home health agency must ensure that their employees or contractors providing home health aide services comply with federal training and competency requirements.[9]

[8] Section 400.4765(7), F.S.
[9] 42 C.F.R., § 484.80.

Federal CMS provides four options to become a qualified home health aide, which include successful completion of:[10]

- A nurse aide training and competency evaluation program approved by the state as meeting the requirements of 42 C.F.R., §§ 483.151 through 483.154, and is in good standing on the state nurse aide registry (this is the option Florida used to implement the HHAMFC Program); or
- A training and competency evaluation program that meets the provisions of 42 C.F.R., § 484.80 (b) and (c); or
- The requirements of a state licensure program that meets the provisions of 42 C.F.R., § 484.80 (b) and (c); or
- A competency evaluation program only that must include certain subject areas.

All of the options, except the competency evaluation program only option, require a minimum of 75 hours of classroom and supervised practical training.[11] A minimum of 16 hours of classroom training must precede a minimum of 16 hours of supervised practical training as part of the 75 hours.[12]

Competency Evaluation

A home health aide competency evaluation program must address certain subject areas, and a registered nurse must observe the home health aide performing the task with a patient or pseudo-patient.[13] These required subject areas include:[14]

- Communication and interpersonal skills;
- Reading and recording vitals;
- Appropriate and safe techniques in performing personal hygiene and grooming tasks;
- Safe transfer techniques and ambulation; and
- Normal range of motion and positioning.

A home health aide competency evaluation program must also address other subject areas for which a home health aide may be evaluated by written or oral examination, or by a simulated experience with a patient or a pseudo-patient.[15] These required subject areas include:[16]

- Observation, reporting, and documentation of patient status and the care of service furnished;
- Basic infection prevention and control procedures;
- Basic elements of body functioning and changes in body function that must be reported to an aide's supervisor;
- Maintenance of a clean, safe, and health environment;
- Safety and emergency procedures;
- The physical, emotional, and developmental needs of populations served by the home health;
- Adequate nutrition and fluid intake;
- Recognizing and reporting changes in skin condition; and

[10] 42 C.F.R., § 484.80(a).
[11] 42 C.F.R., § 484.80(b)(1).
[12] 42 C.F.R., § 484.80(b)(2).
[13] 42 C.F.R., § 484.80(c)(1).
[14] 42 C.F.R., § 484.80(b)(3)(i), (iii), (ix), (x), and (xi).
[15] 42 C.F.R., § 484.80(c)(1).
[16] 42 C.F.R., § 484.80(b)(3)(ii), (iv), (v), (vi), (vii), (viii), (xii), (xiii), and (xiv).

- Any other task that the home health agency may choose to have an aide perform as permitted under state law.

Medicaid Coverage

Florida Medicaid includes requirements for HHAMFC, referred to as family home health aides in Medicaid, in Rule 59G-4.261, Private Duty Nursing and Family Home Health Aide Services Coverage Policy. Fee-for-service payment rates, procedure codes, and billing units for family home health aide services are specified in Rule 59G-4.002, Provider Reimbursement Schedules and Billing Codes. Currently, the AHCA reimburses for family home health aide services at a rate of $25 per hour for a maximum of 8 hours per day for home health agencies that employ parents or caregivers who qualify as HHAMFC.

Family home health aide services can be provided by a related provider, legal guardian, or caretaker relative who is employed by a home health agency. This includes the aunt, brother, brother-in-law, cousin, daughter, daughter-in-law, father, father-in-law, granddaughter, grandfather, grandmother, grandson, great-grandfather, great-grandmother, half-brother, half-sister, husband, mother, mother-in-law, nephew, niece, sister, sister-in-law, son, son-in-law, stepbrother, stepdaughter, stepfather, stepmother, stepsister, stepson, uncle, or wife of the recipient. The home health agency enrolls with Florida Medicaid as a provider type 65 with a specialty 965 to provide family home health aide services if they meet the conditions of participation in Medicare per 42 C.F.R. 440.70. A home health agency wishing to provide private duty nursing services only may enroll with specialty 221. If a home health agency wishes to provide family home health aide and private duty nursing services, it will need both 965 and 221 specialties on its file.

Medicaid Eligibility

The Florida Department of Children and Families (DCF) determines financial eligibility for Florida Medicaid. Medicaid is an income-based program, and income earned by a family member providing family home health aide services may impact a recipient's Medicaid eligibility, as well as their eligibility for other types of public assistance. Currently, any income earned by an eligible caregiver employed by a home health agency and providing family home health aide services is reported to DCF as earned income when applying for public assistance, including Medicaid.[17]

III. Effect of Proposed Changes:

Section 1 amends s. 400.54, F.S., to require managed care plans to provide the Agency for Health Care Administration (AHCA) with data necessary to assess the rate and extent of hospitalizations for children attended by home health aides for medically fragile children (HHAMFC) compared with those attended by a registered nurse or licensed practical nurse. The AHCA is also required to include data on adverse incidents occurring under the care of an HHAMFC in the assessment.

[17] AHCA bill analysis for SB 1156, Feb. 27, 2025, (on file with Senate Health Policy Committee staff).

The bill also requires home health agencies to report all adverse incidents occurring under the care of an HHAMFC to the AHCA and the managed care plan within 48 hours after the incident occurs. The bill defines "adverse incident" for reporting purposes to mean:

- Death.
- Brain or spinal damage.
- Permanent disfigurement.
- Fracture or dislocation of bones or joints.
- A limitation of neurological, physical, or sensory function.
- An event that is reported to law enforcement personnel for investigation.

Section 2 amends s. 400.4765, F.S., related to the HHAMFC program, to adjust the training requirements for an HHAMFC by:

- Eliminating specified topics and required number of hours of training in current law;
- Specifying that before providing services to an eligible relative, an HHAMFC must complete an approved training program. The employing home health agency must provide validation of competency by a registered nurse and maintain documentation of training completion and competency validation;
- Requiring HHAs provide training to HHAMFCs on HIV/AIDS and require that HHAMFCs be certified in CPR; and
- Specifying that training programs must included nurse supervised practical skills training tailored to the child's care needs.

The bill also modifies the Medicaid reimbursement schedule for HHAMFC services by:

- Increasing the utilization cap from eight hours per day to 12 hours per day. The bill specifies that if an HHAMFC works more than 40 hours per week, justification must be provided as to why there is no other qualified provider available, and the request must be approved by the home health agency and managed care plan.
- Providing that the $25 per hour reimbursement rate is a minimum rate.

Additionally, the bill requires the AHCA to seek federal approval through any necessary Medicaid waiver or state plan amendment to:

- Allow private duty nursing specialty providers and home health services providers to receive reimbursement for services rendered under the program and
- Establish that the income earned by an HHAMFC from the program must be disregarded when calculating eligibility for Medicaid.

Section 3 amends s. 400.462(18), F.S., to make minor technical adjustments to the language for services to be provided by an HHAMFC.

Section 4 amends s. 409.903, F.S., to require the AHCA to seek federal approval, including seeking the appropriate federal waiver or state plan amendment, to exclude from the family's countable income any income earned through employment as a home health aide for medically fragile children under s. 400.4765, F.S.

Section 5 requires the AHCA to make all necessary requests and submissions to obtain federal approval to implement the amendment made by this act to s. 409.903, F.S., and initiate any

necessary rulemaking to implement the amendment made by this act to s. 400.4765, F.S., within 60 days of the act becoming a law.

Section 6 provides that 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Agency for Health Care Administration indicates the required changes to the Medicaid fee schedule to establish $25 as the minimum rate and to increase the utilization cap from 8 hours to 12 hours per day will have a recurring fiscal impact on the Florida Medicaid program in the amount of $1.6 million ($0.7 million General Revenue).[18]

VI. Technical Deficiencies:

None.

[18] AHCA bill analysis for SB 1156, Feb. 27, 2025, (on file with Senate Health Policy Committee staff).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 400.4765 400.54, and 409.903.

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 April 22, 2025:
The CS eliminates specified topics and current law required hours of training for HHAMFCs and instead requires that training include skills training under the direct supervision of a registered nurse and tailored to the needs of an eligible relative. The CS adds a requirement that the employing HHA must provide training to the HHAMFC on HIV/AIDS and ensure that the HHAMFC maintains a certification in CPR. The CS also removes a 30-day required timeframe for AHCA to seek federal approval for specified items.

CS by Health Policy on April 1, 2025:
The CS requires home health agencies to report adverse incidents to the Agency for Health Care Administration (AHCA) as part of the annual assessment reporting requirements for the home home health aide for medically fragile children (HHAMFC) program. The amendment defines "adverse incident" for the purposes of this reporting. The amendment also requires an eligible relative to have completed an approved training program before serving as an HHAMFC and requires the home health agency to provide validation of the HHAMFC's competency. Additionally, the amendment removes the direction to the Division of Law Revision to add the effective date to the act in certain places and adds direction to the AHCA to seek federal approval to implement changes made by the act and initiate rulemaking within 60 days of the act becoming law.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 400.54, Florida Statutes, is amended to read:

400.54 Annual assessment of the home health aide for medically fragile children program.—

(1) The agency shall conduct an annual assessment of the home health aide for medically fragile children program. The

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assessment must report caregiver satisfaction with the program, report data on adverse incidents, and identify additional support that may be needed by the home health aide for medically fragile children, and assess the rate and extent of hospitalization of children in home health services who are attended by a home health aide for medically fragile children compared to those in home health services provided by a registered nurse or a licensed practical nurse without a home health aide for medically fragile children. Medicaid managed care plans shall provide to the agency data necessary to perform this assessment.

(2) The home health agency must report all adverse incidents occurring under the care of a home health aide for medically fragile children to the agency and managed care plan within 48 hours of the incident. For purposes of reporting to the agency under this section, the term "adverse incident" means:

(a) Death.

(b) Brain or spinal damage.

(c) Permanent disfigurement.

(d) Fracture or dislocation of bones or joints.

(e) A limitation of neurological, physical, or sensory function.

(f) An event that is reported to law enforcement or its personnel for investigation.

By January 1 of each year, beginning January 1, 2025, the agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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Section 2. Paragraph (a) of subsection (3) and subsection (9) of section 400.4765, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

400.4765 Home health aide for medically fragile children program.—

(3) TRAINING.—

(a) Before providing services to an eligible relative, a home health aide for medically fragile children must complete an agency-approved training program. The employing home health agency must provide validation of competency by a registered nurse, and maintain documentation of training completion and competency validation. The employing home health agency must provide additional training and competency validation as the medically fragile child's care needs change, consistent with any changes to the plan of care. The employing home health agency must provide training on HIV infections and AIDS and must ensure that each home health aide for medically fragile children holds and maintains a certification in cardiopulmonary resuscitation.

(b) ~~(a)~~ The agency, in consultation with the Board of Nursing, shall approve home health aide for medically fragile children training programs developed by home health agencies in accordance with 42 C.F.R. ss. 483.151-483.154 and 484.80 to train family caregivers as home health aides for medically fragile children to increase the health care provider workforce and to authorize persons to provide trained nursing services as delegated by a registered nurse to eligible relatives. The training programs ~~program~~ must include supervised practical training under the direct supervision of a licensed registered nurse which must be tailored to the needs of an eligible



relative. ~~consist of at least 85 hours of training, including, but not limited to, all of the following:~~

~~1. A minimum of 40 hours of theoretical instruction in nursing, including, but not limited to, instruction on all of the following:~~

~~a. Person-centered care.~~

~~b. Communication and interpersonal skills.~~

~~c. Infection control.~~

~~d. Safety and emergency procedures.~~

~~e. Assistance with activities of daily living.~~

~~f. Mental health and social service needs.~~

~~g. Care of cognitively impaired individuals.~~

~~h. Basic restorative care and rehabilitation.~~

~~i. Patient rights and confidentiality of personal information and medical records.~~

~~j. Relevant legal and ethical issues.~~

~~Such instruction must be offered in various formats, and any interactive instruction must be provided during various times of the day.~~

~~2. A minimum of 20 hours of skills training on basic nursing skills, including, but not limited to:~~

~~a. Hygiene, grooming, and toileting.~~

~~b. Skin care and pressure sore prevention.~~

~~c. Nutrition and hydration.~~

~~d. Measuring vital signs, height, and weight.~~

~~e. Safe lifting, positioning, and moving of patients.~~

~~f. Wound care.~~

~~g. Portable Oxygen use and safety and other respiratory~~

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~~procedures.~~

~~h. Tracheostomy care.~~

~~i. Enteral care and therapy.~~

~~j. Peripheral Intravenous assistive activities and alternative feeding methods.~~

~~k. Urinary catheterization and ostomy care.~~

~~3. At least 16 hours of clinical training under direct supervision of a licensed registered nurse.~~

~~4. Training concerning HIV infections and AIDS and is required to obtain and maintain a current certificate in cardiopulmonary resuscitation.~~

(9) FEE SCHEDULE.—The agency shall modify any state Medicaid plans and implement any federal waivers necessary to implement this section and shall establish a Medicaid fee schedule for home health agencies employing a home health aide for medically fragile children at minimum rate of $25 per hour with a utilization cap of no more than 12 ~~8~~ hours per day and 40 hours per week, per medically fragile child. The utilization cap of 40 hours per week, per recipient may be exceeded; however, justification must be provided as to why there is no other qualified provider available, and the request must be approved by the home health agency and the managed care plan.

(10) FEDERAL APPROVAL.—The agency shall seek necessary federal approval, including seeking the appropriate federal waiver, to:

(a) Allow Medicaid private duty nursing specialty providers and home health services providers to participate in and receive reimbursement for services rendered under this program.

(b) Provide that the income earned under this program by a

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home health aide for medically fragile children is disregarded in Medicaid eligibility determinations.

Section 3. Subsection (18) of section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(18) "Home health aide for medically fragile children" means a family caregiver who meets the qualifications specified in this part and who performs tasks delegated to him or her under chapter 464 while caring for an eligible relative, and provides care relating to activities of daily living, including those associated with personal care; maintaining mobility; nutrition and hydration; toileting and elimination; assistive devices; safety and cleanliness; data gathering; reporting abnormal signs and symptoms; postmortem care; patient socialization and reality orientation; end-of-life care; cardiopulmonary resuscitation and emergency care; residents' or patients' rights; documentation of services performed; infection control; safety and emergency procedures; hygiene, grooming, skin care, and pressure sore prevention; wound care; ~~portable~~ oxygen use and safety and other respiratory procedures; tracheostomy care; enteral care and therapy; ~~peripheral~~ intravenous assistive activities and alternative feeding methods; and any other tasks delegated to the family caregiver under chapter 464.

Section 4. Paragraph (c) of subsection (1) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the

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Social Security Administration by contract with the Department of Children and Families, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Low-income families with children are eligible for Medicaid provided they meet the following requirements:

(c) The family's countable income and resources do not exceed the applicable Aid to Families with Dependent Children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the welfare transition program, to the extent permitted by federal law. The agency shall seek federal approval, including seeking the appropriate federal waiver or state plan amendment, to exclude from the family's countable income any income earned through employment as a home health aide for medically fragile children under s. 400.4765.

Section 5. Within 60 days after this act becomes law, the Agency for Health Care Administration shall make all necessary requests and submissions to obtain federal approval to implement this act amending s. 409.903, Florida Statutes, and initiate any necessary rulemaking to implement the provisions of this act amending s. 400.4765, Florida Statutes.

Section 6. This act shall take effect upon becoming a law.

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

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And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to the home health aide for medically fragile children program; amending s. 400.54, F.S.; providing requirements for the annual assessment of the home health aide for medically fragile children program; amending s. 400.4765, F.S.; revising program training requirements; requiring an employing home health agency to provide specified training and ensure that each home health aide for medically fragile children holds and maintains specified certification; revising the utilization cap of a Medicaid fee schedule; requiring a home health aide for medically fragile children who works more than 40 hours per week to provide specified justification; providing requirements for the Agency for Health Care Administration to seek federal approval and a federal waiver for specified purposes; amending s. 400.462, F.S.; conforming provisions to changes made by the act; amending s. 409.903, F.S.; requiring the agency to seek federal approval and implement federal waivers and state plan amendments for specified purposes; providing an effective date.

By the Committee on Health Policy; and Senator Harrell

588-03192-25 20251156c1

A bill to be entitled

An act relating to the home health aide for medically fragile children program; amending s. 400.54, F.S.; providing requirements for the annual assessment of the home health aide for medically fragile children program; amending s. 400.4765, F.S.; revising program training requirements; revising the utilization cap of a Medicaid fee schedule; requiring a home health aide for medically fragile children who works more than 40 hours per week to provide specified justification; requiring the Agency for Health Care Administration to seek federal approval, including a federal waiver, for specified purposes; amending s. 400.462, F.S.; conforming provisions to changes made by the act; amending s. 409.903, F.S.; requiring the agency to seek federal approval, including a federal waiver or state plan amendment, for specified purposes; providing construction; providing a directive to the agency to carry out certain tasks within a specified timeframe; providing an effective date.

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

Section 1. Section 400.54, Florida Statutes, is amended to read:

400.54 Annual assessment of the home health aide for medically fragile children program.—

(1) The agency shall conduct an annual assessment of the home health aide for medically fragile children program. The

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

588-03192-25 20251156c1

assessment must report caregiver satisfaction with the program, report data on adverse incidents, identify additional support that may be needed by the home health aide for medically fragile children, and assess the rate and extent of hospitalization of children in home health services who are attended by a home health aide for medically fragile children compared to those in home health services provided by a registered nurse or a licensed practical nurse without a home health aide for medically fragile children. Medicaid managed care plans shall provide to the agency data necessary to perform this assessment.

(2) The home health agency shall report all adverse incidents occurring under the care of a home health aide for medically fragile children to the agency and managed care plan within 48 hours after the incident. For purposes of reporting to the agency under this subsection, the term "adverse incident" means any of the following:

(a) Death.

(b) Brain or spinal damage.

(c) Permanent disfigurement.

(d) Fracture or dislocation of bones or joints.

(e) A limitation of neurological, physical, or sensory function.

(f) An event that is reported to law enforcement personnel for investigation.

By January 1 of each year, beginning January 1, 2025, the agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 2. Present paragraphs (a) and (b) of subsection (3)

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

of section 400.4765, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, subsection (10) is added to that section, and present paragraph (a) of subsection (3) and subsection (9) of that section are amended, to read:

400.4765 Home health aide for medically fragile children program.—

(3) TRAINING.—

(a) Before providing services to an eligible relative, a home health aide for medically fragile children must complete an approved training program. The employing home health agency must provide validation of competency by a registered nurse and maintain documentation of training completion and competency validation. The employing home health agency must provide additional training and competency validation as the medically fragile child's care needs change and consistent with any changes to the plan of care.

(b) ~~(a)~~ The agency, in consultation with the Board of Nursing, shall approve home health aide for medically fragile children training programs developed by home health agencies in accordance with 42 C.F.R. ss. 483.151-483.154 and 484.80 to train family caregivers as home health aides for medically fragile children to increase the health care provider workforce and to authorize persons to provide trained nursing services as delegated by a registered nurse to eligible relatives. The program shall include ~~must consist of at least 85 hours of training, including~~, but not be limited to, all of the following:

1. A minimum of 20 ~~40~~ hours of theoretical instruction in

nursing, including, but not limited to, instruction on all of the following:

a. Person-centered care.

b. Communication and interpersonal skills.

c. Infection control.

d. Safety and emergency procedures.

e. Assistance with activities of daily living.

f. Mental health and social service needs.

g. Care of cognitively impaired individuals.

h. Basic restorative care and rehabilitation.

i. Patient rights and confidentiality of personal information and medical records.

j. Relevant legal and ethical issues.

Such instruction must be offered in various formats, and any interactive instruction must be provided during various times of the day.

2. Up to ~~A minimum of~~ 20 hours of skills training on basic nursing skills tailored to the child's care needs as specified in the ordering provider's plan of care and individualized care needs, which may include training on the following topics, as applicable~~, including, but not limited to~~:

a. Hygiene, grooming, and toileting.

b. Skin care and pressure sore prevention.

c. Nutrition and hydration.

d. Measuring vital signs, height, and weight.

e. Safe lifting, positioning, and moving of patients.

f. Wound care.

g. ~~Portable~~ Oxygen use and safety and other respiratory

procedures.

h. Tracheostomy care.

i. Enteral care and therapy.

j. ~~Peripheral~~ Intravenous assistive activities and alternative feeding methods.

k. Urinary catheterization and care and ostomy care.

3. Up to ~~At least~~ 16 hours of clinical training related to the specific needs of the eligible relative under direct supervision of a licensed registered nurse.

4. Training concerning HIV infections and AIDS ~~and is required to obtain and maintain a current certificate in cardiopulmonary resuscitation~~.

5. Obtaining and maintaining a current certificate in cardiopulmonary resuscitation.

(9) FEE SCHEDULE.—The agency shall modify any state Medicaid plans and implement any federal waivers necessary to implement this section and shall establish a Medicaid fee schedule for home health agencies employing a home health aide for medically fragile children at a minimum rate of $25 per hour with a utilization cap of no more than 12 ~~8~~ hours per day and 40 hours per week, per medically fragile child. The utilization cap of 40 hours per week, per recipient may be exceeded; however, justification must be provided as to why there is no other qualified provider available, and the request must be approved by the home health agency and the managed care plan.

(10) FEDERAL APPROVAL.—Within 30 days after the effective date of this act, the agency shall seek federal approval, including seeking the appropriate federal waiver, to:

(a) Allow Medicaid private duty nursing specialty providers

and home health services providers to participate in and receive reimbursement for services rendered under this program.

(b) Provide that the income earned under this program by a home health aide for medically fragile children is disregarded in eligibility considerations for public assistance as defined in s. 414.0252.

Section 3. Subsection (18) of section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(18) "Home health aide for medically fragile children" means a family caregiver who meets the qualifications specified in this part and who performs tasks delegated to him or her under chapter 464 while caring for an eligible relative, and provides care relating to activities of daily living, including those associated with personal care; maintaining mobility; nutrition and hydration; toileting and elimination; assistive devices; safety and cleanliness; data gathering; reporting abnormal signs and symptoms; postmortem care; patient socialization and reality orientation; end-of-life care; cardiopulmonary resuscitation and emergency care; residents' or patients' rights; documentation of services performed; infection control; safety and emergency procedures; hygiene, grooming, skin care, and pressure sore prevention; wound care; ~~portable~~ oxygen use and safety and other respiratory procedures; tracheostomy care; enteral care and therapy; ~~peripheral~~ intravenous assistive activities and alternative feeding methods; and any other tasks delegated to the family caregiver under chapter 464.

Section 4. Paragraph (c) of subsection (1) of section

409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Families, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Low-income families with children are eligible for Medicaid provided they meet the following requirements:

(c) The family's countable income and resources do not exceed the applicable Aid to Families with Dependent Children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the welfare transition program, to the extent permitted by federal law. The agency shall seek federal approval, including seeking the appropriate federal waiver or state plan amendment, to exclude from the family's countable income any income earned through employment as a home health aide for medically fragile children under s. 400.4765.

Section 5. Within 60 days after this act becomes a law, the Agency for Health Care Administration shall make all necessary requests and submissions to obtain federal approval to implement the amendment made by this act to s. 409.903, Florida Statutes, and initiate any necessary rulemaking to implement the amendment

made by this act to s. 400.4765, Florida Statutes.

Section 6. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

4/22/2025
Meeting Date

Fiscal Policy
Committee

1156
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tanya C. Jackson

Phone 850-445-0107

Address 113 E. College Ave., 3rd Floor
Street

Email TanyaJ@PinPointResults.com

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: Team Select & Angels of Care

☐ 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

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:	CS/CS/CS/SB 1180
INTRODUCER:	Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice, Criminal Justice Committee; and Senator Gaetz
SUBJECT:	Sexual Images
DATE:	April 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Parker	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1180 provides guidance on proving actual or lewd exhibition and prohibits generation or possession of certain images.

The bill creates s. 800.045, F.S., to provide offenses regarding lewd or lascivious images and defines the terms "identifiable minor," "intentionally view," "lewd or lascivious image," and "promote".

The bill provides that it is a second degree felony for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part includes a lewd or lascivious image. The bill provides an exception for any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

It also provides that it is third degree felony for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes

a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense.

The bill provides that this provision does not apply to a provider of an interactive computer service as defined in 47 U.S.C. s. 230(f)[1] which uses artificial intelligence as defined in 15 U.S.C. s. 9401(3)[2], unless the provider of an interactive computer service exists primarily to create images prohibited by this statute.

The bill amends s. 827.071, F.S., to provide that the term "actual or simulated lewd exhibition of the genitals" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor's genitalia;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

The bill creates s. 827.073, F.S., to create offenses related to an altered sexual depiction of a minor and to define the terms "altered sexual depiction," "generate," "visual depiction," "identifiable minor," "intentionally view," and "promote."

The bill provides that it is a third degree felony for a person to:

- Knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor.
- Intentionally generate an altered sexual depiction of a minor.
- Solicit an altered sexual depiction of a minor.

The bill also provides that it is a second degree felony for a person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction of an identifiable minor.

The bill amends s. 836.13, F.S., to define the term "generate."

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[1] 47 U.S.C. Section 230(f), provides that "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

[2] 15 U.S.C. Section 9401(3), provides that "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to (a) perceive real and virtual environments; (b) abstract such perceptions into models through analysis in an automated manner; and (c) use model inference to formulate options for information or action.

The bill provides that it is a third degree felony for a person to:

- Intentionally generate any altered sexual depiction of an identifiable person, without the consent of the identifiable person.
- Solicit an altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief;
- Monetary damages to include $10,000 or actual damages incurred; and
- Reasonable attorney fees and costs.

A provider of an interactive computer service as defined in s. 47 U.S.C. section 230(f) of an interactive computer service as defined in 47 U.S.C. section 230(f) which uses artificial intelligence as defined in s. 15 U.S.C. section 9401(3), unless the provider of an interactive computer service exists primarily to create images prohibited by this statute.

The bill amends 921.0022, F.S., to provide penalties for specified offenses regarding sexual images and related acts in the Offense Severity Ranking Chart (OSRC) of the Criminal Punishment Code.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Altered Sexual Depictions

Nonconsensual altered sexual depictions are distinguishable from consensual pornography as the person being depicted has not given his or her consent and did not actually engage in the sexual behavior he or she is depicted as doing. Such depictions may exploit the depicted person for other's gratification and may cause emotional and reputational harm stemming from subsequent uses of the depiction and society's response to the person depicted.[3]

[3] Mathew B. Kugler and Carly Pace, *Deepfake Privacy: Attitudes and Regulation*, *Northwestern University Law Review*, 2021 Vol 116:611, p. 624-25, https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1476&context=nulr (last visited March 19, 2025).

Section 836.13, F.S., defines "Altered sexual depiction" to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:[4]

- With the nude body parts of another person as the nude body parts of the identifiable person;
- With computer-generated nude body parts as the nude body parts of the identifiable person; or
- Engaging in sexual conduct as defined in s. 847.001, F.S.,[5] in which the identifiable person did not engage.

A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.[6]

The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.[7]

A person who is portrayed in such an altered sexual depiction without his or her consent may initiate a civil cause of action against a person who willfully and maliciously promoted such depiction and may obtain appropriate relief to prevent or remedy the promotion, including:

- Injunctive relief.
- Monetary damages to include $10,000 or actual damages incurred.
- Reasonable attorney fees and costs.[8]

Child Pornography

The law prohibits any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute material that appears to depict minors engaged in sexually explicit conduct and is deemed obscene.[9]

Miller v. California established the test for determining obscenity, now known as the *Miller*[10] test, which outlines three criteria for material to be considered obscene. The three-prong test requires the trier of fact to consider the following factors to determine if something is obscene:

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[4] Section 836.13(1)(b), F.S., defines "Identifiable person" to mean a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.
[5] Section 847.001(19), F.S., defines "Sexual conduct" to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."
[6] A third degree felony is punishable by a term of imprisonment up to 5 years and a $5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.
[7] Section 836.13(4), F.S.
[8] Section 836.13(5), F.S.
[9] 18 U.S.C.A. s. 1466A. (2003).
[10] *Miller v. California*, 413 U.S. 15, 24 (1973).

- Whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest;
- Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.[11]

The test for determining whether matter involving minors is obscene is a slightly lower threshold than the Miller test. Material involving minors can be considered obscene if:

- It depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse; and
- The image lacks serious literary, artistic, political, or scientific value.[12]

The Court tends to grant greater protections to minors, routinely upholding state statutes that penalize those who possess or disseminate obscene material relating to minors. In *New York v. Ferber*, the defendant was convicted for distributing material that depicted a sexual performance by a minor under the age of 16 in violation of a state law that prohibited persons from knowingly promoting material that depicted such a performance.[13] In *Ferber*, the Court held that the statute at issue did not violate the First Amendment, explaining that the states have a compelling interest, and thus are granted more leeway, in regulating pornographic depictions of children.[14] The Court reasoned that such material bears so heavily on the welfare of children engaged in its production that a balance of compelling interests are struck and, therefore, these materials are not afforded the protections of the First Amendment.[15]

Present law defines child pornography to mean:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.[16]

Sexual performance means, a person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this offense commits a second degree felony.[17,18]

[11] *Id*.
[12] *Id*.
[13] *New York v. Ferber*, 458 U.S. 747 (1982).
[14] *Ferber*, 458 U.S. at 756.
[15] *Id*. at 747-48.
[16] Section 827.071(1)(b), F.S.
[17] Section 827.071(2), F.S.
[18] 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, and 775.084, F.S.

A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child.[19] A person who violates this offense commits a second degree felony.

It is unlawful for any person to possess with the intent to promote[20] any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this offense commits a second degree felony.

This provision does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

Courts have determined what criteria may be used in determining what is lewd exhibition of the genitals. In *State v. Hubbs*,[21] the critical issue for the court to determine was whether the state proved the defendant knew photographs taken of a 14-year-old girl included "actual lewd exhibition of the genitals" by a child and were "lewd" in nature. To prove an "actual lewd exhibition of the genitals" by a child, the State will be required to prove the defendant knew the photographs of the child were "lewd" in nature.[22] The Second District has specifically held that "the lewdness requirement may be satisfied by the intent of the person promoting the performance which included sexual conduct by the child."[23] The *Brabson* court also noted that lewdness may be evaluated based on the test in *U.S. v. Dost*. The court held that a trier of fact should consider the *Dost* factors in making a determination whether the exhibition of the child's genitals in the photographs was lewd in nature.[24]

In *U.S. v. Dost*,[25] the court opined that a determination of whether there was lascivious exhibition should be made on a case-by-case basis using general principles as a guide for analysis.

The court held that a trier of fact should look at the following factors, among any others that may be relevant in a particular case, when determining whether a visual depiction of a minor constitutes lascivious exhibition of the genitals or pubic area:

- Whether the focal point of the visual depiction is on the child's genitalia or pubic area;
- Whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;
- Whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;
- Whether the child is fully or partially clothed or nude;

[19] Section 827.071(3), F.S.
[20] Section 836.13(4), F.S., defines "Promote" to mean to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.
[21] *State v. Hubbs*, 377 So.3d 1162 (Fla. 4th DCA 2023).
[22] Section § 827.071(1)(h), (5)(a), Fla. Stat. (2019).
[23] *State v. Brabson*, 7 So.3d 1119, 1122 (Fla. 2d DCA 2008).
[24] *Hubbs*, at 1168.
[25] *U.S. v. Dost*, 636 F. Supp. 828 (S.D. California 1986).

- Whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;
- Whether the visual depiction is intended or designed to elicit a sexual response in the viewer.

The court asserted that a visual depiction need not involve all of the above-listed factors to constitute lascivious exhibition of the genitals or pubic area, but rather that, a determination should be made based on the overall content of the visual depiction, taking into account the age of the minor.[26]

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code[27] are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.[28,29]

A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.[30]

III. Effect of Proposed Changes:

Section 1 creates s. 800.045, F.S., to define the following terms:

- "Identifiable minor" means a person:
  - Who is younger than 16 years of age at the time the lewd or lascivious image was created, altered, adapted, or modified, or whose image was used in the creating, altering, adapting, or modifying of the lewd or lascivious image; and
  - Who is recognizable as an actual person by the person's face, likeness, or any distinguishing characteristic, such as a unique birthmark, or any recognizable feature.
  - The term may not be construed to require proof of the actual identity of the identifiable minor.
- "Intentionally view" means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.[31]
- "Lewd or lascivious image" means:

[26] *Dost*, 636 F. Supp. At 832.
[27] All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.
[28] Section 921.0022, F.S.
[29] Section 921.0022(2), F.S.
[30] Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.
[31] Section 827.071(1)(f), F.S.

- Any image depicting lewd or lascivious exhibition in violation of s. 800.04(7), F.S.,[32]; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means to portray lewd or lascivious exhibition in violation of s. 800.04(7), F.S., committed in the presence of an identifiable minor.

The bill creates offenses related to lewd or lascivious images, to provide that:

- It is a second degree felony for any person to possess with the intent to promote any photograph, motion picture, exhibition, exhibition, show, representation, or other presentation which, in whole or in part, includes a lewd or lascivious image. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. This paragraph does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.
- It is a third degree felony for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense.

Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

The bill provides that the prohibitions of this statute does not apply to a provider of an interactive computer service as defined in 47 U.S.C. section 230(f) which uses artificial intelligence as defined in 15 U.S.C. section 9401(3), unless the provider of an interactive computer service exists primarily to create images prohibited by this statute.

Section 2 amends s. 827.071, F.S., to provide that the term "actual or simulated lewd exhibition of the genitals" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor's genitals;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

[32] Section 800.04(7), F.S., Lewd or Lascivious Exhibition means a person who intentionally masturbates; intentionally exposes the genitals in a lewd or lascivious manner; or intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age.

- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

Section 3 creates s. 827.073, F.S., to define the terms:

- "Altered sexual depiction" to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:
    - With the nude body parts of another person as the nude body parts of the identifiable person;
    - With computer-generated nude body parts as the nude body parts of the identifiable person; or
    - Engaging in sexual conduct as defined in s. 847.001, F.S., in which the identifiable person did not engage.[33]
- "Generate" to mean to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.
- "Visual depiction" includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.[34]
- "Identifiable minor" to mean a person:
    - Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image;[35] and
    - Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.[36]
    - The term may not be construed to require proof of the actual identity of the identifiable minor.
- "Intentionally view" to mean to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.[37]
- "Promote" to mean to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.[38]
- "Possess" to mean to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person, without the consent of the identifiable person.

[33] Section 836.13(1)(a), F.S.
[34] Section 836.13(1)(e), F.S.
[35] Section 827.071(1)(e)1., F.S.
[36] Section 827.071(1)(e)2., F.S.
[37] Section 827.071(1)(f), F.S.
[38] Section 827.071(1)(h), F.S.

The bill provides that it is a third degree felony for a person to knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor. The possession or control of three or more copies of such visual depiction is prima facie evidence of an intent to promote. The possession, control, or intentional viewing of each visual depiction is a separate offense.

A person who intentionally generates an altered sexual depiction of a minor commits a third degree felony.

A person who solicits any altered sexual depiction of an identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction of an identifiable minor commits a second degree felony.

Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

The bill provides civil remedies for an aggrieved person against a person who violates the above provision.

Section 4 amends s. 836.13, F.S., to be renamed to altered sexual depictions and to define the term "generate" to mean to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

A person who willfully and maliciously promotes, or possesses with intent to promote, any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.

A person who intentionally generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, commits a third degree felony.

A person who solicits any altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief.
- Monetary damages to include $10,000 or actual damages incurred.
- Reasonable attorney fees and costs.

A provider of an interactive computer service as defined in s. 47 U.S.C. section 230(f) of an interactive computer service as defined in 47 U.S.C. section 230(f) which uses artificial intelligence as defined in s. 15 U.S.C. section 9401(3), unless the provider of an interactive computer service exists primarily to create images prohibited by this statute.

Section 5 amends s. 921.0022, F.S., to rank the following offenses:
- Soliciting an altered sexual depiction of an identifiable person without consent is ranked a Level 2 on the OSRC.
- Person who generates an altered sexual depiction of an identifiable person without consent is a Level 3 on the OSRC.
- Possession, control, or intentionally viewing an altered sexual depiction of an identifiable minor is ranked a Level 6 on the OSRC.
- Generating an altered sexual depiction of an identifiable minor without consent is ranked a Level 7 on the OSRC.
- Solicitation of an altered sexual depiction of an identifiable minor is ranked a Level 6 on the OSRC.
- Promotion of an altered sexual depiction of an identifiable minor is ranked a Level 7 on the OSRC.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The First Amendment of the U.S. Constitution states that, "Congress shall make no law … abridging the freedom of speech…" This language prohibits the government from having the ability to constrain the speech of citizens. However, materials that constitute child pornography, obscenity, or material harmful to minors may be restricted. Child pornography, obscenity, and material harmful to minors have been defined in ch. 847, F.S., and are consistent with federal law and the United States Supreme Court holdings regarding such laws.

The bill makes the simple creation or possession of an altered sexual depiction a crime. This may be subject to challenges under the First Amendment. Additionally, the bill criminalizes images that depict a person engaged in specified sexual behavior in front of a minor under the age of 16, even if the image was created, altered, etc. Therefore, there is no requirement that such a sex act occurred in front of a minor, only that the image portrays such an act occurring in front of a minor.

Additionally, the bill makes a computer-generated image of a nude child a crime, which may subject the bill to First Amendment challenges. It is not unlawful to possess or view an image of a nude child, unless such depiction constitutes child pornography. If the bill passes, a depiction that has not been altered, adapted, etc., of a nude child who is not engaging in sexual conduct, will be legal to possess; however possession of an image that has been altered, adapted, etc., will be unlawful.

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 provided a preliminary estimate that the bill may have a positive indeterminate prison bed impact on the Department of Corrections (DOC). According to EDR:

> [The bill] adds two Level 3, 3rd degree felonies to the language. Currently, a Level 3, 3rd degree felony exists for "a person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction." The first of the new felonies involves "a person who willfully and maliciously generates any altered sexual depiction of an

identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction." The second of the new felonies involves "a person who willfully and maliciously possesses any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction. Exceptions are added for all three for "an act done for a bona fide medical, literary, academic, or scientific purpose."

Per DOC, in FY 2023-24, there were 351 new commitments to prison for felony offenses committed under s. 827.071, F.S. However, is not known how many additional offenders there would be under this new language.

Per DOC, since the current Level 3, 3rd degree felony under s. 836.16, F.S., went into effect on October 1, 2022, there have been no new commitments to prison. Per FDLE, in FY 23-24, since the current Level 3, 3rd degree felony under s. 836.16, F.S., went into effect on October 1, 2022, there have been 10 arrests, with one guilty/conviction charge. That one charge was sentenced to 30 days in jail. It is not known how many additional offenders there would be with the two new felonies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill could potentially criminalize a parent for possessing a nude photo of their child taken without a prurient intent or prurient curiosity, if such image has been altered.

The bill creates an overlap between morphed child pornography and a possession of an altered sexual depiction of a minor.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 827.071, 836.13, and 921.0022.

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/CS by Fiscal Policy on April 22, 2025:
The committee substitute:

- Removes the term "anus" from the definition of sexual conduct.
- Provides an exception to the offense of Lewd or lascivious image. The exception applies to a provider of an interactive computer service, which uses artificial intelligence,

unless the provider of an interactive computer service exists primarily to create lewd or lascivious images prohibited under this statute.

- Removes "consent" language from the offense of Solicitation of an altered sexual depiction of an identifiable minor.
- Removes "willful" intent element from the offense of generating any altered sexual depiction of an identifiable person.
- Removes language requiring that a person who generates any altered sexual depiction of an identifiable person "know or reasonably should have known" that they were generating such an image.
- Removes exception for bona fide medial, literary, academic, or scientific purpose from the offense of Altered sexual depictions.
- Increases rankings in the Offense Severity Ranking Chart.

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 9, 2025:

The committee substitute:

- Removes definitions for the terms "anus" and "male genitals."
- Removes language expanding the definition of the term "sexual conduct" to include masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.
- Removes malicious intent from generating, soliciting or possessing any altered sexual depiction of an identifiable person.
- Provides criminal penalties for possession with intent to promote a lewd or lascivious image, and providing that a violation of this offense is a second degree unranked felony.
- Provides criminal penalties for the solicitation, possession, control or intentionally viewing of a lewd or lascivious image is a third degree unranked felony.
- Provides criminal penalties for knowingly possessing, controlling, or intentionally viewing, intentionally generating, or soliciting an altered sexual depiction of an identifiable minor is a third degree felony, ranked a Level 4 in the OSRC.
- Providing criminal penalties for willfully and intentionally promoting an altered sexual depiction of a minor is a second degree felony, ranked a Level 4 in the OSRC.
- Provides that soliciting an altered sexual depiction of an identifiable person without consent is a third degree felony, ranked a Level 2 in the OSRC.

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Removes language expanding the definition of "child pornography."
- Provides definitions for "anus", "male genitals", "generate", and "possess".
- Revises the term "sexual conduct" to include masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.
- Provides criminal penalties for willfully and maliciously generating or possessing any altered sexual depiction with the consent of an identifiable person. Each violation is a separate offense that is a third degree felony, ranked a Level 3 in the OSRC.
- Provides an exception for medical, literary, academic or scientific purposes, for crimes related to Altered Sexual Depiction.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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	.	
	.	

The Committee on Fiscal Policy (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 800.045, Florida Statutes, is created to read:

800.045 Lewd or lascivious images; penalties.—

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

(a) "Identifiable minor" means a person:

1. Who was younger than 16 years of age at the time the

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lewd or lascivious image was created, altered, adapted, or modified, or whose image was used in the creating, altering, adapting, or modifying of the lewd or lascivious image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

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

(b) "Intentionally view" has the same meaning as in s. 827.071.

(c) "Lewd or lascivious image" means:

1. Any image depicting lewd or lascivious exhibition in violation of s. 800.04(7); or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray lewd or lascivious exhibition in violation of s. 800.04(7) committed in the presence of an identifiable minor.

(d) "Promote" has the same meaning as in s. 827.071.

(2) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes a lewd or lascivious image. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) It is unlawful for any person to knowingly solicit,

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possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(4) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

(5) This section does not apply to a provider of an interactive computer service as defined in 47 U.S.C. s. 230(f) which uses artificial intelligence as defined in 15 U.S.C. s.

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9401(3), unless the provider of an interactive computer service exists primarily to create images prohibited under this section.

Section 2. Paragraph (l) of subsection (1) and subsection (5) of section 827.071, Florida Statutes, are amended, and subsection (6) of that section is republished, to read:

827.071 Sexual performance by a child; child pornography; penalties.—

(1) As used in this section, the following definitions shall apply:

(l)1. "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

2. As used in subparagraph 1., "actual or simulated lewd exhibition of the genitals" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and, including, but not limited to, whether:

a. The focal point of the image is on the minor's genitals;

b. The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

c. The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;

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d. The image suggests sexual coyness or a willingness to engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual response in the viewer.

(5)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, ~~then~~ each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this



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section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 3. Section 827.073, Florida Statutes, is created to read:

827.073 Altered sexual depiction of a minor; prohibited acts; penalties; applicability.—

(1) As used in this section, the terms:

(a) "Altered sexual depiction," "generate," and "visual depiction" have the same meaning as in s. 836.13.

(b) "Identifiable minor," "intentionally view," and "promote" have the same meaning as in s. 827.071.

(c) "Possess" means to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person, without the consent of the identifiable person.

(2)(a) It is unlawful for a person to knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor. The possession or control of three or more copies of such visual depiction is prima facie evidence of an intent to promote. The possession, control, or intentional viewing of each visual depiction is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who intentionally generates an altered sexual depiction of an identifiable minor commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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(c) A person who solicits any altered sexual depiction of an identifiable minor and who knows or reasonably should have known that such visual depiction was an altered sexual depiction of an identifiable minor commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction of an identifiable minor, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) An aggrieved person may initiate a civil action against a person who violates subsection (2) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of subsection (2), whichever is greater.

(c) Reasonable attorney fees and costs.

(4) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of a provider of an interactive computer service as defined in 47 U.S.C. s. 230(f) which uses artificial intelligence as defined in 15 U.S.C. s. 9401(3), unless the provider of an interactive computer service exists primarily to create images prohibited under this section, of an information service as defined in 47 U.S.C. s. 153, or of a

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communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity;

(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable minor portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(5) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any crime related to child pornography or the sexual performance or the sexual exploitation of children.

Section 4. Section 836.13, Florida Statutes, is amended to read:

836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~; prohibited acts; penalties; applicability.—


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

(a) "Altered sexual depiction" means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

1. With the nude body parts of another person as the nude body parts of the identifiable person;

2. With computer-generated nude body parts as the nude body parts of the identifiable person; or

3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

(b) "Generate" means to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

(c) ~~(b)~~ "Identifiable person" means a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

(d) ~~(c)~~ "Nude body parts" means the human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. The term does not under any circumstances include a mother breastfeeding her baby.

(e) ~~(d)~~ "Promote" means to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send,


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post, share, or advertise or to offer or agree to do the same.

(f)~~(e)~~ "Visual depiction" includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.

(2) A person who willfully and maliciously promotes, or possesses with the intent to promote, any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who intentionally generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who solicits any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(6)~~(4)~~ The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the generation ~~creation~~ or promotion of the material, or that the person or persons depicted did not actually perform the actions


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portrayed, is not a defense and does not relieve a person of criminal liability under this section.

(7)~~(5)~~ An aggrieved person may initiate a civil action against a person who violates subsection (2), subsection (3), or subsection (4) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2), subsection (3), or subsection (4), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of subsection (2), subsection (3), or subsection (4), whichever is greater.

(c) Reasonable attorney fees and costs.

(8)~~(6)~~ The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of a provider of an interactive computer service as defined in 47 U.S.C. s. 230(f) which uses artificial intelligence as defined in 15 U.S.C. s. 9401(3), unless the provider of an interactive computer service exists primarily to create images prohibited under this section, of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in ~~that promotes an altered sexual depiction in~~


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~~connection with~~ the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity; ~~or~~

(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable person portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(9) ~~(7)~~ A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(10) ~~(8)~~ Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

Section 5. Paragraphs (b), (c), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431	3rd	Possession of 11 or

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	(1)(e)3.		fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
327			
	379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
328			
	403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
329			
	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
330			
	590.28(1)	3rd	Intentional burning of lands.
331			
	784.03(3)	3rd	Battery during a riot or an aggravated riot.
332			
	784.05(3)	3rd	Storing or leaving a



			loaded firearm within reach of minor who uses it to inflict injury or death.
333			
	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
334			
	806.13(1)(b)3.	3rd	Criminal mischief; damage $1,000 or more to public communication or any other public service.
335			
	806.13(3)	3rd	Criminal mischief; damage of $200 or more to a memorial or historic property.
336			
	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
337			
	810.09(2)(d)	3rd	Trespassing on posted commercial horticulture property.



812.014(2)(c)1.	3rd	Grand theft, 3rd degree; $750 or more but less than $5,000.
812.014(2)(d)1.	3rd	Grand theft, 3rd degree; $40 or more but less than $750, taken from dwelling or its unenclosed curtilage.
812.014(2)(e)2.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with one prior theft conviction.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or



			purchase with false, expired, counterfeit, etc., credit card, value over $300.
344			
	817.52(3)	3rd	Failure to redeliver hired vehicle.
345			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
346			
	817.60(5)	3rd	Dealing in credit cards of another.
347			
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
348			
	817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.
349			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
350			
	831.01	3rd	Forgery.

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831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
836.13(4)	3rd	Soliciting an altered sexual depiction of an

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		identifiable person without consent.
843.01(2)	3rd	Resist police canine or police horse with violence; under certain circumstances.
843.08	3rd	False personation.
843.19(3)	3rd	Touch or strike police, fire, SAR canine or police horse.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

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Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.


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319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying,



			causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
380			
	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
381			
	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
382			
	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
383			
	400.9935(4)(e)	3rd	Filing a false license



			application or other required information or failing to report information.
384			
	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
385			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
386			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
387			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
388			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
389			



697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.


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812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments



			for counterfeiting driver licenses or identification cards.
836.13(2)		3rd	Promoting, or possessing with intent to promote, ~~Person who promotes~~ an altered sexual depiction of an identifiable person without consent.
836.13(3)		3rd	Generating an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)		3rd	Threatens unlawful harm to public servant.
847.01385		3rd	Harmful communication to a minor.
860.15(3)		3rd	Overcharging for repairs and parts.
870.01(2)		3rd	Riot.
870.01(4)		3rd	Inciting a riot.



893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor;



			deliver to minor other controlled substances.
893.13(6)(a)		3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.		3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.		3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.		3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.		3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.		3rd	Knowingly assist a patient,



			other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.



Florida Statute	Felony Degree	Description
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.


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400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.



784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on



			specified official or employee.
784.082(2)		2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)		2nd	Aggravated assault on code inspector.
787.02(2)		3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)		2nd	Discharging firearm or weapon on school property.
790.161(2)		2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)		2nd	False report concerning bomb, explosive, weapon of



			mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
461			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
462			
	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
463			
	794.05(1)	2nd	Unlawful sexual activity with specified minor.
464			
	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
465			
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18

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			years of age or older.
466			
	800.045(2)	2nd	Possessing with intent to promote any photographic material, motion picture, etc., which includes a lewd or lascivious image.
467			
	800.045(3)(a)	3rd	Soliciting, possessing, controlling, or viewing any photographic material, motion picture, etc., which includes a lewd or lascivious image.
468			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
469			
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
470			
	810.145(8)(b)	2nd	Digital voyeurism; certain minor victims;



		2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.



812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.



817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.

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827.071(5)	3rd	Soliciting, possessing, controlling ~~possess, control~~, or viewing ~~intentionally view~~ any photographic material, motion picture, etc., which includes child pornography.
827.073(2)(a)	3rd	Possessing, controlling, or viewing an altered sexual depiction of an identifiable minor.
827.073(2)(c)	3rd	Soliciting an altered sexual depiction of an identifiable minor.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass



		shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily

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			injury.
500			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
501			
	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
502			
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
503			
	944.40	2nd	Escapes.
504			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
505			
	944.47(1)(a)5.	2nd	Introduction of contraband (firearm,

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		weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who



			is in a patrol vehicle with siren and lights activated.
514			
	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
515			
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
516			
	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
517			
	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
518			
	456.065(2)	3rd	Practicing a health care profession without a license.
519			
	456.065(2)	2nd	Practicing a health care profession without a license which results in



		serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.



529	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
530	467.201	3rd	Practicing midwifery without a license.
531	468.366	3rd	Delivering respiratory care services without a license.
532	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
533	483.901(7)	3rd	Practicing medical physics without a license.
534	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
535	484.053	3rd	Dispensing hearing aids without a license.
	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money



			and property unlawfully obtained exceeded $50,000 and there were five or more victims.
536			
	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
537			
	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
538			
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
539			
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card;



			other registration violations.
540			
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
541			
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
542			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
543			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
544			
	782.071	2nd	Killing of a human being or unborn child by the

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			operation of a motor vehicle in a reckless manner (vehicular homicide).
545			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
546			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
547			
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
548			
	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
549			
	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
550			
	784.048(7)	3rd	Aggravated stalking; violation of court



		order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.

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787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to

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			use a hoax weapon of mass destruction.
564			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
565			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
566			
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
567			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
568			
	796.05(1)	1st	Live on earnings of a



			prostitute; 3rd and subsequent offense.
569			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
570			
	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
571			
	800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
572			
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.


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810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.


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812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.

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812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of



			that entity.
817.418(2)(a)		3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)		3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)		3rd	Filing false lien or other unauthorized document.
817.611(2)(b)		2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)		2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)		2nd	Exploiting an elderly person or disabled adult and property is valued


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			at $10,000 or more, but less than $50,000.
827.03(2)(b)		2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)		3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)		2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)		2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
<u>827.073(2)(b)</u>		<u>3rd</u>	<u>Generating an altered sexual depiction of an identifiable minor.</u>

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827.073(2)(d)	2nd	Promoting an altered sexual depiction of an identifiable minor.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.


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847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited


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			under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
617			
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
618			
	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
619			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.


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893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.


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893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5



			kilograms.
632			
	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
633			
	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
634			
	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
635			
	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
636			
	893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
637			
	893.1351(2)	2nd	Possession of place for trafficking in or



			manufacturing of controlled substance.
638			
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
639			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
640			
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
641			
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
642			
	943.0435(9)(a)	3rd	Sexual offender; failure



			to comply with reporting requirements.
643			
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
644			
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
645			
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
646			
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
647			
	944.607(12)	3rd	Failure to report or providing false



			information about a sexual offender; harbor or conceal a sexual offender.
648			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
649			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
650			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
651			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address

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verification; providing false registration information.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to sexual images; creating s. 800.045, F.S.; defining terms; prohibiting a person from possessing with the intent to promote specified depictions that include a lewd or lascivious image; providing criminal penalties; prohibiting a person from knowingly soliciting, possessing, controlling, or intentionally viewing a depiction that includes a lewd or lascivious image; providing criminal penalties; providing applicability; amending s. 827.071, F.S.; revising the definition of the term "sexual conduct"; prohibiting a person from knowingly soliciting specified depictions of child pornography; specifying that the solicitation of each specified depiction or each child depicted is a separate offense; providing criminal penalties; revising applicability; creating s. 827.073, F.S.; defining terms; prohibiting a person from knowingly possessing, controlling, or

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intentionally viewing a visual depiction he or she knows includes an altered sexual depiction of an identifiable minor; providing for prima facie evidence of intent to promote; providing criminal penalties; providing criminal penalties for persons who intentionally generate an altered sexual depiction of an identifiable minor; providing criminal penalties for persons who solicit an altered sexual depiction of a minor, without consent of the identifiable minor, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing criminal penalties for persons who willfully and intentionally promote an altered sexual depiction of an identifiable minor and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing for a civil cause of action; providing for injunctive relief, damages, and attorney fees and costs; providing applicability; amending s. 836.13, F.S.; defining the term "generate"; providing criminal penalties for persons who possess with the intent to promote an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing criminal penalties for persons who intentionally generate an altered sexual depiction of an identifiable person, without the consent of the identifiable person; providing criminal penalties for persons who solicit an altered sexual depiction of an identifiable person, without the consent of the identifiable person, and

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who know or reasonably should have known that such visual depiction was an altered sexual depiction; revising the list of what is not considered a defense to such offenses; providing for a civil cause of action; providing for injunctive relief, damages, and attorney fees and costs; revising and providing applicability; amending s. 921.0022, F.S.; ranking offenses created by and an offense revised by the act for purposes of the severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

A bill to be entitled

An act relating to sexual images; creating s. 800.045, F.S.; defining terms; prohibiting a person from possessing with the intent to promote specified depictions that include a lewd or lascivious image; providing criminal penalties; prohibiting a person from knowingly soliciting, possessing, controlling, or intentionally viewing a depiction that includes a lewd or lascivious image; providing criminal penalties; providing applicability; amending s. 827.071, F.S.; revising the definition of the term "sexual conduct"; prohibiting a person from soliciting specified depictions of child pornography; specifying that the solicitation of each specified depiction or each child depicted is a separate offense; providing criminal penalties; revising applicability; creating s. 827.073, F.S.; defining terms; prohibiting a person from knowingly possessing, controlling, or intentionally viewing a visual depiction he or she knows includes an altered sexual depiction of an identifiable minor; providing for prima facie evidence of intent to promote; providing criminal penalties; providing criminal penalties for persons who intentionally generate an altered sexual depiction of a minor; providing criminal penalties for persons who solicit an altered sexual depiction of a minor, without consent of the identifiable minor, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing

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

criminal penalties for persons who willfully and intentionally promote an altered sexual depiction of an identifiable minor, without consent of the identifiable minor, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing for a civil cause of action; providing for injunctive relief, damages, and attorney fees and costs; providing applicability; amending s. 836.13, F.S.; defining the term "generate"; providing criminal penalties for persons who possess with the intent to promote an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing criminal penalties for a persons who willfully generate or solicit an altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; revising what is not considered a defense to such offenses; providing for a civil cause of action; providing for injunctive relief, damages, and attorney fees and costs; revising and providing applicability; amending s. 921.0022, F.S.; ranking offenses created by and an offense revised by the act for purposes of the severity ranking chart of the Criminal Punishment Code; making a conforming change; providing an effective date.

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

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

Section 1. Section 800.045, Florida Statutes, is created to read:

800.045 Lewd or lascivious images; penalties.—

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

(a) "Identifiable minor" means a person:

1. Who was younger than 16 years of age at the time the lewd or lascivious image was created, altered, adapted, or modified, or whose image was used in the creating, altering, adapting, or modifying of the lewd or lascivious image; and

2. Who is recognizable as an actual person by the person's face, likeness, or any distinguishing characteristic, such as a unique birthmark, or any recognizable feature.

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

(b) "Intentionally view" has the same meaning as in s. 827.071.

(c) "Lewd or lascivious image" means:

1. Any image depicting lewd or lascivious exhibition in violation of s. 800.04(7); or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means to portray lewd or lascivious exhibition in violation of s. 800.04(7) committed in the presence of an identifiable minor.

(d) "Promote" has the same meaning as in s. 827.071.

(2) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or

in part, includes a lewd or lascivious image. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(4) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this

state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 2. Paragraph (l) of subsection (1) and subsection (5) of section 827.071, Florida Statutes, are amended, and subsection (6) of that section is republished, to read:

827.071 Sexual performance by a child; child pornography; penalties.—

(1) As used in this section, the following definitions shall apply:

(l)1. "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals or anus; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

2. As used in subparagraph 1., "actual or simulated lewd exhibition of the genitals" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and, including, but not limited to, whether:

a. The focal point of the image is on the minor's genitals;

b. The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

c. The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;

d. The image suggests sexual coyness or a willingness to engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual response in the viewer.

(5)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this

state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 3. Section 827.073, Florida Statutes, is created to read:

827.073 Altered sexual depiction of a minor; prohibited acts; penalties; applicability.—

(1) As used in this section, the terms:

(a) "Altered sexual depiction," "generate," and "visual depiction" have the same meaning as in s. 836.13.

(b) "Identifiable minor," "intentionally view," and "promote" have the same meaning as in s. 827.071.

(c) "Possess" means to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person, without the consent of the identifiable person.

(2)(a) It is unlawful for a person to knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor. The possession or control of three or more copies of such visual depiction is prima facie evidence of an intent to promote. The possession, control, or intentional viewing of each visual depiction is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who intentionally generates an altered sexual depiction of a minor commits a felony of the third degree,

punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who solicits an altered sexual depiction of a minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) An aggrieved person may initiate a civil action against a person who violates subsection (2) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of subsection (2), whichever is greater.

(c) Reasonable attorney fees and costs.

(4) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others;

another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity;

(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable person portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(5) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

(7) Any offense under subsection (2) does not include an act done for a bona fide medical, literary, academic, or scientific purpose.

Section 4. Section 836.13, Florida Statutes, is amended to read:

836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~; prohibited acts; penalties; applicability.—

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

(a) "Altered sexual depiction" means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

1. With the nude body parts of another person as the nude body parts of the identifiable person;

2. With computer-generated nude body parts as the nude body parts of the identifiable person; or

3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

(b) "Generate" means to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

(c) ~~(b)~~ "Identifiable person" means a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

(d) ~~(c)~~ "Nude body parts" means the human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. The term does not under any circumstances include a mother breastfeeding her baby.

(e) ~~(d)~~ "Promote" means to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send,

post, share, or advertise or to offer or agree to do the same.

(f)~~(c)~~ "Visual depiction" includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.

(2) A person who willfully and maliciously promotes, or possesses with the intent to promote, any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully generates an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who solicits an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(6)~~(4)~~ The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the

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generation ~~creation~~ or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.

(7)~~(5)~~ An aggrieved person may initiate a civil action against a person who violates subsection (2), subsection (3), or subsection (4) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2), subsection (3), or subsection (4), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of subsection (2), subsection (3), or subsection (4), whichever is greater.

(c) Reasonable attorney fees and costs.

(8)~~(6)~~ The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in ~~that promotes an altered sexual depiction in connection with~~ the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity; ~~or~~

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(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable person portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(9)~~(7)~~ A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(10)~~(8)~~ Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

(11) Any offense under subsection (2), subsection (3), or subsection (4) does not include an act done for a bona fide medical, literary, academic, or scientific purpose.

Section 5. Paragraphs (b), (c), and (d) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
590.28(1)	3rd	Intentional burning of lands.
784.03(3)	3rd	Battery during a riot or an aggravated riot.
784.05(3)	3rd	Storing or leaving a

		loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage $1,000 or more to public communication or any other public service.
806.13(3)	3rd	Criminal mischief; damage of $200 or more to a memorial or historic property.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(d)	3rd	Trespassing on posted commercial horticulture property.

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812.014(2)(c)1.	3rd	Grand theft, 3rd degree; $750 or more but less than $5,000.
812.014(2)(d)1.	3rd	Grand theft, 3rd degree; $40 or more but less than $750, taken from dwelling or its unenclosed curtilage.
812.014(2)(e)2.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with one prior theft conviction.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or

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			purchase with false, expired, counterfeit, etc., credit card, value over $300.
392			
	817.52(3)	3rd	Failure to redeliver hired vehicle.
393			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
394			
	817.60(5)	3rd	Dealing in credit cards of another.
395			
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
396			
	817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.
397			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
398			
	831.01	3rd	Forgery.

399			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
400			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
401			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
402			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
403			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
404			
	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
405			
	836.13(4)	3rd	Soliciting an altered sexual depiction of an

		identifiable person without consent.
843.01(2)	3rd	Resist police canine or police horse with violence; under certain circumstances.
843.08	3rd	False personation.
843.19(3)	3rd	Touch or strike police, fire, SAR canine or police horse.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.

319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license

		application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.

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697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.

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812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments

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		for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Person who promotes, or possesses with intent to promote, an altered sexual depiction of an identifiable person without consent.
836.13(3)	3rd	Person who generates an altered sexual depiction of an identifiable person without consent.
836.13(4)	3rd	Person who solicits an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
847.01385	3rd	Harmful communication to a minor.
860.15(3)	3rd	Overcharging for repairs and parts.

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870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3),

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		or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent

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		material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or

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		an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding

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		or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.

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517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.

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784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with

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		criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

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806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.

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812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
827.073(2)(a)	3rd	Possession, control, or intentionally viewing of an altered sexual depiction of an identifiable minor.
827.073(2)(b)	3rd	Generation of an altered sexual

		depiction of a minor.
827.073(2)(c)	3rd	Solicitation of an altered sexual depiction of an identifiable minor.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory

		statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or

		bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.

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

914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

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

951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

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

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

4.22.25
Meeting Date

1180
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name GUBER BONDED MADDEN Phone State Attorney 1st Jud Cir

Address 100 E. Government Email 850-595-4200
Street

Pensacola 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. 2020-2022JointRules.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.)

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

BILL:	CS/CS/SB 1212
INTRODUCER:	Fiscal Policy Committee; Banking and Insurance Committee; and Senator DiCeglie and others
SUBJECT:	Firefighter Health and Safety
DATE:	April 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Fav/CS**
2.	Sanders	Betta	AEG	**Favorable**
3.	Moody	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1212 amends the Florida Firefighters Occupational Safety and Health Act (FFOSHA) to expand several protections for firefighters. Specifically, the bill:

- Modifies the FFOSHA's legislative intent to address work schedules, and occupational disease or suicide;
- Amends the requirement that the Division of State Fire Marshal (Division) assist in making the firefighter employee place of employment a safer place of work to include decreasing the frequency and severity of fatalities;
- Requires the Division to adopt rules regarding:
  - Firefighting gear that does not contain chemical hazards or toxic substances;
  - Limiting work schedules;
  - Establishing a telehealth service that provides access to mental health care and suicide prevention;
  - Mental health best practices; and
  - Expanding the duties and functions of the workplace safety committee and workplace safety coordinator to include evaluating suicide prevention programs;
  - The prevention of fatalities; and
  - Certain notices provided by employers;
- Requires the Division to develop means to identify individual firefighter employers with a high frequency of occupational disease and suicide;

- Requires the Division to conduct safety inspections and make recommendations to assist firefighter employers in reducing the number of occupational disease and suicide;
- Requires each firefighter employer of fewer than 20 firefighter employees with a high frequency or severity of fatalities to establish and administer a workplace safety committee or designate a workplace safety coordinator; and
- Subjects a firefighter employer to penalties for failing or refusing to comply with protections prescribed by Division rule for the prevention of injuries, fatalities, or occupational diseases.

The bill has an indeterminate impact to state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida Division of the State Fire Marshal

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.104, F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division). Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College. Additionally, the State Fire Marshal adopts by rule the Florida Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.

The Division consists of the following two bureaus: Bureau of Fire Prevention and Bureau of Fire Standards and Training. The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 3,000 students per year. The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities.

Fire Incident Reporting Systems

Each state within the United States (U.S.) has a designated office, often called the "State Fire Marshal's Office" or similar, which oversees fire safety and prevention efforts within the state. On the federal level, the mission of the U.S. Fire Administration (USFA), an entity of the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA), is to support and strengthen fire and emergency medical services and stakeholders to prepare for, prevent, mitigate and respond to all hazards.[1]

The National Fire Incident Reporting System (NFIRS) is a voluntary reporting standard that fire departments use to uniformly report the range of activities, from fire to emergency medical services to severe weather and natural disasters.[2] The NFIRS is the world's largest, national,

[1] Federal Emergency Management Agency (FEMA), United States Fire Administration (USFA), *About*, https://www.usfa.fema.gov/about/ (last visited March 23, 2025).
[2] FEMA, USFA, *About NFIRS*, https://www.usfa.fema.gov/nfirs/about/ (last visited March 23, 2025).

annual database of fire incident reporting which compromises about 70 percent of all fire incidents that occur annually in the U.S.[3]

In Florida, the Department of Financial Services (DFS), Division of State Fire Marshal (Division), in consultation with various state agencies,[4] manages the Florida Fire Incident Reporting System (FFIRS) in conjunction with the NFIRS.[5] When submitting fire incident reports to the NFIRS, reporting states are subject to the NFIRS annual deadlines but may revise, correct and resubmit previous year's data until the current year's reporting deadline.[6] Three hundred and eighty-eight Florida fire departments are currently registered with the NFIRS, with 330 fire departments reporting data in 2022.[7]

National Fire Incident Reporting Statistics

In 2023, 22,695 local fire departments in the U.S. responded to an estimated 33.1 million incidents. These report incidents included 1.3 million fires, resulting in 3,670 civilian deaths, 93 firefighter deaths and 13,350 persons injured.[8,9] In 2025, the NFIRS reported 18 firefighter fatalities across the U.S.[10]

Florida Fire Incident Reporting Statistics

There are currently 1,876 fire departments in Florida.[11] In 2024, Florida reported 122 fire fatalities, 15,172 structure fires, 9,122 vehicle fires, and 27,153 other fires.[12] The Division has reported 26 fire fatalities and over 2,500 fire incidents in 2025.[13] Reports for fire related injuries in 2024 have not been identified on the Division's website;[14] however, in 2022, Florida reported

[3] *Id*.
[4] Section 633.115(1)(b), F.S. (2012) The Division of Fire Marshal (Division) in consultation with the Florida Forestry Service of the Department of Agriculture and Consumer Services and the State Surgeon General of the Department of Health, in order to coordinate data, ensure accuracy of the data, and limit duplication of efforts in data collection, analysis and reporting.
[5] Section 633.115, F.S. and Ch. 69A-66, F.A.C.
[6] FEMA, USFA, *NFIRS Reporting Guidelines*, https://www.usfa.fema.gov/nfirs/guidelines/ (last visited March 23, 2025).
[7] FEMA, USFA, *Florida Fire Loss and Fire Department Profile*, https://www.usfa.fema.gov/statistics/states/florida.html (last visited March 24, 2025).
[8] Shelby Hall, *Fire loss in the United States* (Nov. 1, 2024), National Fire Protection Association, https://www.nfpa.org/education-and-research/research/nfpa-research/fire-statistical-reports/fire-loss-in-the-united-states
[9] FEMA, USFA, *About*, https://www.usfa.fema.gov/about/ (last visited March 23, 2025).
[10] FEMA, USFA, *Firefighter Fatalities in the United States*, https://apps.usfa.fema.gov/firefighter-fatalities (last visited March 23, 2025). This data includes U.S. firefighter fatalities from January 5, 2025, to March 10, 2025.
[11] Florida Department of Environmental Protection, *Geospatial Open Data, Critical and Emergency Facilities*, https://geodata.dep.state.fl.us/datasets/FDEP::critical-community-and-emergency-facilities/explore?layer=13&showTable=true (last visited March 24, 2025).
[12]. Department of Financial Services (DFS), Division of State Fire Marshal, Florida Fire Incident Reporting Section, *Florida Fires Interactive Data Portal, Here is what has happened in Florida in 2024*, https://ffirs-fldsfm.hub.arcgis.com/ (last visited March 22, 2025).
[13] The DFS, Division of State Fire Marshal, Florida Fire Incident Reporting Section, *Fire Fatalities*, https://ffirs-fldsfm.hub.arcgis.com/ (last visited March 24, 2025).
[14] The DFS, Division of State Fire Marshal, Florida Fire Incident Reporting Section, *Incident Series*, https://ffirs-fldsfm.hub.arcgis.com/ (last visited March 22, 2025).

an average of 8.9 injuries per 1,000 fires which is above the national average of 6.4 injuries per 1,000 fires.[15]

Federal Occupational Safety and Health Administration (OSHA)

Section 18 of the OSHA Act of 1970 requires any state that assumes responsibility for development and enforcement of occupational safety and health standards for which a Federal standard has been promulgated to submit a State Plan that must include standards that are "at least as effective" as the protections provided for in the Federal OSHA program. There are 22 State Plans[16] covering both private sector and state and local government workers, and seven State Plans[17] covering only state and local government workers.[18] Florida follows Federal OSHA standards and does not have an approved State Plan.[19] Only private-sector firefighters in Florida are covered by Federal OSHA standards. When Federal OSHA standards apply and a state does not have an approved State Plan, state regulations cover public-sector firefighters and supplement protections for private-sector firefighters as long as they are not preempted due to a conflict with Federal OSHA standards.[20]

Several applicable Federal OSHA standards for private firefighters include:

- Fire brigades regulations which provide safety protections for general firefighter operations, focusing on structural fire response, training, and equipment standards.[21]
- Respiratory protection requirements address firefighter safety by requiring the use of Self-Contained Breathing Apparatus (SCBA) in oxygen-deficient, toxic, or smoke-filled environments, and testing equipment, training, and maintenance of equipment to prevent inhalation of harmful contaminants.[22]
- Personal protective equipment (PPE) standards require employers to provide and ensure the proper use of PPE that is free from hazards that could cause injury or illness.[23]
- Hazardous waste operations and emergency response protocols protect firefighters by requiring proper training, PPE, and safety procedures when responding to hazardous materials incidents, ensuring their health and safety during exposure to toxic substances, chemical spills, and emergency cleanups.[24]

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[15] FEMA, USFA, *Florida Fire Loss and Fire Department Profile*, https://www.usfa.fema.gov/statistics/states/florida.html (last visited March 22, 2025).
[16] The 22 states with approved State Plans covering private and government sector are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.
[17] The seven states with State Plans covering government sector only are: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and Virgin Islands,
[18] U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), *State Plans*, https://www.osha.gov/stateplans (last visited March 21, 2025).
[19] *Id.*
[20] *See Gade v. National Solid Wastes Management Association*, 505 U.S. 88 (1992) (holding that OSHA preempts state occupational safety and health regulations addressing issues for which federal standards exist, unless the state has an OSHA-approved State Plan).
[21] 29 CFR 1910.156
[22] 29 CFR 1910.134
[23] 29 CFR 1910.132
[24] 29 CFR 1910.120

- Hazard communication regulations require that the hazards of all chemicals are classified, and that employers and employees are notified of information concerning the classified hazards.[25]
- Bloodborne pathogen regulations protect firefighters by requiring exposure control plans, personal protective equipment, proper handling of contaminated materials, Hepatitis B vaccinations, and post-exposure medical evaluations to reduce the risk of infection from bloodborne diseases.[26]
- Occupational noise exposure provisions protect firefighters by establishing limits on noise exposure, requiring hearing conservation programs, and mandating the use of hearing protection to prevent long-term hearing loss from sirens, alarms, and firefighting equipment.[27]

Florida Firefighters Occupational Safety and Health Act (FFOSHA or act)

The FFOSHA was established in 2002.[28] Section 633.506, F.S., provides the legislative intent of the FFOSHA is:

- To enhance firefighter occupational safety and health through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter employee occupational diseases, and firefighter employee fatalities compensable under ch. 440, F.S., or otherwise;
- For the Division to develop a means by which the Division can identify individual firefighter employers with a high frequency or severity of work-related injuries, conduct safety inspections of those firefighter employers, and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs; and
- For the Division to administer and enforce the FFOSHA; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards of the FFOSHA.[29]

Definitions

The FFOSHA defines "firefighter employee" as "a firefighter, volunteer firefighter, or individual providing support services who is engaged in any employment, *public or private [emphasis added]*, under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, responding to or assisting with fire or medical emergencies, regardless of whether on duty, except those appointed under s. 590.02(1)(d), F.S.," relating to, amongst others, firefighter rotorcraft pilots.[30] This definition suggests that public and private firefighter employees are subject to the provisions of the FFOSHA.

The FFOSHA defines "firefighter employer" as "the state and all political subdivisions of this state, all public and *quasi-public corporations [emphasis added]* in this state, and a person carrying on any employment for this state, political subdivisions of the state, and public and

[25] 29 CFR 1910.1200
[26] 29 CFR 1910.1030
[27] 29 CFR 1910.95
[28] Ch. 2002-404, L.O.F. *See also* ch. 633, F.S.
[29] Section 633.506, F.S.
[30] Section 633.504(1), F.S.

quasi-public corporations in this state which employs firefighter employees, except those appointed under s. 590.02(1)(d), F.S."[31]"Quasi-public corporation" is not defined in the FFOSHA. However, Black's Law Dictionary (12th ed. 2024) defines the term as "a for-profit corporation providing an essential public service" such as an electric company or other utility.[32] This definition suggests that the FFOSHA applies to private firefighter employers.

Workplace Safety

The FFOSHA requires the Division to assist in making the firefighter employee place of employment[33] a safer place to work and decreasing the frequency and severity of on-the-job injuries in such workplace.[34] The Division is given broad rule making authority to adopt rules for several reasons, such as to ensure safe working conditions,[35] to implement the section on workplace safety,[36] and to provide for live fire training that meets certain requirements that all firefighter employees must complete.[37] The FFOSHA also requires the DFS, amongst other things, to investigate and prescribe by rule what safety devices, safeguards, and other means of protection must be adopted for the prevention of accidents and injuries in every firefighter employee place of employment or at any fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighter employees engaged in interior firefighting, and the prevention of occupational disease.[38]

The Division is required to adopt rules to establish employers' cancer prevention best practices related to personal protective equipment, decontamination, fire suppression equipment, and fire stations.[39]

High Frequency of Work-related Injuries

The Division must develop a method to identify individual firefighter employers with a high frequency of firefighter employee work-related injuries. The Division must conduct safety inspections of such firefighter employers to ensure compliance with the FFOSHA and the Division's rules and make recommendations, and to assist such firefighter employers in reducing the number of work-related injuries. The Division is prohibited from assessing penalties because of such inspections. The firefighter employer and its insurer must be provided with a copy of any report made as a result of the inspection. The firefighter employer must submit a plan to correct any noncompliance issues, and the Division must review and approve or disapprove the plan within 60 days or the plan is deemed approved. Upon approval, the plan must be implemented.[40]

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[31] Section 633.504(2), F.S.
[32] Black's Law Dictionary (12th ed. 2024), *Definition of Quasi-public Corporation*, *available at* CORPORATION | Secondary Sources | FE | Westlaw Edge (last visited Mar. 4, 2025).
[33] Section 633.504(3), F.S., defines "firefighter employment" or "employment" as any service performed by a firefighter employee for the firefighter employer. Section 633.504(4), F.S., defines "firefighter place of employment" or "place of employment" as the physical location at which the firefighter employee is employed or deployed.
[34] Section 633.508(1), F.S.
[35] Section 633.508(2), F.S.
[36] Section 633.508(5), F.S.
[37] Section 633.508(6), F.S.
[38] Section 633.508(7), F.S.
[39] Section 633.520(2), F.S.
[40] Section 633.522(1), F.S.

The FFOSHA requires firefighter employers who employ fewer than 20 firefighter employees with a high frequency or high severity of work-related injuries to establish and administer a workplace safety committee or designate a workplace safety coordinator who must establish and administer workplace safety activities.[41] The Division is required to adopt rules prescribing the duties and functions of such committee and coordinator which must include, amongst other things, establishing accident prevention and illness prevention programs.[42]

Penalties

The FFOSHA provides the Division with the discretion to impose penalties against firefighter employers for violating the act for, amongst other things, failing or refusing to furnish or adopt any safety device, safeguard, or other means of protection adopted by Division rule for the prevention of accidents or occupational diseases. Penalties that may be imposed include:

- An administrative cease and desist order;
- An administrative fine of not less than $100 or more than $1,000 for each violation and each day a violation is committed; and
- A civil penalty of not less than $100 nor more than $5,000 for each day a failure or refusal continues after the firefighter employer has been given written notice of such failure or refusal.[43]

III. Effect of Proposed Changes:

This bill expands several provisions of the Florida Firefighters Occupational Safety and Health Act (FFOSHA) to include protection of firefighters against occupational disease and suicide or fatalities, and to encourage firefighter employers to limit work schedules.

Section 1 amends s. 633.506, F.S., relating to legislative intent, to provide the Legislature intends:

- To enhance firefighter occupational safety and health through the implementation of work schedules; and
- That the Division of the State Fire Marshal (Division) develop a means by which the Division can identify individual firefighter employers with a high frequency or severity of occupational disease or suicide.

Other technical amendments are made to the legislative intent provided for in FFOSHA.

Section 2 amends s. 633.508, F.S., relating to workplace safety, to modify the Division's requirement to assist in making the firefighter employee place of employment a safer place of work to include decreasing the frequency and severity of fatalities.

The bill clarifies the Division's authority to adopt rules assisting and encouraging firefighter employers to maintain safe working conditions includes the establishment of a telehealth service that provides access to mental health care and suicide prevention tailored to the unique needs of firefighters. The bill requires the Division to adopt rules:

[41] Section 633.522(2), F.S.
[42] Section 633.522(3)(c)3., F.S.
[43] Section 633.526, F.S.

- Requiring firefighter employers to purchase firefighting gear that does not contain chemical hazards or toxic substances if such gear becomes readily available on the commercial market. "Readily available" is defined to mean that more than one manufacturer offers firefighting gear that does not contain chemical hazards or toxic substances. The bill authorizes the Division to recommend a phased approach in adopting rules for replacing firefighter gear that contains chemical hazards or toxic substances;
- Requiring firefighter employers to provide firefighter employees with notice that firefighter gear may contain or is manufactured with chemical hazards or toxic substances when such gear contains or is manufactured with chemical hazards or toxic substances; and
- Encouraging firefighter employers to limit firefighter employees' normally scheduled shifts to not exceed 42 hours per workweek.

The DFS's requirement to adopt reasonable rules for the prevention of occupational diseases is expanded to include reasonable rules regarding the prevention of fatalities.

Section 3 amends s. 633.520, F.S., relating to safety and firefighter employer responsibilities, to require the Division to adopt rules regarding employers' cancer prevention best practices related to education on chemical hazards and toxic substances in protective gear and employers' mental health best practices related to resiliency, stress management, peer support, and access to mental healthcare.

Section 4 amends s. 633.522, F.S., relating to firefighter employers and high frequency of work-related injuries, corrective plans and workplace safety committees and coordinators, to expand the Division's requirement to develop means to identify individual firefighter employers with a high frequency of work-related injuries to include identification of a high frequency of occupational disease and suicide. The Division's requirement to conduct safety inspections and make recommendations based on current safety and health practices to assist firefighter employers in reducing the number of work-related injuries is expanded to include making recommendations to assist in reducing the number of occupational disease and suicide. Each firefighter employer of fewer than 20 firefighter employees with a high frequency or severity of fatalities, in addition to work-related injuries required under current law, must establish and administer a workplace safety committee or designate a workplace safety coordinator who must establish and administer workplace safety activities. The bill expands the duties and functions of the workplace safety committee and workplace safety coordinator to include suicide prevention programs, in addition to evaluating accident prevention and illness prevention programs as required under current law.

Section 5 amends s. 633.526, F.S., relating to firefighter employer penalties. The bill expands the Division's authority to impose any penalties provided for in current law (e.g., cease and desist order, administrative fine, or civil penalty) against any firefighter employer who fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by Division rule for the prevention of injuries or fatalities, in addition to the prevention of accidents and occupational diseases provided for under current law.

Section 6 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill, the Division is required to adopt rules that require firefighter employers, including public firefighter employers, to issue gear that does not contain chemical hazards or toxic substances when such gear is readily available If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

However, the mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately $2.4 million.[44,45,46]

If costs imposed by the bill exceed $2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate; in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Provisions of the bill may conflict with the "home rule" of the Florida Constitution which provides "[m]unicipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render

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[44] FLA. CONST. art. VII, s. 18(d).
[45] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited March 21, 2025).
[46] Florida Economic and Demographic Research, Florida Demographic Estimating Conference, *Tables, Conference Packet* (February 4, 2025). Florida Resident Population forecast for April 1, 2025, is 23,332,606. https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited March 21, 2025).

municipal services, and may exercise any power for municipal purposes except as otherwise provided by law."[47]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a negative indeterminate impact to local and state revenues and expenditures. The bill authorizes the Department of Financial Services (DFS) to adopt new or amend current rules. The DFS will need to create new procedures to identify, inspect or investigate, and determine the proper level of fines and sanctions authorized under the bill. In addition, the Division of State Fire Marshal (Division) is required to create a procedure for what would be classified as an occupational illness or injury and what would constitute a job-related suicide. The bill also mandates the adoption and regulation of new rules concerning a local workweek, requiring certain firefighter gear and establishing a requirement for notification of toxic substances in firefighting gear.[48] Any expenditures related to rulemaking can be absorbed within existing resources.

Currently the Division conducts investigations and makes recommendations surrounding workplace injuries and fatalities within the operations of a fire service provider, as well monitors data collected by other agencies and the fire service provider. These responsibilities are currently covered by one Safety Program Manager, two Compliance Officers, and five Other Personal Service (OPS) Safety Field Representatives. The DFS does not indicate the need for additional staff to implement provisions of the bill. The Division would need to amend cancer prevention best practices and monitor employers with high level suicide using existing research and resources for existing first responder mental health funding.

The DFS reports the bill, as it relates to the purchase of chemical and toxin free firefighting gear for each firefighter, is unknown.[49] In the event that chemical and toxin free firefighting gear becomes "readily available," the impact to local and state firefighting agencies may be considerable. The impact is indeterminate. Depending on whether the Division recommends a phased approach in adopting rules for the replacement of firefighting gear that contain chemical hazards or toxic substances, the financial impact could be borne over several fiscal years.

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[47] Art. VIII, s. 2(b), Fla. Const.
[48] The DFS, *Senate Bill 1212 Legislative Bill Analysis for SB 1212* (March 17, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).
[49] *Id*.

The Division manages the Florida Firefighter Assistance Grant Program[50] (Program) which provides volunteer fire departments and combination fire departments with financial assistance for training, personal protection gear, self-contained breath apparatus, safety related equipment and tools, wildland fire fighting and urban interface protective clothing and equipment, and cost share subsidy for Assistance to Firefighters Grants apparatus awards.[51] These grants are subject to appropriation, but should grant funds be appropriated and subsequently awarded, the cost of replacing such firefighting gear should be reduced by those agencies who meet award guidelines.

The DFS has raised concern that imposing mandatory gear designs may subject the agency to increased litigation due to the unfunded mandate, depending on the cost of the gear. [52]

For Fiscal Year 2025-2026, the Senate General Appropriations Acts, SB 2500,[53] appropriates four million dollars in nonrecurring funds from the General Revenue Fund for the Program. This funding is designated for Florida counties entirely within a fiscally constrained county or rural area of opportunity as defined in ss. 218.67 and 288.0656, F.S. House Bill 5001[54], House Proposed General Appropriations Act, does not appropriate any additional funds for the Firefighter Assistance Program for Fiscal Year 2025-2026. The additional funding proposed in SB 2500 will be considered in the General Appropriations Act conference process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The amendments to the Florida Firefighters Occupational Safety and Health Act (FFOSHA) protect public-sector firefighters and private-sector firefighters to the extent that the provisions do not conflict with Federal Occupational Safety and Health Act (OSHA) standards, such as personal protection equipment (PPE) standards[55] that require safe firefighter gear, or hazard communication standards[56] that require notification of toxic substances in PPE. If the provisions conflict with Federal OSHA for private-sector firefighters, then Florida would need to request

[50] *See* s. 633.135, F.S. and Rule 69A-37.502, F.A.C.
[51] The DFS, Division, *Florida Firefighter Assistance Grant Program*, https://www.myfloridacfo.com/division/sfm/volff/ff-grant (last visited March 24, 2025). *See also*, FEMA, *Assistance to Firefighter Grants*, https://www.fema.gov/grants/preparedness/firefighters/assistance-grants (last visited March 24, 21024). Currently, the total available grant funds for Fiscal Year 2024-2025 is $1,000,000. Applicants must meet all of the required requirements.
[52] The DFS, *Senate Bill 1212 Legislative Bill Analysis for SB 1212* (March 17, 2025) (on file with the Senate Committee on Banking and Insurance). The DFS analysis notes the cost of the gear is unclear because gear that does not contain chemical hazards and toxic substances is not readily available yet.
[53] SB 2500, *Specific Appropriation 2235*, *available at:* https://flsenate.gov/Session/Bill/2025/2500/BillText/Filed/PDF
[54] HB 5001, *available at:* https://flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=HB+5001+As+Introduced.pdf&DocumentType=Bill&BillNumber=5001&Session=2025
[55] 29 CFR 1910.132 & 1910.156
[56] 29 CFR 1910.1200

approval for a State Plan or risk preemption under *Gade v. National Solid Wastes Management Association*.

The Department of Financial Services (DFS) reports that Rule 69A-62, F.A.C. will need to be amended "…to create new procedures to identify, inspect/investigate, and determine the proper level of fines and sanctions." The bill also requires the DFS to create a procedure for what would be defined as an occupational disease or injury and what would constitute a job-related suicide.[57]

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 633.506, 633.508, 633.520, 633.522, and 633.526.

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 April 22, 2025:

- Clarifies that the division must adopt rules requiring firefighter employers:
  - To purchase, rather than issue, firefighter gear that does not contain chemical hazards or toxic substances if such gear becomes available; and
  - To provide their firefighter employees with notice that the firefighter gear issued "may" contain, rather than contains, or is manufactured with chemical hazards or toxic substances.

CS by Banking and Insurance on March 17, 2025:

- Amends the Florida Firefighters Occupational Safety and Health Act's (FFOSHA) legislative intent to refer to occupational disease, rather than occupational illness;
- Removes the Division of Fire Marshal's (Division) requirement to assist in decreasing the frequency and severity of on-the-job "occupational illnesses" in the firefighter employee place of employment workplace;
- Clarifies the Division's authority to adopt rules to assist and encourage firefighter employers to maintain safe working conditions by specifying this authority includes establishing a telehealth service that provides access to mental health care and suicide prevention for firefighters;
- Requires the Division to adopt rules related to "education on chemical hazards and toxic substances in protective gear";
- Removes the Department of Financial Services' (DFS) requirement to investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of illnesses and fatalities;
- Removes each firefighter employer's requirement to establish and administer a workplace safety committee or designate a workplace safety coordinator for occupational illnesses and modifies such requirement for suicides to fatalities;

[57] The DFS, *Senate Bill 1212 Legislative Bill Analysis for SB 1212* (March 17, 2025) (on file with the Senate Committee on Banking and Insurance).

- Removes the Division's authority to impose any penalties provided for in current law against any firefighter employer who fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by Division rule for occupational illnesses; and
- Defines "readily available" with respect to when toxic gear must be replaced.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
	.	
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	.	

The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment

Delete lines 72 - 84
and insert:
(a) Requiring firefighter employers to purchase firefighting gear that does not contain chemical hazards or toxic substances if such gear becomes readily available on the commercial market. For purposes of this paragraph, the term "readily available" means that more than one manufacturer offers firefighting gear that does not contain chemical hazards or

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toxic substances. The division may recommend a phased approach in adopting rules for replacing firefighting gear that contains chemical hazards or toxic substances.

(b) Requiring firefighter employers that issue firefighting gear that contains or is manufactured with chemical hazards or toxic substances to provide their firefighter employees notice that the firefighting gear issued may contain or is manufactured

By the Committee on Banking and Insurance; and Senators DiCeglie, Sharief, Calatayud, Bernard, Arrington, Pizzo, and Osgood

597-02490-25 20251212c1

A bill to be entitled

An act relating to firefighter health and safety; amending s. 633.506, F.S.; revising legislative intent; amending s. 633.508, F.S.; requiring the Division of State Fire Marshal within the Department of Financial Services to assist in decreasing the frequency and severity of fatalities; revising the division's authority to adopt rules; requiring the division to adopt rules; defining the term "readily available"; authorizing the division to recommend a phased approach in adopting certain rules related to firefighting gear; amending s. 633.520, F.S.; requiring the division to adopt rules relating to education on chemical hazards and toxic substances in protective gear and mental health best practices; amending ss. 633.522 and 633.526, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 633.506, Florida Statutes, is amended to read:

633.506 Legislative intent.—It is the intent of the Legislature to enhance firefighter occupational safety and health in this ~~the~~ state through the implementation and maintenance of policies, procedures, practices, rules, work schedules, and standards that reduce the incidence of firefighter employee accidents, firefighter employee

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

597-02490-25 20251212c1

occupational diseases, and firefighter employee fatalities compensable under chapter 112, chapter 440, or otherwise. The Legislature further intends that the division develop a means by which the division can identify individual firefighter employers with a high frequency or severity of work-related injuries, occupational disease, or suicide; conduct safety inspections of those firefighter employers;~~,~~ and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs. In addition, it is the intent of the Legislature that the division administer and enforce this part; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards set forth in this part.

Section 2. Present subsection (7) of section 633.508, Florida Statutes, is redesignated as subsection (8), a new subsection (7) is added to that section, and subsections (1) and (2) and paragraph (a) of present subsection (7) of that section are amended, to read:

633.508 Workplace safety; rulemaking authority; division authority.—

(1) The division shall assist in making the firefighter employee place of employment a safer place to work and decreasing the frequency and severity of on-the-job injuries and fatalities in such workplace.

(2) The division shall have the authority to adopt rules for the purpose of ensuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards;~~, by~~ assisting and encouraging firefighter employers to maintain safe working conditions, including, but

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

not limited to, the establishment of a telehealth service that provides access to mental health care and suicide prevention specifically targeted to the unique needs of firefighters; and ~~by~~ providing for education and training in the field of safety, including training related to cancer and mental health risks within the fire service. Specifically, the division may by rule adopt the most current edition of all or any part of subparts C through T and subpart Z of 29 C.F.R. s. 1910; the National Fire Protection Association, Inc., Publication 1403, Standard on Live Fire Training Evolutions, as limited by subsection (6); and ANSI A 10.4.

(7) The division shall adopt rules relating to all of the following:

(a) Requiring firefighter employers to issue firefighting gear that does not contain chemical hazards or toxic substances if such gear becomes readily available on the commercial market. For purposes of this paragraph, the term "readily available" means that more than one manufacturer offers firefighting gear that does not contain chemical hazards or toxic substances. The division may recommend a phased approach in adopting rules for replacing firefighting gear that contains chemical hazards or toxic substances.

(b) Requiring firefighter employers that issue firefighting gear that contains or is manufactured with chemical hazards or toxic substances to provide their firefighter employees notice that the firefighting gear issued contains or is manufactured with chemical hazards or toxic substances.

(c) Encouraging firefighter employers to implement work schedules that do not require a firefighter employee's normally

scheduled shifts to exceed 42 hours per workweek.

(8)~~(7)~~ The department shall:

(a) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents and injuries in every firefighter employee place of employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such firefighter places of employment or at any emergency fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighter employees engaged in interior firefighting, and the prevention of occupational diseases and fatalities.

Section 3. Subsection (2) of section 633.520, Florida Statutes, is amended to read:

633.520 Safety; firefighter employer responsibilities.—

(2) The division shall adopt rules to establish:

(a) Employers' cancer prevention best practices related to personal protective equipment, decontamination, fire suppression equipment, education on chemical hazards and toxic substances in protective gear, and fire stations.

(b) Employers' mental health best practices related to resiliency, stress management, peer support, and access to mental health care.

Section 4. Subsection (1), paragraph (b) of subsection (2), and paragraph (c) of subsection (3) of section 633.522, Florida Statutes, are amended to read:

633.522 Firefighter employers; high frequency of work-related injuries; corrective plans; workplace safety committees

and coordinators; failure to implement a safety and health program; cancellation.—

(1) The division shall develop a means to identify individual firefighter employers with a high frequency of firefighter employee work-related injuries, occupational disease, and suicide. The division shall conduct safety inspections of those firefighter employers so identified to ensure compliance with this part or the division's rules and make recommendations based upon current safety and health practices and to assist such firefighter employers in reducing the number of work-related injuries, occupational disease, and suicide. The division may not assess penalties as a result of such inspections. Copies of any report made as the result of such an inspection shall be provided to the firefighter employer and its insurer. Firefighter employers shall submit a plan for the correction of any noncompliance issues to the division for approval in accordance with division rule. The division shall promptly review the plan submitted and approve or disapprove the plan within 60 days, or such plan shall be deemed approved. Upon approval by the division, the plan shall be implemented by the firefighter employer. If the plan is not submitted, does not provide corrective actions for all deficiencies, is not complete, or is not implemented, the fire service provider shall be subject to s. 633.526.

(2) In order to promote health and safety in firefighter employee places of employment in this state:

(b) Each firefighter employer of fewer than 20 firefighter employees with a high frequency or high severity of work-related injuries or fatalities, as identified by the division, shall

establish and administer a workplace safety committee or designate a workplace safety coordinator who shall establish and administer workplace safety activities in accordance with rules adopted under this section.

(3) The division shall adopt rules:

(c) Prescribing the duties and functions of the workplace safety committee and workplace safety coordinator which include, but are not limited to:

1. Establishing procedures for workplace safety inspections by the committee.

2. Establishing procedures for investigating all workplace accidents, safety-related incidents, illnesses, and deaths.

3. Evaluating accident prevention, ~~and~~ illness prevention, and suicide prevention programs.

4. Prescribing guidelines for the training of safety committee members.

Section 5. Section 633.526, Florida Statutes, is amended to read:

633.526 Firefighter employer penalties.—If any firefighter employer violates or fails or refuses to comply with this part, or with any rule adopted by the division under such sections in accordance with chapter 120 for the prevention of injuries, accidents, or occupational diseases or with any lawful order of the division in connection with this part, or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by division rule under this part for the prevention of accidents, injuries, fatalities, or occupational diseases, the division may:

(1) Issue an administrative cease and desist order,

enforceable in the circuit court in the jurisdiction where the violation is occurring or has occurred.

(2) Assess an administrative fine against a firefighter employer of not less than $100 or more than $1,000 for each violation and each day a violation is committed.

(3) Assess against the firefighter employer a civil penalty of not less than $100 nor more than $5,000 for each day the violation, omission, failure, or refusal continues after the firefighter employer has been given written notice of such violation, omission, failure, or refusal. The total penalty for each violation shall not exceed $50,000. The division shall adopt rules requiring penalties commensurate with the frequency or severity of safety violations. Hearings requested under this section shall be conducted in Tallahassee. All penalties assessed and collected under this section shall be deposited in the Insurance Regulatory Trust Fund.

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

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The Florida Senate

APPEARANCE RECORD

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

April 22, 2025
Meeting Date

Fiscal Policy
Committee

CS/SB 1212
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chief Michael Choate, President

Phone (863) 245-1845

Address P.O. Box 10448
Street

Email MChoate@iMMfire.com

Tallahassee FL 32302
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 Fire Chiefs 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)

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

4-22-25
Meeting Date

Fiscal Policy
Committee

1212
Bill Number or Topic

Amendment Barcode (if applicable)

Name WAYNE "BERNIE" BERNOSKA Phone 321-231-9116

Address 343 W. MADISON St. Email BERNIE@FPFP.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 PROFESSIONAL FIREFIGHTERS

☐ 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

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:	CS/CS/SB 1252
INTRODUCER:	Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senator Yarborough
SUBJECT:	Feasibility Study Relating to Statewide Pawn Data Database
DATE:	April 22, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	**Favorable**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Renner	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1252 requires the Department of Law Enforcement (FDLE) to conduct a feasibility study on the creation of a statewide pawn data database. The creation of a statewide pawn data database, at a minimum, must:

- Allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real time;
- Be provided free of charge to all law enforcement agencies in this state;
- Be interoperable with different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies; and,
- Ensure compliance with applicable privacy and security laws.

The FDLE must report the feasibility study results to the President of the Senate and the Speaker of the House of Representatives by January 1, 2026.

The bill makes the development of the feasibility study subject to a specific appropriation in the General Appropriations Act.

Pawn data is defined by the bill to include information related to transactions of secondhand dealers and secondary metals recyclers under ch. 538, F.S., and pawn shops regulated under ch. 539, F.S.

The Fiscal Year 2025-2026 Senate General Appropriations Bill (SB 2500) appropriates $250,000 in nonrecurring funds from FDLE's Operating Trust Fund to competitively procure a contract for the completion of the feasibility study. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.[1]

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.[2]

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.[3] The term also includes gift certificates and credit memos[4] that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.[5]

A secondhand dealer must annually register his or her business with the Department of Revenue (DOR).[6]

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[1] *See* ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); *see also* Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition,* 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that "[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash").

[2] Section 538.03(1)(h), F.S.

[3] Section 538.03(1)(i), F.S.

[4] Section 501.95, F.S., defines "credit memo" as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

[5] Section 538.03(1)(i), F.S.

[6] *See generally* s. 538.09, F.S. (providing for registration).

Secondhand Dealer Transaction Forms

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours after the acquisition of the secondhand goods.[7] In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;
- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name and address, and a physical description.[8]

If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit the required transaction records.[9] Additionally, if a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all of the equipment necessary to electronically transmit transactions.[10]

Secondhand dealers must hold all secondhand goods for at least 15 days after acquiring the property. However, secondhand dealers are required to hold a precious metal,[11] gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,[12] for 30 days after they acquire the property.[13] Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.[14]

[7] Section 538.04(1), F.S.
[8] *Id.*
[9] Section 538.04(6), F.S.
[10] *Id*.
[11] Section 538.03(1)(f), F.S., defines "precious metals" as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.
[12] Section 686.501(1), F.S., defines "art" as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.
[13] Section 538.06(1), F.S.
[14] *Id.* An "automated kiosk" is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller's identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

Penalties

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on the goods.[15] This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows for the possibility of the goods being returned to their rightful owner.

Law enforcement agencies having jurisdiction enforce compliance with registration, record keeping, holding periods, and inspection requirements.[16] A person who knowingly violates the requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed $10,000.[17]

Pawnbrokers

Pawnbrokers[18] must apply for and obtain a license from the DACS annually.[19] To be eligible for the license, each pawnshop must maintain a net worth of at least $50,000 or file security in the form of a surety bond, letter of credit, or certificate of deposit of $10,000 for each license.[20] DACS is authorized to impose penalties of up to $5,000 for noncompliance with the law.[21]

Pawnbroker Transaction Forms

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.[22] The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.[23]

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.[24] On or before the end of each business day, the pawnbroker must deliver the original pawnbroker transaction forms for each of the transactions occurring during the previous business day to the appropriate law enforcement official.[25] Additionally, an electronic image that is accepted for a transaction, must be maintained electronically in order to meet the same recordkeeping requirements.[26]

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[15] Section 538.06(3), F.S.
[16] Section 538.05, F.S.
[17] Section 538.07(1), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a $1,000 fine. Sections 775.082 and 775.083, F.S.
[18] A "pawnbroker" is a person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A "pawn" is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.
[19] Section 539.001(3), F.S.
[20] Section 539.001(4), F.S.
[21] Fla. Admin. Code R. 5J-13.004 (2016).
[22] Section 593.001(8)(a), F.S.
[23] *Id*.
[24] Section 593.001(9)(a), F.S.
[25] *Id*.
[26] *Id*.

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use such software, the law enforcement agency may provide a computer to the pawnbroker. The law enforcement agency retains ownership of the computer unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.[27]

Penalties

A person who willfully makes a false entry on a transaction form or any other record required under chapter 539, F.S., commits a first degree misdemeanor.[28] Clerical or recordkeeping errors on a document or required record does not constitute a willful violation.

At the department's request, the FDLE must supply the department with any arrest and conviction records in its possession of an individual applying for or holding a license.[29]

Any person who traffics in, or endeavors to traffic in, property that he or she knows or should know was stolen is guilty of a second degree felony.[30]

III. Effect of Proposed Changes:

CS/CS/SB 1252 requires the Department of Law Enforcement (FDLE) to conduct a feasibility study on the creation of a statewide pawn data database. The creation of a statewide pawn data database, at a minimum, must:

- Allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real time;
- Be provided free of charge to all law enforcement agencies in this state;
- Be interoperable with different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies; and,
- Ensure compliance with applicable privacy and security laws.

The FDLE must report the feasibility study results to the President of the Senate and the Speaker of the House of Representatives by January 1, 2026.

The bill makes the development of the feasibility study subject to a specific appropriation in the General Appropriations Act.

[27] Section 539.001(9)(b), F.S.
[28] Section 539.001(17), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a $1,000 fine. Sections 775.082 and 775.083, F.S.
[29] Section 539.001(19), F.S.
[30] Section 812.019(1), F.S. A second degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. Sections 775.082 and 775.083, F.S.

Pawn data is defined by the bill to include information related to transactions of secondhand dealers and secondary metals recyclers under ch. 538, F.S., and pawn shops regulated under ch. 539, F.S.

The bill takes effect 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:

The Fiscal Year 2025-2026 Senate General Appropriations Bill (SB 2500) appropriates $250,000 in nonrecurring funds from FDLE's Operating Trust Fund to competitively procure a contract for the completion of a feasibility study to examine the technical requirements, costs, and impact on law enforcement of a statewide pawn database. The funds are contingent upon this bill, SB 1252, or similar legislation, becoming a law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section 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 Committee on April 22, 2025:
The committee substitute specifies that the development of the feasibility study is subject to a specific appropriation in the General Appropriations Act.

CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:
The committee substitute:

- Requires FDLE to conduct a statewide pawn database feasibility study rather than establishing a statewide pawn data sharing system.
- Removes data transfer prohibitions, data storage requirements, penalties for vendor violations, penalties for law enforcement agencies, and agency rulemaking authority for implementation.

B. Amendments:

None.

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

181156

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Between lines 40 and 41

insert:

Section 2. As authorized by and consistent with funding specifically appropriated in the General Appropriations Act, the Department of Law Enforcement shall complete the feasibility study required by section 1 of this act.

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

181156

And the title is amended as follows:

Delete line 9

and insert:

for repeal; subject to and consistent with funds appropriated from the General Appropriations Act, requiring the department to complete the feasibility study; providing an effective date.

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

604-03477-25 20251252c1

A bill to be entitled

An act relating to a feasibility study relating to a statewide pawn data database; defining terms; requiring the Department of Law Enforcement to conduct a feasibility study regarding the creation of a statewide pawn data database; specifying requirements for such database; requiring the department to report the results of the study to the Legislature; providing for repeal; providing an effective date.

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

Section 1. Statewide pawn data database feasibility study.—

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

(a) "Department" means the Department of Law Enforcement.

(b) "Pawn data" means information related to the transactions of secondhand dealers and secondary metals recyclers, including pawn shops, which is required by chapters 538 and 539, Florida Statutes, to be reported electronically to law enforcement officials. The term includes, but is not limited to, descriptions of property, seller information, transaction dates, and any other data related to the exchange of goods.

(2) The department shall conduct a feasibility study regarding the creation of a statewide pawn data database which, at a minimum, must:

(a) Allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real-time.

(b) Be provided free of charge to all law enforcement agencies in this state.

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

604-03477-25 20251252c1

(c) Be interoperable with different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies.

(d) Ensure compliance with applicable privacy and security laws.

(3) By January 1, 2026, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results of the feasibility study.

(4) This section is repealed upon submission of the report required under subsection (3).

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

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

4/22/25
Meeting Date

Fiscal Policy
Committee

CS/SB 1252
Bill Number or Topic

181156
Amendment Barcode (if applicable)

Name Stephen Winn

Phone 850-251-0792

Address 1424 Ox Bottom Rd.
Street

Email WinnSR@EarthLink.Net

Tall. Fla. 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:

Gadsden County Sheriff Office

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)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

4/22/25
Meeting Date

Fiscal Policy
Committee

1252
Bill Number or Topic

Amendment Barcode (if applicable)

Name Slater Bayliss

Phone 850-222-8900

Address 204 South Monroe Street
Street

Email slater@tapfla.com

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:
LeadsOnline, LLC

☐ 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
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April 22 2025
Meeting Date

Fiscal Policy
Committee

1252
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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)

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

4/22/25
Meeting Date

Fiscal Policy
Committee

CS/SB 1252
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stephen Winn

Phone 850-251-0792

Address 1424 OX Bottom Rd.
Street

Email winnsr@earthlink.net

Tall Fla. 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:
Gadsden County Sheriff Office

☐ 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

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 1268
INTRODUCER:	Senator Simon
SUBJECT:	Department of Law Enforcement
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Favorable**
2.	Kolich	Harkness	ACJ	**Favorable**
3.	Vaughan	Siples	FP	**Favorable**

I. Summary:

SB 1268 amends various sections within ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically, the bill amends:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.
- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Cancel's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from $1,500 to $5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

This bill does not have a fiscal impact on state revenues or expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida Department of Law Enforcement

Violent Crime Council

In 1993, the Florida Violent Crime Council (Ch. 93-204, LOF) was established to financially assist local law enforcement agencies in extraordinary violent crime cases. After Florida's crime trend slightly shifted from violent crime to drug crimes, the 2001 Legislature approved the expansion of the Council to include funding for drug investigations. Renamed the Violent Crime and Drug Control Council (VCDCC), the VCDCC was authorized to provide supplemental funding to local and state law enforcement agencies working violent crime, major drug and money laundering investigations, and victim/witness protection and relocation efforts. The Legislature supports the funding of the VCDCC on a year-to-year basis.[1]

Pursuant to s. 943.031, F.S., the VCDCC is comprised of 14 members. The members advise the Florida Department of Law Enforcement (FDLE) Executive Director and make recommendations on the development and implementation of initiatives to combat violent crime, drug crime, and money laundering. Eight members of the VCDCC are standing members (or designee) include the:

- Chief Financial Officer
- Attorney General
- Education Commissioner
- Executive Office of the Governor Public Safety Policy Coordinator
- Department of Juvenile Justice Secretary
- Department of Corrections Secretary
- Florida Network of Victim/Witness Services President
- FDLE Commissioner[2]

The remaining six members are appointed by the Governor,[3] three of which are vacant and the other three continue to serve beyond their term, which has expired. Members appointed by the Governor serve 2-year terms and the standing members serve as long as they hold office or employment that was the basis for their appointment to the VCDCC.[4]

---

[1] Florida Department of Law Enforcement, *Violent Crime and Drug Control Council Annual Report*, available at https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2024_VCDCC_Annual_Report_FINAL.aspx (Last visited April 4, 2025).
[2] Section 943.031(2)(a)-(i), F.S.
[3] *Id.*
[4] Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, https://www.fdle.state.fl.us/VCDCC/Publications (last visited April 4, 2025)

The FDLE coordinates the VCDCC, assists the council in the performance of its duties and administers funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. An annual report on the activities of the VCDCC is produced each year in December.[5]

The Florida Network of Victim/Witness Services, which is a standing member of the VCDCC, appears to be inactive based on common internet searches but has submitted annual reporting through the Department of State.[6]

The 2008 Legislature, in its Fiscal Year 2008-2009 budget, reduced trust fund authority for the VCDCC by $2,500,000.

Victim/Witness Protection Review Committee

The Victim/Witness Protection Review Committee was created within the VCDCC. This committee is responsible for reviewing and approving or denying, in whole or in part, all requests for reimbursement of Victim/Witness Protection funding.[7]

The Council's six-member Victim and Witness Protection Review Committee held two closed conference meetings in February and June of 2022. The Committee approved three reimbursement funding requests for a total of $13,600.[8] No funds were awarded to agencies for victim/witness protection reimbursement in 2023.[9]

Violent Crime Investigative Emergency Account

In 1993, the Violent Crime Investigative Emergency Account was created (Ch. 93-204, LOF) as a mechanism to provide emergency supplemental funds to state and local law enforcement agencies which were involved in complex violent crime investigations. In 2001, the account was renamed to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account (Ch. 2001-127, LOF) to allow agencies to utilize the funding for complex drug investigations.

[5] Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, https://www.fdle.state.fl.us/VCDCC/Publications (last visited April 7, 2025)
[6] *Division of Corporations, available at* https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDANETWORKVICTIMWITNESSSER%207482660&aggregateId=domnp-748266-86d11613-e88d-4797-a432-587a87600c6c&searchTerm=florida%20network%20of%20victim%20&listNameOrder=FLORIDANETWORKVICTIMWITNESSSER%207482660 (last visited April 7, 2025)
[7] Florida Department of Law Enforcement, *Victim/Witness Protection Program Application Information Package*, available at https://www.fdle.state.fl.us/VCDCC/Forms/VictimWitnessProtectionApplication.aspx (Last visited April 7, 2025).
[8] Florida Department of Law Enforcement, *2022 Violent Crime and Drug Control Council Annual Report*, available at https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2022-VCDCC-Annual-Report.aspx (last visited April 7, 2025).
[9] Florida Department of Law Enforcement, *2023 Violent Crime and Drug Control Council Annual Report*, available at https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2023_VCDCC_Annual_Report_Final.aspx (Last visited April 9, 2025).

Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP performs investigative, intelligence, research, and training activities related to crimes against children.[10]

As technology has advanced and the distribution of child sexual abuse material (CSAM) has become more prevalent, the focus has shifted to internet crimes against children. FDLE continues to work crimes against children cases, but not specifically employing profiling techniques for these cases. The priority is on cases involving actual sexual abuse of children and the repeated victimization they experience by the distribution of images and videos utilizing the internet. This involves the use of highly technical investigative tools to target the distributors and distribution networks of CSAM. In addition, FDLE leads a training conference focused on the technical tools for the investigations, best practice techniques, lessons learned from prior cases and intelligence sharing between various task forces focused on similar types of investigations.[11]

Crimes Against Children Criminal Profiling Trust Fund

In 1989, the Crimes Against Children Criminal Profiling Trust Fund was established within FDLE (Ch. 1989-3, L.O.F.). The monies placed in the trust fund consisted of an additional fee on birth certificates authorized under s. 382.025, F.S., and any other money appropriated by the Legislature or received from the federal government or any other public or private source. The trust fund was established to assist local law enforcement agencies with investigative, intelligence, research and training activities related to crimes against children. The trust fund was terminated on July 1, 1995, by legislative action (Ch. 94-265, LOF).[12]

Domestic Security Oversight Council

In 2005, s. 943.0313, F.S., codified the Domestic Security Oversight Council (DSOC). The legislation provided for its membership, governance and duties of the council. The voting members include the:

- Executive Director of the Department of Law Enforcement
- Director of the Division of Emergency Management
- Attorney General
- Commissioner of Agriculture
- State Surgeon General
- Commissioner of Education
- State Fire Marshal
- Adjutant General of the Florida National Guard
- State Chief Information Officer
- Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
- Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.

[10] Section 943.041, F.S.
[11] Florida Department of Law Enforcement, *Agency Bill Analysis SB1268* Department of Law Enforcement)
[12] *Id.*

- Two representatives of the Florida Fire Chiefs Association.
- One representative of the Florida Police Chiefs Association.
- One representative of the Florida Prosecuting Attorneys Association.
- The chair of the Statewide Domestic Security Intelligence Committee.
- One representative of the Florida Hospital Association.
- One representative of the Emergency Medical Services Advisory Council.
- One representative of the Florida Emergency Preparedness Association.
- One representative of the Florida Seaport Transportation and Economic Development Council.

The voting members must include the Chair of the Statewide Domestic Security Intelligence Committee. As the domestic security framework has evolved, this committee was abolished several years ago. This has caused a vacancy within the council that cannot be filled.[13]

The DSOC serves as an advisory council that in part reviews the development, maintenance and operation of a comprehensive domestic security strategy to guide the state's prevention, preparedness, protection, response and recovery efforts against terroristic attacks and immigration enforcement incidents and make appropriate recommendations. The DSOC is required to report annually on its activities on or before December 31 of each calendar year to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives. [14]

Pursuant to s. 943.0311, F.S., the duties of the Chief of Domestic Security include a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each calendar year which details suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under s. 943.0311(6), F.S. This report is separate from the report required under s. 943.0313(6), F.S.

Care for Retired Police Dogs Program

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. The program established and provides funding for reimbursement of veterinary care for retired police dogs. The program provides reimbursement up to $1,500 annually, per dog, for veterinary care to any former handler or adopter of a retired police dog, that served 5 or more years as a police dog.[15]

Funds under this program may be used for the following veterinary expenses, provided the expenses are the result of care/treatment from a licensed Florida veterinarian, including:
- Annual wellness exams;
- Vaccinations;
- Internal and external parasite prevention treatments;
- Testing and treatment of illnesses and diseases;

[13] *Id.*
[14] Section 943.0313(6), F.S.
[15] Section 943.69, F.S.

- Medications;
- Emergency care and surgeries;
- Veterinary oncology or other specialty care;
- Euthanasia; and,
- Cremation.[16]

Basic annual vet visits for cats and dogs cost between $50 to $250, and they increase up to $8,000 for specialized treatment (wound treatment, bloat treatment, emergency surgery, etc.).[17] Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.[18] Law enforcement dogs cannot work forever and are faced with natural aging conditions and may have sustained injuries in the line of duty.[19] When it is time for a law enforcement dog to retire, the dog typically lives with their law enforcement officer partner. The veterinary expenses due to complications from law enforcement K-9's injuries, joint problems, or other job-related health problems may be too costly for the former handler to incur.

Capitol Complex

The term "Capitol Complex" is the portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages.[20] The Capitol Police provide security for state officials, employees, and visitors to the Capitol Complex as specified in s. 943.61, F.S.

The FDLE provides security to the Governor, the Governor's immediate family, the Governor's office and Mansion including the grounds.[21] Capitol Police also provide and maintain security to the Governor's Mansion; however, it is not included in the current definition of "Capitol Complex" in s. 943.60, F.S.

III. Effect of Proposed Changes:

This bill amends various sections within ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically, the bill amends:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community

[16] *Id.*
[17] Dogster, *How Much Does a Vet Visit Cost? 2025 Pricing Update*, available at https://www.dogster.com/dog-health-care/how-much-does-vet-visit-cost (last visited April 7, 2025).
[18] Florida Sheriff's Association, The Role of a K-9 Unit, available at The Role of a K-9 Unit - Florida Sheriffs Association (last visited April 7, 2025);
[19] For example, in September 2021, three different Law Enforcement K-9s acting in the line of duty were shot by suspects in Florida. *Officials: Florida K-9s shot by carjacking suspect*, September 11, 2021, AP News, available at https://apnews.com/article/police-florida-carjacking-dogs-02ad82fce042d444f7d067151a3aeb30 (last visited April 7, 2025); *JSO K-9 recovering after being shot during Nassau County manhunt*, Carianne Luter, Social Media Producer, September 27, 2021, News4Jax, available at https://www.news4jax.com/news/local/2021/09/27/jso-k-9-recovering-after-being-shot-during-nassau-county-manhunt/ (last visited April 7, 2025).
[20] Section 943.60, F.S.
[21] Section 943.68(1), F.S.

college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.

- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Cancel's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from $1,500 to $5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

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:

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. FDLE was appropriated $300,000 in recurring funds from the General Revenue Fund to implement and administer the program. A former handler or an adopter of a retired police dog who seeks reimbursement may not receive reimbursement if funds appropriated for the program are depleted in the year for which the reimbursement is sought.[22] Thus, increasing the maximum annual disbursement for veterinary care will not require additional funds.

FDLE advised the bill does not have a fiscal impact to state government.[23]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.0311, 943.041, 943.17, 943.0313, 943.60, 943.69, 914.25 and 914.27

This bill repeals the following sections of the Florida Statutes: 943.031 and 943.042.

IX. Additional Information:

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

None.

[22] Section 943.69, F.S.
[23] Florida Department of Law Enforcement, *Senate Bill 1268 Fiscal Analysis* (March 2, 2025) (on file with the Appropriations Committee on Criminal and Civil Justice).

B. Amendments:

None.

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

By Senator Simon

3-01003A-25 20251268__

A bill to be entitled

An act relating to the Department of Law Enforcement; repealing ss. 943.031 and 943.042, F.S., relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; amending s. 943.0311, F.S.; revising requirements for a report by the Chief of Domestic Security; amending ss. 943.041 and 943.17, F.S.; conforming provisions to changes made by the act; amending s. 943.0313, F.S.; revising the membership of the Domestic Security Oversight Council; revising reporting requirements; amending s. 943.60, F.S.; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; amending s. 943.69, F.S.; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department; amending ss. 914.25 and 914.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 943.031 and 943.042, Florida Statutes, are repealed.

Section 2. Subsection (4) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the

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

3-01003A-25 20251268__

department with respect to domestic security.—

(4) The chief shall report ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year~~ suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under subsection (6). Such suggestions must be submitted to the Domestic Security Oversight Council for inclusion in the report required under s. 943.0313(6). The chief may use ~~utilize~~ the assessments provided under subsection (6) in making his or her suggestions. The report must ~~shall~~ suggest strategies to maximize federal funds in support of building or facility security if such funds are available.

Section 3. Section 943.041, Florida Statutes, is amended to read:

943.041 Child Exploitation and Crimes Against Children ~~Criminal Profiling~~ Program.—There is created the Child Exploitation and Crimes Against Children ~~Criminal Profiling~~ Program within the department. The program shall perform investigative, intelligence, research, and training activities related to child exploitation and other crimes against children.

Section 4. Subsection (5) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced,

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

and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(5) The commission~~, in consultation with the Florida Violent Crime and Drug Control Council,~~ shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. ~~After January 1, 1995,~~ Every basic skills course required in order for law enforcement officers to obtain initial certification must include training on violent crime prevention and investigations.

Section 5. Paragraph (a) of subsection (1) and subsection (6) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism and immigration enforcement incident prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and domestic security efforts.

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

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall be composed ~~consist~~ of the following voting members:

1. The executive director of the Department of Law Enforcement.

2. The director of the Division of Emergency Management.

3. The Attorney General.

4. The Commissioner of Agriculture.

5. The State Surgeon General.

6. The Commissioner of Education.

7. The State Fire Marshal.

8. The adjutant general of the Florida National Guard.

9. The state chief information officer.

10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).

11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.

12. Two representatives of the Florida Fire Chiefs Association.

13. One representative of the Florida Police Chiefs Association.

14. One representative of the Florida Prosecuting Attorneys Association.

15. One statewide domestic security intelligence representative, selected by the chair of the Florida Fusion Center Executive Advisory Board ~~The chair of the Statewide Domestic Security Intelligence Committee~~.

16. One representative of the Florida Hospital Association.

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

17. One representative of the Emergency Medical Services Advisory Council.

18. One representative of the Florida Emergency Preparedness Association.

19. One representative of the Florida Seaport Transportation and Economic Development Council.

(6) REPORTS.—The council shall report annually on its activities, on or before December 31 of each calendar year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives. The report must include information submitted by the Chief of Domestic Security as required under s. 943.0311(4).

Section 6. Section 943.60, Florida Statutes, is amended to read:

943.60 Definitions.—For the purposes of ss. 943.60-943.68, the term "Capitol Complex" means that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages and curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King Jr. Boulevard, and Gaines Street. The term includes the State Capital Circle Office Complex located in Leon County, Florida. The term includes the Governor's mansion and

the curtilage thereof, located in Leon County, Florida. The term does not include the Supreme Court Building or the public streets adjacent thereto. The portion of the Capitol Complex existing between and including the Elliot Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street shall be known as "Memorial Park."

Section 7. Paragraph (b) of subsection (5) of section 943.69, Florida Statutes, is amended to read:

943.69 Care for Retired Police Dogs Program.—

(5) FUNDING.—

(b) Annual disbursements to a former handler or an adopter to reimburse him or her for the cost of the retired police dog's veterinary care may not exceed $5,000 ~~$1,500~~ per dog. A former handler or an adopter of a retired police dog may not accumulate unused funds from a current year for use in a future year.

Section 8. Subsection (5) of section 914.25, Florida Statutes, is amended to read:

914.25 Protective services for certain victims and witnesses.—

(5) ~~The lead law enforcement agency that provides protective services, as authorized in this section, may seek reimbursement for its reasonable expenses from the Victim and Witness Protection Review Committee, pursuant to s. 943.031.~~ This section does not prevent any law enforcement agency from providing protective services at the agency's expense beyond the 4-year maximum period established in this section. Any such additional expenditures for protective services are not eligible for the reimbursement provided in this section.

Section 9. Subsections (1) and (4) of section 914.27, Florida Statutes, are amended to read:

914.27 Confidentiality of victim and witness information.—

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

(a) The identity or location of a victim or witness who has been identified or certified for protective or relocation services pursuant to s. 914.25;

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

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

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

is confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protective or relocation services provided pursuant to s. 914.25 and to support the prosecution efforts of the state attorneys and the

statewide prosecutor. Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided.

(4) The certifying state attorney or statewide prosecutor may state in writing ~~to the Victim and Witness Protection Review Committee established pursuant to s. 943.031~~ that even though certification for participation in the victim or witness protective services program is about to expire, disclosure of information made confidential and exempt by paragraph (1)(a) or paragraph (1)(b) continues to constitute an unwarranted risk to, or jeopardizes the safety of, victims, witnesses, or family members of such victims or witnesses. ~~Accordingly,~~ The confidential and exempt status of such information shall continue until the certifying state attorney or statewide prosecutor determines that disclosure of such information would not constitute an unwarranted risk to, or jeopardize the safety of, such persons~~, and provides written notification to that effect to the Victim and Witness Protection Review Committee~~.

Section 10. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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

4/22/2024
Meeting Date

Fiscal Policy
Committee

SB 1268
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bobbie Smith

Phone (850) 410-7000

Address 2331 Phillips Rd
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Tallahassee FL 32308
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 Department of Law Enforcement

☐ 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

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:	CS/SB 1354
INTRODUCER:	Children, Families, and Elder Affairs Committee and Senator Trumbull
SUBJECT:	Behavioral Health Managing Entities
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kennedy	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Favorable**
3.	Kennedy	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1354 requires the Department of Children and Families (DCF) to contract for biennial operational and financial audits of behavioral health managing entities (MEs) that are charged with coordinating the state's safety net program for mental health and substance use disorder services for the uninsured and underinsured. A final report must be submitted to the Governor and Legislature by December 1, 2025.

The bill also establishes performance standards, requiring MEs to report on service accessibility, community behavioral health outcomes, diversion from acute care, and integration with child welfare services. MEs must track key behavioral health performance metrics, including high-utilizer rates, post-hospitalization outpatient care, appointment wait times, and emergency room visits for behavioral health issues. It requires the DCF to post ME performance information to its website by the 15th of every month.

The bill requires MEs to submit all required data to the DCF in a standardized electronic format to ensure interoperability and to facilitate data analysis.

The bill has a significant negative fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

II. Present Situation:

Mental Health and Mental Illness

Mental health is a state of well-being in which the individual realizes his or her own abilities can cope with normal stresses of life, can work productively and fruitfully, and is able to contribute to his or her community.[1] The primary indicators used to evaluate an individual's mental health are:[2]

- Emotional well-being: perceived life satisfaction, happiness, cheerfulness, peacefulness;
- Psychological well-being: self-acceptance, personal growth including openness to new experiences, optimism, hopefulness, purpose in life, control of one's environment, spirituality, self-direction, and positive relationships; and
- Social well-being: social acceptance, beliefs in the potential of people and society as a whole, personal self-worth and usefulness to society, sense of community.

Mental illness is collectively all diagnosable mental disorders or health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress or impaired functioning.[3] Thus, mental health refers to an individual's mental state of well-being whereas mental illness signifies an alteration of that well-being. Mental illness affects millions of people in the United States each year. More than one in five adults lives with a mental illness.[4] Young adults aged 18-25 had the highest prevalence of any mental illness[5] (36.2%) compared to adults aged 26-49 (29.4%) and aged 50 and older (16.8%).[6]

Mental Health Safety Net Services

The Department of Children and Families (DCF) administers a statewide system of safety net services for substance abuse and mental health (SAMH) prevention, treatment and recovery for children and adults who are otherwise unable to obtain these services. SAMH programs include a range of prevention, acute interventions (e.g., crisis stabilization), residential treatment, transitional housing, outpatient treatment, and recovery support services. Services are provided based upon state and federally established priority populations.

Behavioral Health Managing Entities

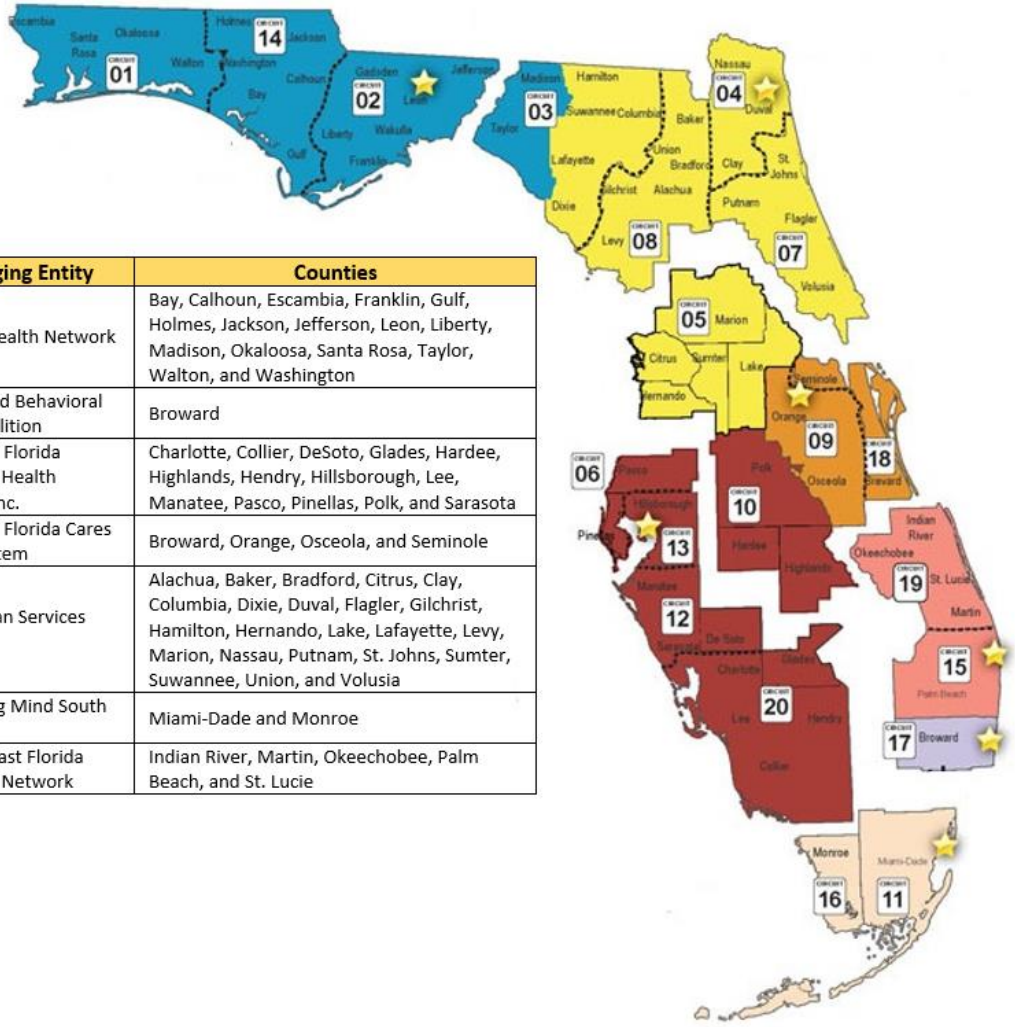
In 2001, the Legislature authorized the DCF to implement behavioral health MEs as the management structure for the delivery of local mental health and substance abuse services.[7] The implementation of the ME system initially began as a pilot and, in 2008, the Legislature

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[1] World Health Organization, *Mental Health: Strengthening Our Response*, available at: https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response (last visited March 7, 2025).
[2] Centers for Disease Control and Prevention, *Mental Health Basics*, available at: http://medbox.iiab.me/modules/en-cdc/www.cdc.gov/mentalhealth/basics.htm (last visited March 7, 2025).
[3] *Id.*
[4] National Institute of Mental Health (NIH), *Mental Illness*, available at: https://www.nimh.nih.gov/health/statistics/mental-illness (last visited March 7, 2025).
[5] Any mental illness (AMI) is defined as a mental, behavioral, or emotional disorder. AMI can vary in impact, ranging from no impairment to mild, moderate, and even severe impairment (e.g., individuals with serious mental illness).
[6] National Institute of Mental Health (NIH), *Mental Illness*, available at: https://www.nimh.nih.gov/health/statistics/mental-illness (last visited March 14, 2025).
[7] Ch. 2001-191, Laws of Fla.

authorized the DCF to implement MEs statewide.[8] MEs were fully implemented statewide in 2013, serving all geographic regions.

The DCF currently contracts with seven MEs for behavioral health services throughout the state. These entities do not provide direct services; rather, they allow the department's funding to be tailored to the specific behavioral health needs in the various regions of the state. The regions are divided as follows:[9]



Managing Entity	Counties
NWF Health Network	Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Walton, and Washington
Broward Behavioral Health Coalition	Broward
Central Florida Behavioral Health Network, Inc.	Charlotte, Collier, DeSoto, Glades, Hardee, Highlands, Hendry, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota
Central Florida Cares Health System	Broward, Orange, Osceola, and Seminole
Lutheran Services Florida	Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Hernando, Lake, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union, and Volusia
Thriving Mind South Florida	Miami-Dade and Monroe
Southeast Florida Behavioral Network	Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie

In the latest comprehensive, multiyear review of the revenues, expenditures, and financial positions of the MEs,[10] these contracts totaled $1.083 billion for Fiscal Year 2022-2023, with

[8] Ch. 2008-243, Laws of Fla.
[9] Department of Children and Families, *Managing Entities*, available at: https://www.myflfamilies.com/services/samh/providers/managing-entities (last visited March 14, 2025).
[10] Department of Children and Families, *A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Positions of the Managing Entities Including a System of Care Analysis*, p. 5, available at https://myflfamilies.com/document/57451, (last visited March 21, 2025); Section 394.9082(4)(I), F.S.

$919 million spent on direct services.[11] MEs subcontract with community providers to serve clients directly. This allows services to be tailored to the specific behavioral health needs in the various regions of the state.[12]

In Fiscal Year 2022-2023, in the aggregate, the DCF reported serving 243,403 unduplicated behavioral health clients.[13]

Coordinated System of Care

The MEs are required to promote the development and implementation of a coordinated system of care.[14] A coordinated system of care means a full array of behavioral and related services in a region or community offered by all service providers, participating either under contract with a managing entity or by another method of community partnership or mutual agreement.[15] A community or region provides a coordinated system of care for those with a mental illness or substance abuse disorder through a no-wrong-door model, to the extent allowed by available resources. If funding is provided by the Legislature, the DCF may award system improvements grants to MEs.[16] The MEs must submit detailed plans to enhance crisis services based on the no-wrong-door model or to meet specific needs identified in the DCF's assessment of behavioral health services in this state.[17] The DCF must use performance-based contracts to award grants.[18]

There are several essential elements which make up a coordinated system of care, including:[19]
- Community interventions;
- Case management;
- Care coordination;
- Outpatient services;
- Residential services;
- Hospital inpatient care;
- Aftercare and post-discharge services;
- Medication assisted treatment and medication management; and
- Recovery support.

A coordinated system of care must include, but is not limited to, the following array of services:[20]
- Prevention services;
- Home-based services;

[11] Department of Children and Families, *A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Positions of the Managing Entities Including a System of Care Analysis*, p. 11, available at https://myflfamilies.com/document/57451, (last visited March 21, 2025); section 394.9082(4)(I), F.S.
[12] Department of Children and Families, *Managing Entities*, available at https://www.myflfamilies.com/services/samh/providers/managing-entities, (last visited March 16, 2025).
[13] S*upra*, Note 10, p. 14.
[14] Section 394.9082(5)(d), F.S.
[15] Section 394.4573(1)(c), F.S.
[16] Section 394.4573(3), F.S.
[17] *Id.*
[18] *Id.*
[19] Section 394.4573(2), F.S.
[20] Section 394.495(4), F.S.

- School-based services;
- Family therapy;
- Family support;
- Respite services;
- Outpatient treatment;
- Crisis stabilization;
- Therapeutic foster care;
- Residential treatment;
- Inpatient hospitalization;
- Case management;
- Services for victims of sex offenses;
- Transitional services; and
- Trauma-informed services for children who have suffered sexual exploitation.

The DCF must define the priority populations which would benefit from receiving care coordination.[21] In defining priority populations, the DCF must consider the number and duration of involuntary admissions, the degree of involvement with the criminal justice system, the risk to public safety posed by the individual, the utilization of a treatment facility by the individual, the degree of utilization of behavioral health services, and whether the individual is a parent or caregiver who is involved with the child welfare system.

MEs are required to conduct a community behavioral health care needs assessment once every three years in the geographic area served by the managing entity, which identifies needs by sub-region.[22] The assessments must be submitted to the DCF for inclusion in the state and district substance abuse and mental health plan.[23] In addition to the needs assessment, the ME is generally required to also:

- Determine the optimal array of services to meet the community's needs.
- Promote a coordinated system of care.
- Assist counties in development of designated receiving systems and transportation plans.
- Develop strategies to divert persons with mental illness or substance abuse from criminal and juvenile justice systems and integrate behavioral health services with the child welfare system.
- Develop a compressive network of qualified providers to deliver services.
- Monitor network provider performance and compliance with contract requirements.[24]

Under Florida Administrative Code, MEs are required to implement a Care Coordination Policy applicable to all subcontracted service providers.[25] This policy must ensure that services are delivered based on eligibility, clinical appropriateness, individual need, and with fiscal accountability.[26] The rule requires care coordination policies that reduce, manage, and eliminate waitlists, support service planning for individuals with co-occurring substance use and mental

[21] Section 394.9082(3)(c), F.S.
[22] Section 394.9082(5)(b), F.S.
[23] Section 394.75(3), F.S.
[24] Section 394.9082(5), F.S.
[25] Rule 65E-14.014, F.A.C.
[26] *Id.*

health disorders and promote the use of clinical screening and assessment tools to determine the appropriate level of care. In addition, the policy must ensure that individuals are served in the least restrictive setting appropriate to their clinical needs and that system changes are monitored to improve service efficiency. The rule also calls for the use of outcome data to inform service delivery and to support continuous improvement across the behavioral health system.

Data Collection and Reporting by Managing Entities

MEs are responsible for collecting and reporting specific data to the DCF.[27] Current law requires MEs to establish performance standards related to:

- Service Reach: The extent to which individuals in the community receive services, including parents or caregivers involved in the child welfare system who need behavioral health services.
- Community Behavioral Health Improvement: The overall improvement in the behavioral health of the community.
- Individual Progress: The improvement in functioning or progress in recovery of individuals served by the ME, using person-centered measures tailored to the population.
- Diversion Strategies: The success of strategies to divert admissions from acute levels of care, jails, prisons, and forensic facilities, including metrics on clients experiencing multiple admissions to such facilities.
- Integration with Child Welfare: The effectiveness of integrating behavioral health services with the child welfare system.
- Housing Needs: Addressing the housing needs of individuals being released from public receiving facilities who are homeless.
- Consumer and Family Satisfaction: Levels of satisfaction among consumers and their families.
- Community Engagement: The level of engagement with key community constituencies, such as law enforcement agencies, community-based care lead agencies, juvenile justice agencies, courts, school districts, local government entities, hospitals, and other relevant organizations.

Florida Administrative Code further, establishes standards for service providers under direct contract with the DCF or subcontract with an ME.[28] It requires providers to report services using defined SAMH covered services and to adhere to specified measurement and reporting standards.

MEs are also required by contract to submit multiple reports, forms, and documents at specific intervals to the DCF.[29] Some of these include Regional Planning Documents, Provider Tangible Property Inventory, Triennial Needs Assessments, Managing Entity Annual Business Operations Plans (including Discharge Reintegration Plans upon exiting from mental receiving or treatment facilities, Triennial Needs Assessment, Care Coordination Plan, Quality Assurance Plan, Assisted Living Facility (ALF) - LMH Plan, Annual Network Service Provide Monitoring Plan), Enhancement Plan, Care Coordination Plan, Quality Assurance Plan, Fraud and Abuse

[27] Section 394.9082(7), F.S.
[28] Rule 65E-14.021, F.A.C.
[29] Department of Children and Families, Managing Entity Standard Contract, *Exhibit C3*, available at: https://www.myflfamilies.com/document/30496 (last visited March 21, 2025).

Prevention Protocol, Network Services Provider Monitoring Plan, Information Technology Plan, etc.[30]

MEs are also required by contract to submit multiple minimum performance measures.[31] This includes measures such as:

- On-site performance monitoring of network providers.
- Service level compliance.
- Federal block grant implementation.
- Network service provider measures.
- Corrective action for performance deficiencies.[32]

Managing Entity Historic Funding

The revenue for MEs largely consists of federal and state funds. State funds are derived from general revenue dollars appropriated to the DCF by the Legislature. Federal funds include sources that are dedicated to mental health and substance abuse services, including funds authorized by Title XIX, Part B of the Public Health Service Act through the Community Mental Health Block Grant and the Substance Use Prevention Treatment and Recovery Block (SUPTR) Grant. Both block grants include state maintenance of efforts requirements. The SUPTR includes set aside requirements for targeted services such as early intervention services for human immunodeficiency virus (HIV) and primary prevention activities. Other federal funds include the State Opioid Recovery (SOR) Grant awarded by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration (SAMHSA). The grant helps states provide prevention, harm reduction, treatment, to recovery support to individuals with substance use disorders, including opioid misuse.[33]

Other federal grants used to support Behavioral Health MEs include the Temporary Assistance for Needy Families (TANF) Block Grant authorized by Title IV-A of the Social Security Act, the Social Services Block Grant authorized by Title XX of the Social Security Act, and the State Children's Insurance Program authorized by Title XXI of the Medical Assistance Program.[34]

Managing Entity funding is categorized into administrative costs and operational costs. Funding for administrative costs is specifically appropriated in the General Appropriations Act.[35]

Collectively, MEs were appropriated $1.1 billion in Fiscal Year 2024-2025. The following table represents the total funds appropriated for the past six fiscal years.[36]

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[30] Department of Children and Families, Managing Entity Standard Contract, *Exhibit C3*, available at: https://www.myflfamilies.com/document/30496 (last visited March 21, 2025)..
[31] *Id*.
[32] *Id*.
[33] Department of Children and Families, *A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Positions of the Managing Entities Including a System of Care Analysis*, p. 26, available at https://myflfamilies.com/document/57451, (last visited April 7, 2025. Data excludes local funding projects.
[34] *Id*.
[35] Department of Children and Families, *A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Positions of the Managing Entities Including a System of Care Analysis*, p. 26, available at https://myflfamilies.com/document/57451, (last visited April 7, 2025.
[36] *Id*.

BUDGET HISTORY						
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Mental Health	443,751,206	457,792,208	483,883,774	610,047,998	653,777,550	679,624,419
Substance Abuse	263,725,222	271,989,205	349,957,723	422,571,173	497,103,072	427279721
Administration	24,131,586	24,816,821	25,648,682	27,930,419	27,082,841	26,730,019
Total Budget	**731,608,014**	**754,598,234**	**859,490,179**	**1,060,549,590**	**1,177,963,463**	**1,133,634,159**

EXPENDITURE HISTORY					
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
Mental Health	429,754,117	420,879,474	447,800,378	551,890,303	613,298,595
Substance Abuse	244,637,813	253,620,477	301,064,371	365,093,486	434,165,262
Administration	22,065,970	21,788,325	21,782,757	24,047,102	22,702,292
Total Expenditures	**696,457,900**	**696,288,276**	**770,647,506**	**941,030,891**	**1,070,166,149**

III. Effect of Proposed Changes:

Section 1 amends s. 394.9082(3), F.S., to require the Department of Children and Families (DCF) to contract for biennial operational and financial audits of each managing entity (ME). The audits must include:

- Business practices, personnel, financial records, provider payments, expenditures, referral patterns, and provider network adequacy.
- Services administered, the method of provider payment, expenditures, outcomes, and other information as determined by the department.
- Referral patterns, including ME volume, provider assignments, services referred, length of time to obtain services, and key referral performance measures.
- Provider network adequacy and provider network participation in the DCF's available bed platform, the Opioid Data Management System, the Agency for Health Care Administration Event Notification Service, and other required provider data submissions.

The audits must review expenditures and claims of each ME, comparing services administered, outcomes, and Medicaid expenditures for behavioral health services and analyzing services funded by MEs rendered to individuals who are also Medicaid beneficiaries, to assess the extent to which MEs are funding Medicaid-covered services.

The audits must include recommendations to improve transparency of system performance, including metrics and criteria used to measure each ME's performance and patient and system outcomes, and the format and method used to collect and report data.

A final report summarizing audit findings and recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025.

The bill amends s. 394.9082(5), F.S., to require an ME to submit all required information to the DCF in a standardized electronic format to ensure interoperability and facilitate data analysis. This format must meet the following criteria:

- Provider payments must be reported using a standardized format for electronic data interchange.

- Information organized into discrete, machine-readable data elements that allow for efficient processing and integration with other datasets.
- Comply with established protocols specified by the DCF.
- Compatible with automated systems to enable downloading, parsing, and combining data.
- Pass validation checks to confirm adherence to required data structure and format.

The bill requires MEs to submit all documents required under the contract for routine submission in an electronic format that supports accurate text recognition and data extraction. Documents must be accompanied by metadata to ensure proper organization, processing, and integration. This metadata must include the following:

- Descriptive and unique document name;
- Upload date;
- Predefined classification;
- Relevant identifiers; and
- Submitter information.

The bill amends s. 394.9082(7), F.S., to require MEs to collect and submit data on persons served, service outcomes, service costs, and other required data.

The DCF will evaluate ME performance and overall progress in meeting community behavioral health needs based on person-centered outcome measures that reflect national standards, where possible.

The bill requires MEs to submit the following new measures to the DCF:

- High Utilizers: The number and percentage of high utilizers of crisis behavioral health services.
- Post-Hospitalization Services: The number and percentage of individuals referred to outpatient behavioral health services within seven days after discharge from a receiving or treatment facility for behavioral health-related issues.
- Appointment Wait Times: The average wait time for initial appointments for behavioral health services, categorized by the type of service.
- Urgent Appointments: The number and percentage of individuals with significant behavioral health symptoms seeking urgent noncrisis acute care able to schedule urgent behavioral health appointments within one business day after initial contact with provider.
- Medication Errors: The number of incidences of medication errors.
- Adverse Incidents: The number and percentage of adverse incidents including, but not limited to, self-harm occurring during inpatient and outpatient behavioral health services.
- Co-occurring Conditions: the number of individuals receiving integrated care.
- Emergency Department Visits: The number and percentage of emergency department visits per capita for behavioral health-related issues.
- Community Discharge Placements: The percentage of individuals discharged from a receiving or treatment facility who successfully transition to ongoing services at the appropriate level of care.

- Emergency Department Readmissions: The rate of readmissions to an emergency department due to behavioral health issues or to crisis within 30 days of discharge from inpatient or outpatient behavioral health services.
- Average Length of Stay: The average length of stay for inpatient behavioral health services.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

Managing Entities and Community Providers

The bill proposes expanded reporting and audit requirements based on claims processing. This likely does not align with current behavioral health managing entity (ME) funding and reporting systems, which do not rely on diagnosis-based or Medicaid billing structures. Additionally, the bill introduces new performance metrics and audit expectations that may exceed current data capabilities. Adapting to this model will likely require system updates, technical support, and staff training. The fiscal impact to MEs is indeterminate.

C. Government Sector Impact:

The bill requires the Department of Children and Families (DCF) to procure auditing services for the operational and financial audits of the contracted MEs. The DCF estimates recurring expenditures of $3 million for the procurement of auditing services.[37]

The current platform used by the DCF for managing mental health and substance abuse data is the Financial and Services Accountability Management System (FASAMS). According to the DCF, the data reporting provisions in CS/SB 1354 would necessitate extensive modifications to FASAMS.[38] The system changes will require platform integration, contractor resources, architecture changes, cloud storage, training, and professional services. The system upgrade is anticipated to take between 12 and 18 months to complete and is estimated to cost $6.9 million.[39]

Resources Needed	Cost	Description
IT Contractors (8)	$1,920,000	8 contractors (data architects, developers, analysts, report developers) at $120/hour at 2,000 hours each = $240,000 per FTE
Cloud Infrastructure & Security	$800,000	Hosting, cloud storage, cybersecurity measures
Business Advisory & Project Management	$1,500,000	Oversight, requirement gathering, stakeholder engagement, risk management
Training, OCM for MEs	$700,000	Training managing entities on new processes, data formats, portal usage
Upgrading ME Systems	$1,000,000	Grants or funding assistance to help MEs modernize/replace legacy systems to ensure interoperability
Additional Software, licensing's	$1,000,000	Integrates Edifecs with new portal, back-end APIs, data ingestion, and partner credentialing
Total	$6,920,000	

The new platform will require vendor support, infrastructure, training, and staffing to operate and maintain.[40] The additional recurring maintenance and operation costs are estimated to be $3.9 million.[41] This cost will not be incurred immediately, but is anticipated once the system updates are completed no earlier than Fiscal Year 2026-2027.

VI. Technical Deficiencies:

None.

[37] Florida Department of Children and Families, *SB 1354 (2025) Agency Analysis*, March 7, 2025, p.7 (on file with the Children, Families, and Elder Affairs Committee).
[38] *Id*., p. 8
[39] *Id*, p. 9
[40] *Id*.
[41] *Id*.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 394.9082 of Florida Statute.

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 Children, Families, and Elder Affairs on March 25, 2025:
The CS makes the following changes:

- Makes the operational and financial audits biennial instead of annual.
- Requires all currently reported data by managing entities (MEs) required by statute, rule, and contract to be submitted in an electronic format specified by the DCF.
- Requires the Department of Children and Families (DCF) to post ME performance information (based on the data collected) to its website by the 15th of every month.
- Generally, clarifies the data requested for evaluation for performance is data the MEs have access to, not general claims and private provider systems data as previously interpreted.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs; and Senator Trumbull

586-02853-25 20251354c1

A bill to be entitled

An act relating to behavioral health managing entities; amending s. 394.9082, F.S.; requiring the Department of Children and Families to contract biennially for specified functions; requiring the department to contract for recommendations for certain transparency improvements; requiring the department to prepare and present to the Governor and Legislature a specified final report by a specified date; requiring managing entities to report required data to the department in a standardized electronic format; providing requirements for such format; requiring managing entities to electronically submit to the department certain documents in a specified format and with specified metadata; requiring managing entities to submit certain specific measures to the department; requiring the department to post and maintain such measures on its website by a specified date every month; requiring managing entities to report each measure using a standard methodology determined by the department; providing requirements for such measures; providing an effective date.

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

Section 1. Subsection (7) of section 394.9082, Florida Statutes, is amended, and paragraph (n) is added to subsection (3) and paragraphs (v) and (w) are added to subsection (5) of that section, to read:

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

586-02853-25 20251354c1

394.9082 Behavioral health managing entities.—

(3) DEPARTMENT DUTIES.—The department shall:

(n)1. Contract for all of the following:

a. Biennial operational and financial audits of each managing entity to include all of the following:

(I) A review of business practices, personnel, financial records, related parties, compensation, and other areas as determined by the department.

(II) The services administered, the method of provider payment, expenditures, outcomes, and other information as determined by the department.

(III) Referral patterns, including managing entity referral volume; provider referral assignments; services referred; length of time to obtain services; and key referral performance measures.

(IV) Provider network adequacy and provider network participation in the department's available bed platform, the Opioid Data Management System, the Agency for Health Care Administration Event Notification Service, and other department-required provider data submissions.

(V) Audits of each managing entity's expenditures and claims. Such an audit must do both of the following:

(A) Compare services administered through each managing entity, the outcomes of each managing entity's expenditures, each managing entity's Medicaid expenditures for behavioral health services, and any other information as determined by the department.

(B) Analyze services funded by each managing entity rendered to individuals who are also Medicaid beneficiaries to,

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at a minimum, assess the extent to which managing entities are funding services that are also available as covered services under the Medicaid program.

b. Recommendations to improve transparency of system performance, including, but not limited to, metrics and criteria used to measure each managing entity's performance and patient and system outcomes, and the format and method to be used to collect and report necessary data and information.

2. Prepare a report of the information gathered in subparagraph 1. and present the final report on or before December 1, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) MANAGING ENTITY DUTIES.—A managing entity shall:

(v) Report all required data to the department in a standardized electronic format to ensure interoperability and to facilitate data analysis. The submission format must meet all of the following criteria:

1. Provider payments must be reported using a standardized format for electronic data interchange that is used for health care claims processing.

2. Information must be organized into discrete, machine-readable data elements that allow for efficient processing and integration with other datasets.

3. All data fields must comply with established protocols as specified by the department.

4. The standardized format must be compatible with automated systems to enable the downloading, parsing, and combining of data with other sources for analysis.

5. Submissions must pass validation checks to confirm

adherence to the required data structure and format before the submission is accepted.

(w) Submit to the department all documents that are required under contract for submission on a routine basis in an electronic format that allows for accurate text recognition and data extraction as specified by the department, which may include, but is not limited to, Portable Document Format or machine-readable text files. The documents must be accompanied by metadata containing key information that ensures proper organization, processing, and integration into the department's systems. The required metadata must include, but is not limited to, all of the following elements:

1. A descriptive and unique name for the document, following any naming conventions prescribed by the department.

2. The date the document is uploaded.

3. A predefined classification indicating the nature or category of the document.

4. Any relevant identifiers, such as application numbers, case numbers, or tracking codes, as specified by the department.

5. The name, contact information, and any other required identification number, which may include, but is not limited to, a contract, license, or registration number, of the person or organization submitting the document.

6. Any other metadata fields as prescribed by the department to facilitate accurate processing and analysis.

(7) PERFORMANCE MEASUREMENT AND ACCOUNTABILITY.—

(a) Managing entities shall collect and submit data to the department regarding persons served, outcomes of persons served, costs of services provided through the department's contract,

and other data as required by the department. The department shall evaluate managing entity performance and the overall progress made by the managing entity, together with other systems, in meeting the community's behavioral health needs, based on consumer-centered outcome measures that reflect national standards, if possible, that can be accurately measured. The department shall work with managing entities to establish performance standards, including, but not limited to:

1.~~(a)~~ The extent to which individuals in the community receive services, including, but not limited to, parents or caregivers involved in the child welfare system who need behavioral health services.

2.~~(b)~~ The improvement in the overall behavioral health of a community.

3.~~(c)~~ The improvement in functioning or progress in the recovery of individuals served by the managing entity, as determined using person-centered measures tailored to the population.

4.~~(d)~~ The success of strategies to:

a.~~1.~~ Divert admissions from acute levels of care, jails, prisons, and forensic facilities as measured by, at a minimum, the total number and percentage of clients who, during a specified period, experience multiple admissions to acute levels of care, jails, prisons, or forensic facilities;

b.~~2.~~ Integrate behavioral health services with the child welfare system; and

c.~~3.~~ Address the housing needs of individuals being released from public receiving facilities who are homeless.

5.~~(e)~~ Consumer and family satisfaction.

6.~~(f)~~ The level of engagement of key community constituencies, such as law enforcement agencies, community-based care lead agencies, juvenile justice agencies, the courts, school districts, local government entities, hospitals, and other organizations, as appropriate, for the geographical service area of the managing entity.

(b) Managing entities must submit specific measures to the department regarding individual outcomes and system functioning, which the department must post to, and maintain on, its website by the 15th of every month. The posted measures must reflect performance for the previous calendar month. Each managing entity must report each measure using a standard methodology determined by the department and submit the data to the department by the deadline specified by the department. The measures shall include data from individuals served by each managing entity for services funded by the managing entity, to the extent feasible and appropriate. The measures shall be reported and posted stratified by, at a minimum, whether the individual is a child or an adult and whether the individual is a Medicaid recipient. Such measures shall include, at a minimum, all of the following:

1. The number and percentage of individuals who are high utilizers of crisis behavioral health services.

2. The number and percentage of individuals referred to outpatient behavioral health services after their discharge from a receiving or treatment facility, an emergency department under this chapter, or an inpatient or residential licensed service component under chapter 397 and who begin receiving such services within 7 days after discharge.

3. The average wait time for initial appointments for behavioral health services, categorized by the type of service.

4. The number and percentage of individuals with significant behavioral health symptoms who are seeking urgent but noncrisis acute care and who are scheduled to be seen by a provider within 1 business day after initial contact with the provider.

5. The number and percentage of emergency department visits per capita for behavioral health-related issues.

6. The incidence of medication errors.

7. The number and percentage of adverse incidents, including, but not limited to, self-harm, occurring during inpatient and outpatient behavioral health services.

8. The number and percentage of individuals with co-occurring conditions who receive integrated care.

9. The number and percentage of individuals discharged from a receiving or treatment facility under this chapter or an inpatient or residential licensed service component under chapter 397 who successfully transition to ongoing services at the appropriate level of care.

10. The rate of readmissions to emergency departments due to behavioral health issues or to crisis stabilization units, addictions receiving facilities, or other inpatient levels of care under this chapter and chapter 397 within 30 days after discharge from inpatient or outpatient behavioral health services.

11. The average length of stay for inpatient behavioral health services.

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

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

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:	CS/SB 1360
INTRODUCER:	Criminal Justice Committee and Senator Leek
SUBJECT:	Controlled Substances
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Vaughan	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1360 amends s. 893.03, F.S., to except xylazine from the list of Schedule I controlled substances approved by the United States Food and Drug Administration (FDA) when used for veterinary purposes. Xylazine is a nonopioid tranquilizer methyl benzene compound frequently used in veterinary medicine as an emetic and sedative with analgesic and muscle relaxant properties.[1]

The bill amends s. 893.13, F.S., to provide that it is a first degree felony,[2] with a mandatory minimum prison term of three years for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver xylazine.

Additionally, the bill amends s. 893.135, F.S., to create a first degree felony for trafficking in xylazine. A person may not knowingly sell, purchase, manufacture, deliver, or bring into this state, or knowingly in actual or constructive possession of, four grams or more of xylazine or any salt thereof, or four grams or more of any mixture containing any such substance. An offender convicted of such an offense must be sentenced to a mandatory minimum term of imprisonment and fine, the length and amount of which varies depending upon the amount of xylazine involved in the offense.

[1] 15 U.S.C. 278u.
[2] Sections 775.082, 775.083, or 775.084, F.S

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:

Currently, s. 893.03(1)(c)37., F.S., lists xylazine as a Schedule I drug. A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards.[3] Xylazine is also known as "tranq"[4] and is a central nervous system depressant that can cause drowsiness, amnesia, slow breathing, low heart rate and blood pressure. Xylazine is FDA approved for use in animals as a sedative and pain reliever, it is not safe for use in humans and it is not known if the exposure can be reversed by naloxone.[5] Naloxene is an FDA approved medicine used to quickly reverse an opioid overdose.[6] Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.[7]

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the "potential for abuse"[8] of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United

[3] Section 893.03(1), F.S.
[4] National Library of Medicine, *Increasing presence of xylazine in heroin and/or fentanyl deaths, Philadelphia, Pennsylvania, 2010–2019*, Johnson J, Pizzicato L, Johnson C, Viner K., August 2021, available at https://pubmed.ncbi.nlm.nih.gov/33536231/ (last visited March 10, 2025).
[5] U.S. Food and Drug Administration, *FDA alerts health care professionals of risks to patients exposed to xylazine in illicit drugs, November 8, 2022*, available at https://www.fda.gov/drugs/drug-safety-and-availability/fda-alerts-health-care-professionals-risks-patients-exposed-xylazine-illicit-drugs (last visited March 10, 2025).
[6] Drugs.com, *Naloxene*, https://www.drugs.com/naloxone.html (last visited March 10, 2025)
[7] National Institute on Drug Abuse, *Xylazine Research Topics*, available at https://nida.nih.gov/research-topics/xylazine (last visited on March 11, 2025).
[8] Section 893.035(3)(a), F.S., defines "potential for abuse" as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user's health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user's own initiative rather than on the basis of professional medical advice.

States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A "controlled substance analog" is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:
- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Selling a Controlled Substance or Possessing a Controlled Substance with Intent to Sell

Section 893.13, F.S., in part, punishes unlawful possession, sale, purchase, manufacture, and delivery of a controlled substance.[9] The penalty assigned by s. 893.13, F.S., depends on the schedule applicable to the controlled substance that is being sold or possessed with intent to sell and, in some instances, the location in which the violation occurs. A person who unlawfully possesses specified controlled substances, such as xylazine, commits a third degree felony.[10,11]

Section 893.13(1)(i), F.S., specifies that a person commits a first degree felony[12] and must be sentenced to a mandatory minimum term of imprisonment of three years if he or she sells, manufactures, or delivers, or possesses with the intent to sell, manufacture, or deliver:
- Alfentanil, carfentanil, fentanyl, sufentanil, a fentanyl derivative, a specified fentanyl analog, or a mixture containing any such substance; and
- The substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:
  - Resembles the trade dress of a branded food product, consumer food product, or logo food product;
  - Incorporates an actual or fake registered copyright, service mark, or trademark;

[9] *See e.g.,* s. 893.13(1)(a) and (b) and (6), F.S.
[10] A third degree felony is punishable by up to five years in prison and a $5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.
[11] Section 893.13(1)(a)2., F.S.
[12] A first degree felony is punishable by up to 30 years in prison and a $10,000 fine. ss. 775.082, 775.083, or 775.084, F.S.

- Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin based product; or
- Contains a cartoon character imprint.

There is currently no offense for selling, or possessing with the intent to sell, xylazine with specified attributes.

Drug Trafficking

Section 893.135, F.S., punishes drug trafficking, which consists of knowingly selling, purchasing, manufacturing, delivering, or bringing into this state (importing), or knowingly being in actual or constructive possession of, certain Schedule I or Schedule II controlled substances, in a statutorily specified quantity. The statute only applies to a limited number of such controlled substances, including fentanyl and fentanyl-related substances. The controlled substance involved in the trafficking must meet a specified weight or quantity threshold. Most drug trafficking offenses are first degree felonies and are subject to a mandatory minimum term of imprisonment and a mandatory fine, which is determined by the weight or quantity range applicable to the weight or quantity of the substance involved in the trafficking.

For example, trafficking in 4 grams or more of the following is a first degree felony:
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- A fentanyl derivative;[13]
- A controlled substance analog[14] of any previously described substance or a fentanyl derivative; or
- A mixture containing any previously described substance or a fentanyl derivative or analog.[15]

If the quantity involved in the drug trafficking violation is:
- Four grams or more, but less than 14 grams, the person must be sentenced to a mandatory minimum term of imprisonment of 7 years, and must be ordered to pay a fine of $50,000;
- Fourteen grams or more, but less than 28 grams, the person must be sentenced to a mandatory minimum term of imprisonment of 20 years, and must be ordered to pay a fine of $100,000; or
- Twenty-eight grams or more, the person must be sentenced to a mandatory minimum term of imprisonment of 25 years, and must be ordered to pay a fine of $500,000.[16]

There is currently no offense for trafficking in xylazine.

[13] *See* s. 893.03(1)(a)62., F.S.
[14] *See* s. 893.0356(2)(a), F.S.
[15] Section 893.135(1)(c)4.a.(I)-(VII), F.S.
[16] Section 893.135(1)(c)4.b.(I)-(III), F.S.

Mandatory Minimum Sentencing

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court-imposed sentences.[17] These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

III. Effect of Proposed Changes:

The bill amends s. 893.03, F.S., to except xylazine from the list of Schedule I controlled substances approved by the United States Food and Drug Administration (FDA) for veterinary purposes.

The bill amends s. 893.13, F.S., to provide it is a first degree felony, with a mandatory minimum prison term of three years[18] to for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver xylazine, its analog, or a mixture containing xylazine; and the substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

- Resembles the trade dress of a branded food product, consumer food product, or logo food product;
- Incorporates an actual or fake registered copyright, service mark, or trademark;
- Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or
- Contains a cartoon character imprint.[19]

Additionally, the bill amends s. 893.135, F.S., to create a first degree felony for trafficking in xylazine. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of xylazine[20] or any salt thereof, or four grams or more of any mixture containing any such substance, commits "trafficking in xylazine." If the quantity involved is:

- Four grams or more, but less than 14 grams, such person must be sentenced to a mandatory minimum term of imprisonment of seven years and shall be ordered to pay a fine of $50,000.
- Fourteen grams or more, but less than 28 grams, such person must be sentenced to a mandatory minimum term of imprisonment of 20 years and shall be ordered to pay a fine of $100,000.

[17] U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications,* available at https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future *(*last visited on March 10, 2025).
[18] Sections 775.082, 775.083, or 775.084, F.S
[19] Sections 893.13(1)(i), F.S.
[20] Sections s. 893.03(1)(c)., F.S.

- Twenty-eight grams or more, such person must be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $500,000.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 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 704 new commitments to prison for possession of a controlled substance and 315 new commitments for the sale, manufacture, or

delivery of a controlled substance. Since this data has multiple different drugs included, it is not known how many of these offenses involved xylazine. Therefore, the prison bed impact of this new language cannot be determined.[21]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 893.03, 893.13, and 893.135

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 Criminal Justice Committee on March 18, 2025:
The committee substitute removes the exception in the Schedule III controlled substances and maintains an exception for xylazine use for veterinary purposes in the list of Schedule I controlled substances.

B. Amendments:

None.

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

[21] Office of Economic and Demographic Research, *SB 1360 – Controlled Substances*, (on file with the Senate Committee on Criminal Justice).

By the Committee on Criminal Justice; and Senator Leek

591-02560-25 20251360c1

A bill to be entitled

An act relating to controlled substances; amending s. 893.03, F.S.; excepting from the Schedule I controlled substance xylazine drug products approved by the United States Food and Drug Administration for certain use; amending s. 893.13, F.S.; providing criminal penalties and requiring a mandatory minimum term of imprisonment if a person sells, manufactures, or delivers or possesses with intent to sell, manufacture, or deliver xylazine; amending s. 893.135, F.S.; creating the offense of trafficking in xylazine; providing criminal penalties and requiring a mandatory minimum term of imprisonment and fines based on the quantity of the controlled substance involved in the offense; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 893.03, Florida Statutes, is amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, trade name, or class designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical

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Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of their salts, isomers, including optical, positional, or geometric isomers, homologues, nitrogen-heterocyclic analogs, esters, ethers, and salts of isomers, homologues, nitrogen-heterocyclic analogs, esters, or ethers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation or class description:

1. Alpha-Ethyltryptamine.
2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-oxazoline).
3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
6. Bufotenine.
7. Cannabis.
8. Cathinone.
9. DET (Diethyltryptamine).
10. 2,5-Dimethoxyamphetamine.

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11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
12. DMT (Dimethyltryptamine).
13. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog of phencyclidine).
14. JB-318 (N-Ethyl-3-piperidyl benzilate).
15. N-Ethylamphetamine.
16. Fenethylline.
17. 3,4-Methylenedioxy-N-hydroxyamphetamine.
18. Ibogaine.
19. LSD (Lysergic acid diethylamide).
20. Mescaline.
21. Methcathinone.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.
23. PMA (4-Methoxyamphetamine).
24. PMMA (4-Methoxymethamphetamine).
25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
27. MDA (3,4-Methylenedioxyamphetamine).
28. JB-336 (N-Methyl-3-piperidyl benzilate).
29. N,N-Dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine analog of phencyclidine).
33. Psilocybin.
34. Psilocyn.
35. *Salvia divinorum*, except for any drug product approved by the United States Food and Drug Administration which contains *Salvia divinorum* or its isomers, esters, ethers, salts, and

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salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
37. Xylazine, except for a xylazine animal drug product approved by the United States Food and Drug Administration, the use of which conforms to the approved application or is authorized under 21 U.S.C. s. 360b(a)(4). The manufacture, importation, distribution, prescribing, or sale of xylazine for human use is not subject to this exception.
38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene analog of phencyclidine).
39. 3,4,5-Trimethoxyamphetamine.
40. Methylone (3,4-Methylenedioxymethcathinone).
41. MDPV (3,4-Methylenedioxypyrovalerone).
42. Methylmethcathinone.
43. Methoxymethcathinone.
44. Fluoromethcathinone.
45. Methylethcathinone.
46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol) and its dimethyloctyl (C8) homologue.
47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

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49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole).

51. BZP (Benzylpiperazine).

52. Fluorophenylpiperazine.

53. Methylphenylpiperazine.

54. Chlorophenylpiperazine.

55. Methoxyphenylpiperazine.

56. DBZP (1,4-Dibenzylpiperazine).

57. TFMPP (Trifluoromethylphenylpiperazine).

58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).

59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).

60. 5-Hydroxy-N-methyltryptamine.

61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).

62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).

63. Methyltryptamine.

64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).

65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).

66. Tyramine (4-Hydroxyphenethylamine).

67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).

68. DiPT (N,N-Diisopropyltryptamine).

69. DPT (N,N-Dipropyltryptamine).

70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).

71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).

72. DOI (4-Iodo-2,5-dimethoxyamphetamine).

73. DOC (4-Chloro-2,5-dimethoxyamphetamine).

74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).

75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).

76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).

77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).

78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).

79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).

80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).

81. Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).

82. Ethcathinone.

83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

84. Naphyrone (Naphthylpyrovalerone).

85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).

86. 3,4-Methylenedioxy-N,N-diethylcathinone.

87. 3,4-Methylenedioxy-propiophenone.

88. 3,4-Methylenedioxy-alpha-bromopropiophenone.

89. 3,4-Methylenedioxy-propiophenone-2-oxime.

90. 3,4-Methylenedioxy-N-acetylcathinone.

91. 3,4-Methylenedioxy-N-acetylmethcathinone.

92. 3,4-Methylenedioxy-N-acetylethcathinone.

93. Bromomethcathinone.

94. Buphedrone (alpha-Methylamino-butyrophenone).

95. Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).

96. Dimethylcathinone.

97. Dimethylmethcathinone.

98. Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).

99. MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).

100. MDPBP (3,4-Methylenedioxy-alpha-

pyrrolidinobutyrophenone).

101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).

102. MPHP (Methyl-alpha-pyrrolidinohexanophenone).

103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).

104. F-MABP (Fluoromethylaminobutyrophenone).

105. MeO-PBP (Methoxypyrrolidinobutyrophenone).

106. Et-PBP (Ethylpyrrolidinobutyrophenone).

107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).

108. Me-EABP (Methylethylaminobutyrophenone).

109. Etizolam.

110. PPP (Pyrrolidinopropiophenone).

111. PBP (Pyrrolidinobutyrophenone).

112. PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).

113. MPPP (Methyl-alpha-pyrrolidinopropiophenone).

114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).

117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).

118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole).

119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).

120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).

123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).

124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).

125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).

126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).

127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).

128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).

129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).

130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

131. HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).

132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).

133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).

134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecanamide).

135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecanamide).

136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-methyloctan-2-yl)phenol).

137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).

139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).

141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).

142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).

143. Pentedrone (alpha-Methylaminovalerophenone).

144. Fluoroamphetamine.

145. Fluoromethamphetamine.

146. Methoxetamine.

147. Methiopropamine.

148. Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).

149. APB ((2-Aminopropyl)benzofuran).

150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).

151. UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

155. AM-2233(1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole).

156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).

157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate).

158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester).

159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).

160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

161. 2C-H (2,5-Dimethoxyphenethylamine).

162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).

163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).

164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

165. MDMA (3,4-Methylenedioxymethamphetamine).

166. PB-22 (8-Quinolinyl 1-pentylindole-3-carboxylate).

167. Fluoro PB-22 (8-Quinolinyl 1-(fluoropentyl)indole-3-carboxylate).

168. BB-22 (8-Quinolinyl 1-(cyclohexylmethyl)indole-3-carboxylate).

169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).

174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

177. FUB-PB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indole-3-carboxylate).

178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).

179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).

181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).

182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).

183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).

184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol).

185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol).

186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

187. MAPB ((2-Methylaminopropyl)benzofuran).

188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

190. Synthetic Cannabinoids.—Unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation that contains any quantity of a synthetic

cannabinoid found to be in any of the following chemical class descriptions, or homologues, nitrogen-heterocyclic analogs, isomers (including optical, positional, or geometric), esters, ethers, salts, and salts of homologues, nitrogen-heterocyclic analogs, isomers, esters, or ethers, whenever the existence of such homologues, nitrogen-heterocyclic analogs, isomers, esters, ethers, salts, and salts of isomers, esters, or ethers is possible within the specific chemical class or designation. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or the compounds of these structures shall be included under this subparagraph, regardless of their specific numerical designation of atomic positions covered, if it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

a. Tetrahydrocannabinols.—Any tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, the synthetic equivalents of the substances contained in the plant or in the resinous extracts of the genus *Cannabis*, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, including, but not limited to, Delta 9 tetrahydrocannabinols and their optical isomers, Delta 8 tetrahydrocannabinols and their optical isomers, Delta 6a,10a tetrahydrocannabinols and their optical isomers, or any compound containing a tetrahydrobenzo[c]chromene structure with substitution at either or both the 3-position or 9-position, with or without substitution at the 1-position with hydroxyl or alkoxy groups, including, but not limited to:

(I) Tetrahydrocannabinol.

(II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(X) Parahexyl.

b. Naphthoylindoles, Naphthoylindazoles, Naphthoylcarbazoles, Naphthylmethylindoles, Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any compound containing a naphthoylindole, naphthoylindazole, naphthoylcarbazole, naphthylmethylindole, naphthylmethylindazole, or naphthylmethylcarbazole structure, with or without substitution on the indole, indazole, or carbazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

(II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-naphthoyl)indole).

(III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

(IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).

(V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

(VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).

(VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).

(VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).

(IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).

(X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).

(XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

(XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).

(XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).

(XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole).

(XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).

(XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

(XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-naphthoyl)indole).

(XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl)indole).

(XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).

(XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).

(XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).

(XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-naphthylmethyl]indole).

(XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-naphthoyl)indole).

(XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-

naphthoyl)indole).

(XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole).

(XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).

(XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).

(XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).

(XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).

(XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).

(XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-naphthoyl)indole).

(XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-naphthoyl)indole).

(XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).

(XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-naphthoyl)indole).

(XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-naphthoyl)indole).

(XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).

(XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).

(XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-naphthoyl)indole).

(XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-naphthoyl)indole).

(XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).

(XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-naphthoyl)carbazole).

c. Naphthoylpyrroles.—Any compound containing a

naphthoylpyrrole structure, with or without substitution on the pyrrole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).

(II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).

(III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).

(IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).

(V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).

(VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-naphthoyl)pyrrole).

(VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-naphthoyl)pyrrole).

(VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-naphthoyl)pyrrole).

(IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-naphthoyl)pyrrole).

(X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole).

d. Naphthylmethylenindenes.—Any compound containing a naphthylmethylenindene structure, with or without substitution at the 3-position of the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to, JWH-176 (3-Pentyl-1-(naphthylmethylene)indene).

e. Phenylacetylindoles and Phenylacetylindazoles.—Any compound containing a phenylacetylindole or phenylacetylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

(I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).

(II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).

(III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).

(IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).

(V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).

(VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).

(VII) Cannabipiperidiethanone.

(VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).

f. Cyclohexylphenols.—Any compound containing a cyclohexylphenol structure, with or without substitution at the 5-position of the phenolic ring to any extent, whether or not substituted on the cyclohexyl ring to any extent, including, but not limited to:

(I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol).

(II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8) homologue).

(III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-methyloctan-2-yl)phenol).

g. Benzoylindoles and Benzoylindazoles.—Any compound containing a benzoylindole or benzoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

(I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).

(II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

(III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodo-5-nitrobenzoyl)indole).

(IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole).

(V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole).

(VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

(VII) RCS-4 C4 homologue (1-Butyl-3-(4-methoxybenzoyl)indole).

(VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-3-(4-methoxybenzoyl)indole).

h. Tetramethylcyclopropanoylindoles and Tetramethylcyclopropanoylindazoles.—Any compound containing a tetramethylcyclopropanoylindole or tetramethylcyclopropanoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the tetramethylcyclopropyl group to any extent, including, but not limited to:

(I) UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-

tetramethylcyclopropanoyl)indole).

(VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indazole).

(IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole carboxamides, and Adamantylindazole carboxamides.—Any compound containing an adamantoyl indole, adamantoyl indazole, adamantyl indole carboxamide, or adamantyl indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent, including, but not limited to:

(I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

(II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

(III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).

(IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-adamantoyl)indole).

(V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

(VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

(VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-adamantoyl)indole).

j. Quinolinylindolecarboxylates, Quinolinylindazolecarboxylates, Quinolinylindolecarboxamides, and Quinolinylindazolecarboxamides.—Any compound containing a quinolinylindole carboxylate, quinolinylindazole carboxylate,

isoquinolinylindole carboxylate, isoquinolinylindazole carboxylate, quinolinylindole carboxamide, quinolinylindazole carboxamide, isoquinolinylindole carboxamide, or isoquinolinylindazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the quinoline or isoquinoline ring to any extent, including, but not limited to:

(I) PB-22 (8-Quinolinyl 1-pentylindole-3-carboxylate).

(II) Fluoro PB-22 (8-Quinolinyl 1-(fluoropentyl)indole-3-carboxylate).

(III) BB-22 (8-Quinolinyl 1-(cyclohexylmethyl)indole-3-carboxylate).

(IV) FUB-PB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) NPB-22 (8-Quinolinyl 1-pentylindazole-3-carboxylate).

(VI) Fluoro NPB-22 (8-Quinolinyl 1-(fluoropentyl)indazole-3-carboxylate).

(VII) FUB-NPB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indazole-3-carboxylate).

(VIII) THJ (8-Quinolinyl 1-pentylindazole-3-carboxamide).

(IX) Fluoro THJ (8-Quinolinyl 1-(fluoropentyl)indazole-3-carboxamide).

k. Naphthylindolecarboxylates and Naphthylindazolecarboxylates.—Any compound containing a naphthylindole carboxylate or naphthylindazole carboxylate structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-

carboxylate).

(II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-carboxylate).

(III) Fluoro SDB-005 (1-Naphthalenyl 1-(fluoropentyl)indazole-3-carboxylate).

(IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-carboxylate).

l. Naphthylindole carboxamides and Naphthylindazole carboxamides.—Any compound containing a naphthylindole carboxamide or naphthylindazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

(II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).

(III) Chloro-NNEI (N-Naphthalen-1-yl 1-(chloropentyl)indole-3-carboxamide).

(IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-carboxamide).

(V) Fluoro MN-18 (N-Naphthalen-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl indazole carboxamides, Alkylcarbonyl indole carboxylates, and Alkylcarbonyl indazole carboxylates.—Any compound containing an alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-

phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an indole carboxamide, indazole carboxamide, indole carboxylate, or indazole carboxylate, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the alkylcarbonyl group to any extent, including, but not limited to:

(I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindole-3-carboxamide).

(II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).

(III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).

(IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

(V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

(VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

(VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

(VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

(XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

(XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

(XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indole-3-carboxamide).

(XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide).

(XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—Any compound containing a N-(2-phenylpropan-2-yl) indole carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring of the cumyl group to any extent, including, but not

limited to:

(I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-carboxamide).

(II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).

o. Other Synthetic Cannabinoids.—Any material, compound, mixture, or preparation that contains any quantity of a Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

(I) With or without modification or replacement of a carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage between either two core rings, or linkage between a core ring and group structure, with or without the addition of a carbon or replacement of a carbon;

(II) With or without replacement of a core ring or group structure, whether or not substituted on the ring or group structures to any extent; and

(III) Is a cannabinoid receptor agonist, unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration.

191. Substituted Cathinones.—Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations:

a. Any compound containing a 2-amino-1-phenyl-1-propanone

structure;

b. Any compound containing a 2-amino-1-naphthyl-1-propanone structure; or

c. Any compound containing a 2-amino-1-thiophenyl-1-propanone structure,

whether or not the compound is further modified:

(I) With or without substitution on the ring system to any extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy, haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide substituents;

(II) With or without substitution at the 3-propanone position with an alkyl substituent or removal of the methyl group at the 3-propanone position;

(III) With or without substitution at the 2-amino nitrogen atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system; or

(IV) With or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

(A) Methcathinone.

(B) Ethcathinone.

(C) Methylone (3,4-Methylenedioxymethcathinone).

(D) 2,3-Methylenedioxymethcathinone.

(E) MDPV (3,4-Methylenedioxypyrovalerone).

(F) Methylmethcathinone.

(G) Methoxymethcathinone.

(H) Fluoromethcathinone.

(I) Methylethcathinone.

(J) Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).

(K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

(L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).

(M) Naphyrone (Naphthylpyrovalerone).

(N) Bromomethcathinone.

(O) Buphedrone (alpha-Methylaminobutyrophenone).

(P) Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).

(Q) Dimethylcathinone.

(R) Dimethylmethcathinone.

(S) Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).

(T) Pentedrone (alpha-Methylaminovalerophenone).

(U) MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).

(V) MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).

(W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).

(X) PPP (Pyrrolidinopropiophenone).

(Y) PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).

(Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).

(AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).

(BB) F-MABP (Fluoromethylaminobutyrophenone).

(CC) Me-EABP (Methylethylaminobutyrophenone).

(DD) PBP (Pyrrolidinobutyrophenone).

(EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).

(FF) Et-PBP (Ethylpyrrolidinobutyrophenone).

(GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).

(HH) Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).

(II) 3,4-Methylenedioxy-N,N-diethylcathinone.

(JJ) 3,4-Methylenedioxy-N-acetylcathinone.

(KK) 3,4-Methylenedioxy-N-acetylmethcathinone.

(LL) 3,4-Methylenedioxy-N-acetylethcathinone.

(MM) Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).

(NN) Methyl-alpha-methylaminohexanophenone.

(OO) N-Ethyl-N-methylcathinone.

(PP) PHP (Pyrrolidinohexanophenone).

(QQ) PV8 (Pyrrolidinoheptanophenone).

(RR) Chloromethcathinone.

(SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.

192. Substituted Phenethylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure, without a beta-keto group, and without a benzyl group attached to the amine group, whether or not the compound is further modified with or without substitution on the phenyl ring to any extent with alkyl, alkylthio, nitro, alkoxy, thio, halide, fused alkylenedioxy, fused furan, fused benzofuran, fused dihydrofuran, or fused tetrahydropyran substituents,

whether or not further substituted on a ring to any extent, with or without substitution at the alpha or beta position by any alkyl substituent, with or without substitution at the nitrogen atom, and with or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).

b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).

c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).

d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).

e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).

f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).

g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).

h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).

i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

j. 2C-H (2,5-Dimethoxyphenethylamine).

k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).

l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).

m. MDMA (3,4-Methylenedioxymethamphetamine).

n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).

o. MDA (3,4-Methylenedioxyamphetamine).

p. 2,5-Dimethoxyamphetamine.

q. Fluoroamphetamine.

r. Fluoromethamphetamine.

s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).

t. DOB (4-Bromo-2,5-dimethoxyamphetamine).

u. DOC (4-Chloro-2,5-dimethoxyamphetamine).

v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).

w. DOI (4-Iodo-2,5-dimethoxyamphetamine).

x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
y. PMA (4-Methoxyamphetamine).
z. N-Ethylamphetamine.
aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
cc. PMMA (4-Methoxymethamphetamine).
dd. N,N-Dimethylamphetamine.
ee. 3,4,5-Trimethoxyamphetamine.
ff. 4-APB (4-(2-Aminopropyl)benzofuran).
gg. 5-APB (5-(2-Aminopropyl)benzofuran).
hh. 6-APB (6-(2-Aminopropyl)benzofuran).
ii. 7-APB (7-(2-Aminopropyl)benzofuran).
jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-dihydrobenzofuran),

which does not include phenethylamine, mescaline as described in subparagraph 20., substituted cathinones as described in subparagraph 191., N-Benzyl phenethylamine compounds as described in subparagraph 193., or methamphetamine as described in subparagraph (2)(c)5.

193. N-Benzyl Phenethylamine Compounds.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure without a beta-keto group, with substitution on the nitrogen atom of the amino group with a benzyl substituent, with or without substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio, alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha position by any alkyl substituent, including, but not limited to:
a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

q. 25H-NBOH (2,5-Dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

r. 25H-NBF (2,5-Dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine),

which does not include substituted cathinones as described in subparagraph 191.

194. Substituted Tryptamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a 2-(1H-indol-3-yl)ethanamine, for example tryptamine, structure with or without mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups, or by inclusion of the amino nitrogen atom in a cyclic structure, whether or not substituted at the alpha position with an alkyl group, whether or not substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, including, but not limited to:

a. Alpha-Ethyltryptamine.

b. Bufotenine.

c. DET (Diethyltryptamine).

d. DMT (Dimethyltryptamine).

e. MET (N-Methyl-N-ethyltryptamine).

f. DALT (N,N-Diallyltryptamine).

g. EiPT (N-Ethyl-N-isopropyltryptamine).

h. MiPT (N-Methyl-N-isopropyltryptamine).

i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).

j. 5-Hydroxy-N-methyltryptamine.

k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).

l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).

m. Methyltryptamine.

n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).

o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).

p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).

q. DiPT (N,N-Diisopropyltryptamine).

r. DPT (N,N-Dipropyltryptamine).

s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).

t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).

u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).

v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).

w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).

x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).

y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-isopropyltryptamine).

z. Methyl-alpha-ethyltryptamine.

aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

which does not include tryptamine, psilocyn as described in subparagraph 34., or psilocybin as described in subparagraph 33.

195. Substituted Phenylcyclohexylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a phenylcyclohexylamine structure, with or without any substitution on the phenyl ring, any substitution on the cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl or benzothiophenyl ring, with or without substitution on the amine with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in a cyclic structure, or any combination of the above, including, but not limited to:

a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).

b. PCE (N-Ethyl-1-phenylcyclohexylamine)(Ethylamine analog of phencyclidine).

c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)(Pyrrolidine analog of phencyclidine).

d. PCPr (Phenylcyclohexylpropylamine).

e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)(Thiophene analog of phencyclidine).

f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).

g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).

h. Methoxetamine.

i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).

j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).

k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).

l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).

m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).

n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).

o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).

p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).

q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).

r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide.

197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide.

198. AH-7921, 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]-benzamide.

199. U47700, trans-3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide.

200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine, dihydrochloride.

Section 2. Paragraph (i) of subsection (1) of section

893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(1)

(i) Except as authorized by this chapter, a person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 3 years, if:

1. The person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, any of the following:

a. Alfentanil, as described in s. 893.03(2)(b)1.;

b. Carfentanil, as described in s. 893.03(2)(b)6.;

c. Fentanyl, as described in s. 893.03(2)(b)9.;

d. Sufentanil, as described in s. 893.03(2)(b)30.;

e. A fentanyl derivative, as described in s. 893.03(1)(a)63.;

f. Xylazine, as described in s. 893.03(1)(c)37.;

g. A controlled substance analog, as described in s. 893.0356, of any substance described in sub-subparagraphs a.-f. ~~sub-subparagraphs a.-e.~~; or

h.~~g.~~ A mixture containing any substance described in sub-subparagraphs a.-g. ~~sub-subparagraphs a.-f.~~; and

2. The substance or mixture listed in subparagraph 1. is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

a. Resembles the trade dress of a branded food product,

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

consumer food product, or logo food product;

b. Incorporates an actual or fake registered copyright, service mark, or trademark;

c. Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or

d. Contains a cartoon character imprint.

Section 3. Paragraph (c) of subsection (1) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(c)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as “trafficking in illegal drugs,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of $50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment

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

of 15 years and shall be ordered to pay a fine of $100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $500,000.

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in hydrocodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of $50,000.

b. Is 50 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of $100,000.

c. Is 100 grams or more, but less than 300 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of $500,000.

d. Is 300 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.q., or any salt thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of $50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of $100,000.

c. Is 25 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of $500,000.

d. Is 100 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $750,000.

4.a. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of:

(I) Alfentanil, as described in s. 893.03(2)(b)1.;

(II) Carfentanil, as described in s. 893.03(2)(b)6.;

(III) Fentanyl, as described in s. 893.03(2)(b)9.;

(IV) Sufentanil, as described in s. 893.03(2)(b)30.;

(V) A fentanyl derivative, as described in s. 893.03(1)(a)63.;

(VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-sub-subparagraphs (I)-(V); or

(VII) A mixture containing any substance described in sub-sub-subparagraphs (I)-(VI),

commits a felony of the first degree, which felony shall be known as "trafficking in dangerous fentanyl or fentanyl analogues," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the quantity involved under sub-subparagraph a.:

(I) Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years~~,~~ and shall be ordered to pay a fine of $50,000.

(II) Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 20 years~~,~~ and shall be ordered to pay a fine of $100,000.

(III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years~~,~~ and shall be ordered to pay a fine of $500,000.

c. A person 18 years of age or older who violates sub-subparagraph a. by knowingly selling or delivering to a minor at least 4 grams of a substance or mixture listed in sub-subparagraph a. shall be sentenced to a mandatory minimum term of not less than 25 years and not exceeding life imprisonment,

and shall be ordered to pay a fine of $1 million if the substance or mixture listed in sub-subparagraph a. is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

(I) Resembles the trade dress of a branded food product, consumer food product, or logo food product;

(II) Incorporates an actual or fake registered copyright, service mark, or trademark;

(III) Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or

(IV) Contains a cartoon character imprint.

5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

6. A person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of a person, commits capital importation of illegal drugs, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

7. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of xylazine, as described in s. 893.03(1)(c)37., or any salt thereof, or 4 grams or more of any mixture containing any such

substance, commits a felony of the first degree, which felony shall be known as "trafficking in xylazine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of $50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 20 years and shall be ordered to pay a fine of $100,000.

c. Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $500,000.

Section 4. This act shall take effect October 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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April 22 2025
Meeting Date

Fiscal Policy
Committee

1360
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

fiscal policy
Committee

1360
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson

Phone (386) 214-5536

Address 123 W. Indiana Ave
Street

Deland fl. 32713.
City State Zip

Email mhudson@volusia sheriff.gov

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: Volusia sheriffs office

☐ 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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04/22/2025
Meeting Date

Fiscal Policy
Committee

1360
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lauren Jackson

Phone 931-265-8999

Address 205 S. Adams St.
Street

Email lauren@ericksconsultants.com

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:
Seminole County Sheriff's Office

☐ 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)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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4/22/2025
Meeting Date

Fiscal Policy
Committee

SB 1360
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

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Address 2167 Mahan Dr.
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Tallahassee FL 32308
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 Sheriffs 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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4/22/25
Meeting Date

Fiscal Policy
Committee

SB 1360
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aurelie Colon

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Montgomery AL
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: SPLC

☐ 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

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:	CS/SB 1382
INTRODUCER:	Appropriations Committee on Pre-K - 12 Education and Senator Calatayud
SUBJECT:	Access to School Readiness Programs for Economically Disadvantaged Households
DATE:	April 21, 2025 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1382 modifies the definition of "economically disadvantaged" used for determining eligibility in the School Readiness (SR) program and makes changes to implement the new definition and modifies tracking of children on waiting lists for SR services. Specifically, the bill:

- Revises the definition of "economically disadvantaged" by replacing "income that does not exceed 150 percent of the federal poverty level" with "income that does not exceed 65 percent of the state median income" for families seeking SR services.
- Modifies various references to the SR waitlists that require the tracking of children on waitlists by family income and priority.
- Modifies the data collected by the Department of Education (DOE) to reflect the change in definition related to income.
- Modifies the priorities for children from economically disadvantaged families by separating the first subsequent priority group into two groups based on income.
- Requires estimates adopted by the Early Learning Programs Estimating Conference to consider county specific trends and changes.

This bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

School Readiness Program

Overview

Florida's School Readiness (SR) program offers low-income families financial assistance to facilitate access to high-quality childcare and early education for their children while parents work or participate in job training. The Division of Early Learning (DEL), under the Department of Education (DOE), administers the program at the state level while early learning coalitions (ELCs) administer the SR program at the county and regional levels. Funding comes from four sources including the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida.

The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills. The program gives children access to a quality early learning environment and supports parents with information about child development and family engagement. The quality environment of each SR provider is measured by the administration of a widely recognized tool that assesses the interactions between adults and children in the classroom.

In Fiscal Year 2023-2024, there were 212,062 children participating in the SR program at 6,889 early learning providers. Total expenditures were $990 million, which included $36 million in administrative expenses, $59 million in non-direct services expenditures, and $80 million in quality expenditures. [1]

School Readiness Eligibility and Priorities

Florida statute defines "economically disadvantaged" as having a family income that does not exceed 150 percent of the federal poverty level and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.[2] The definition is used to determine eligibility for and priority status in the SR program.

According to the 2023 Poverty Guidelines Computations from the U.S. Department of Health and Human Services, for a family of three the federal poverty level was $24,860 per year. Meaning a family of three would need to earn $37, 290 or less per year to not exceed the 150 percent threshold for "economically disadvantaged.[3] For comparison, the 2023 State Median

[1] Florida Department of Education, *Division of Early Learning 2023-2024 Annual Report (2024), available at* https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf.
[2] Section 1002.81(6), F.S.
[3] U.S. Department of Health and Human Services, 2023 Poverty Guidelines Computations, https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2023-poverty-guidelines-computations (last visited Mar. 19, 2025)

Income (SMI) for Florida was $71,771, meaning a family would need to earn $46,612.15 or less to not exceed 65 percent of the state median income.[4]

Each ELC is required to give priority to receive services under the SR program as follows:

- Children under the age of 13 from a family that includes a parent who is receiving temporary cash assistance and is subject to the federal work requirements or a parent who has an Intensive Service Account or an Individual Training Account.
- An at-risk child younger than nine years of age.
- Subsequent priority is given based on the ELC's local priorities to children who meet the following criteria:
  - A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school who is from a working family that is economically disadvantaged.
  - A child of a parent who transitions from the work program into employment from birth to the beginning of the school year for which the child is eligible for admission to kindergarten.
  - An at-risk child who is at least nine years of age but younger than 13 years of age, however an at-risk child whose sibling is enrolled in the school readiness program within a specific eligibility priority category shall be given priority over other children who are eligible.
  - A child who is younger than 13 years of age from a working family that is economically disadvantaged.
  - A child of a parent who transitions from the work program into employment who is younger than 13 years of age.
  - A child who has special needs and has been determined eligible as a student with a disability who has a current individual education plan (IEP) with a Florida school district and is not younger than three years of age.
  - A child who otherwise meets one of the first two eligibility criteria but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program (VPK). [5]

School Readiness Waitlists

During Fiscal Year 2023-2024 there were 117,981 SR enrollments of children aged birth to four years of age compared to an estimated population of 357,199 children aged birth to four years of age from families below 150 percent of the federal poverty level, meaning statewide only 33 percent of children below this threshold were served by the SR program. The percentages varied by ELC from a low of 19 percent of children served by the Santa Rosa ELC to a high of 48 percent served by the ELC of the Big Bend. [6]

[4] Florida Department of Health, 2023 Median Household Income, https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=NonVitalIndGrp.Dataviewer&cid=0293 (last visited Mar. 19, 2025).
[5] Section 1002.87(1), F.S.
[6] Florida Department of Education, *Division of Early Learning 2023-2024 Annual Report (2024), available at* https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf.

Since not all eligible children are served by the SR program, there are waitlists to organize those waiting for services. Florida law requires that the "single point of entry" system where families apply for services for both SR and the Voluntary Prekindergarten (VPK) programs utilize a uniform waitlist to track eligible children waiting for enrollment into the SR program.[7] The DOE is required to adopt specific program support services that include a single point of entry and a uniform waitlist for the SR program.[8]

Each ELC is required to establish a uniform waitlist to track eligible children waiting for enrollment in the SR program.[9] The State Board of Education has adopted a rule to provide guidelines to the ELCs on the development of waitlists for families seeking services. The adopted rules provide guidance for the following:

- Definitions of terms.
- Prequalifying questions and applications for services.
- Eligibility Screening.
- Waitlist management.
- Reapplication for services after removal from waitlist. [10]

As part of each ELC's SR program plan, the ELC is required to include in its plan procedures for implementing the requirement for a uniform waitlist for SR services.[11] Additionally ELCs are required to collect and report to the DOE with data about SR program delivery to include data about:

- Progress in reducing the number of children on waitlists.
- The percentage of children served as compared to the number of administrative staff and overhead.
- The percentage of children served compared to the number of children under the age of five from families below 150 percent of the federal poverty level.
- Provider payment processes and fraud intervention.
- Child attendance and stability.
- Use of Child Care Resource and Referral (CCR&R) services.
- Child outcomes related to school readiness. [12]

School Readiness Funding

Each ELC is required to establish a parent sliding fee scale that provides for a parent copayment that is not a barrier to families receiving SR program services. Coalitions may waive copayments for at-risk children or temporarily waive the copayment children whose family income is at or below the federal poverty level. Coalitions may also waive copayments for a child whose family experiences a natural disaster or an event that limits the parent's ability to pay including:

- Incarceration;
- Placement in residential treatment;
- Becoming homeless;

[7] Section 1002.81(13), F.S.
[8] Section 1002.82(2)(f), F.S.
[9] Section 1002.84(2), F.S.
[10] Rule 6A-4.300, F.A.C.
[11] Section 1002.85(2), F.S.
[12] Section 1002.85(5), F.S.

- An emergency situation such as a household fire or burglary; or
- While the parent is participating in parenting classes or participating in an Early Head Start program or Head Start Program.

A parent may not transfer SR program services to another school readiness program provider until the parent has submitted documentation from the current provider to the ELC stating that the parent has satisfactorily fulfilled the copayment obligation.[13]

Each ELC is required to distribute the SR program funds as allocated in the General Appropriations Act (GAA) to the eligible providers. All instructions to early learning coalitions for distributing the school readiness program funds to eligible providers come from the DOE in accordance with the policies of the Legislature.[14]

Costs for the SR program must be kept to the minimum necessary for the efficient and effective administration of the SR program with the highest priority of expenditure being direct services for eligible children. No more than five percent of the funds allocated in the general appropriations act may be used for administrative costs and no more than 22 percent of the funds allocated may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services.[15]

III. Effect of Proposed Changes:

This bill modifies s. 1002.81, F.S., to change the definition of "economically disadvantaged" used for determining eligibility for the School Readiness (SR) program. The bill changes the threshold for "economically disadvantaged" from families with an income that does not exceed "150 percent of the federal poverty level" to "65 percent of the state median income." This change means that more families will meet the definition of "economically disadvantaged" than under the current definition. By some estimates adopting the 65 percent of state median income threshold will potentially mean an additional 31,000 families with 54,000 children may be eligible for SR services.[16]

The bill modifies ss. 1002.81, 1002.82, 1002.84, 1002.85, and 1002.87, F.S., to require that the uniform waitlists track children on the waitlist based on family household income and by the priorities specified in Florida law.

The bill modifies s. 1002.85, F.S., to require that the data collected from Early Learning Coalitions (ELCs) by the Department of Education (DOE) reflect the change in the definition of "economically disadvantaged" using state median income instead of federal poverty levels.

The bill modifies s. 1002.87, F.S., to separate the first subsequent priority group for children waiting to be served in the SR program that is in current Florida law.[17]

[13] Section 1002.84.(9), F.S.
[14] Section 1002.84(17), F.S.
[15] Section 1002.89(4), F.S.
[16] Email, Association of Early Learning Coalitions, Inc. (Mar. 14, 2025).
[17] Section 1002.87(1), F.S.

- To be in the first subsequent priority group, a child will need to be aged from birth to the beginning of the school year the child is eligible for kindergarten and is from a working family that is "economically disadvantaged" with an income at or less than 55 percent of the state median income.
- To be in the second subsequent priority group, a child will need to be aged from birth to the beginning of the school year the child is eligible for kindergarten and is from a working family that is "economically disadvantaged" with an income greater than 55 percent, but less than 65 percent of the state median income.

The change may offer greater opportunities to receive services to struggling families that are well below the state median income.

The bill modifies s. 1002.89, F.S., to require that the data for the total number of unweighted full-time equivalent SR children that is adopted by the Early Learning Program Estimating conference must consider the historical trends of children served and population changes for each county.

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 has an indeterminate fiscal impact. The transition from 150 percent of the federal poverty level to 65 percent of the state median income could result in additional eligible families and children. However, since the federal poverty level threshold is much lower compared to the state's minimum wage, the number of eligible families will continue to decrease and could result in fewer families being served if the transition does not occur. The number of school readiness children served is based on the annual appropriation each year provided in the GAA. If the forecasted number of eligible children should increase, without additional funding, there would be an increased number of children placed on the waitlist.

VI. Technical Deficiencies:

None.

VII. Related Issues:

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.81, 1002.82, 1002.84, 1002.85, 1002.87, and 1002.89.

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 Appropriations Committee on Pre-K - 12 Education on April 10, 2025:
The committee substitute modifies the bill to specify the first subsequent priority group for participation in the School Readiness program includes household incomes at or less than 55 percent of the state median income.

B. Amendments:

None.

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

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

602-03446-25 20251382c1

A bill to be entitled

An act relating to access to school readiness programs for economically disadvantaged households; amending s. 1002.81, F.S.; revising the definitions of the terms "economically disadvantaged" and "single point of entry"; amending s. 1002.82, F.S.; revising the Department of Education's duties for adopting specific program support services to coordinate a comprehensive early learning program; amending s. 1002.84, F.S.; revising duties of early learning coalitions relating to the creation of a uniform waiting list; amending s. 1002.85, F.S.; revising requirements for the school readiness program plan; revising data elements relating to early learning programs collected by the Department of Education; amending s. 1002.87, F.S.; revising which groups of students receive priority in a school readiness program; amending s. 1002.89, F.S.; revising criteria for the determination of the annual allocation for the school readiness program; providing an effective date.

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

Section 1. Subsections (6) and (13) of section 1002.81, Florida Statutes, are amended to read:

1002.81 Definitions.—Consistent with the requirements of 45 C.F.R. parts 98 and 99 and as used in this part, the term:

(6) "Economically disadvantaged" means having a family income that does not exceed 65 percent of the state median

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

602-03446-25 20251382c1

income ~~150 percent of the federal poverty level~~ and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(13) "Single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program or the Voluntary Prekindergarten Education Program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through a website, and that uses a uniform waiting list to track ~~eligible~~ children waiting for enrollment in the school readiness program based on family household income and by the priorities established pursuant to s. 1002.87.

Section 2. Paragraph (f) of subsection (2) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

(f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the department:

1. Shall adopt specific program support services that address the state's school readiness program, including:

a. Statewide data information program requirements that include:

(I) Eligibility requirements.

(II) Financial reports.

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

(III) Program accountability measures.

(IV) Child progress reports.

b. Child care resource and referral services.

c. A single point of entry and uniform waiting list that tracks children waiting for school readiness program services based on family household income and by priority established pursuant to s. 1002.87.

2. May provide technical assistance and guidance on additional support services to complement the school readiness program, including:

a. Warm-Line services.

b. Anti-fraud plans.

c. Training and support for parental involvement in children's early education.

d. Family literacy activities and services.

Section 3. Subsection (2) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(2) Establish a uniform waiting list to track eligible children waiting for enrollment in the school readiness program based on family household income and the priorities established pursuant to s. 1002.87, and in accordance with rules adopted by the State Board of Education.

Section 4. Paragraph (b) of subsection (2) and subsection (5) of section 1002.85, Florida Statutes, are amended to read:

1002.85 Early learning coalition plans.—

(2) Each early learning coalition must submit a school readiness program plan every 3 years to the department before

the expenditure of funds. A coalition may not implement its school readiness program plan until it receives approval from the department. A coalition may not implement any revision to its school readiness program plan until the coalition submits the revised plan to and receives approval from the department. If the department rejects a plan or revision, the coalition must continue to operate under its previously approved plan. The plan must include, but is not limited to:

(b) The coalition's procedures for implementing the requirements of this part, including:

1. Single point of entry.

2. Uniform waiting list that tracks children waiting for school readiness program services based on family household income and the priorities established under s. 1002.87.

3. Eligibility and enrollment processes and local eligibility priorities for children pursuant to s. 1002.87.

4. Parent access and choice.

5. Sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(9).

6. Use of preassessments and postassessments, as applicable.

7. Use of contracted slots, as applicable, based on the results of the assessment required under paragraph (i).

(5) The department shall collect and report data on coalition delivery of early learning programs. Elements must ~~shall~~ include, but are not limited to, measures related to progress toward ~~towards~~ reducing the number of children on the waiting list, the percentage of children served by the program as compared to the number of administrative staff and overhead,

the percentage of children served compared to total number of children under the age of 5 years below 65 percent of the state median income ~~150 percent of the federal poverty level~~, provider payment processes, fraud intervention, child attendance and stability, use of child care resource and referral, and kindergarten readiness outcomes for children in the Voluntary Prekindergarten Education Program or the school readiness program upon entry into kindergarten. The department shall request input from the coalitions and school readiness program providers before finalizing the format and data to be used. The report shall be implemented beginning July 1, 2014, and results of the report must be included in the annual report under s. 1002.82.

Section 5. Paragraph (c) of subsection (1) of section 1002.87, Florida Statutes, is amended to read:

1002.87 School readiness program; eligibility and enrollment.—

(1) Each early learning coalition shall give priority for participation in the school readiness program as follows:

(c) Subsequent priority shall be given, based on the early learning coalition's local priorities identified under s. 1002.85(2)(i), to children who meet the following criteria:

1. A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, with a household income at or less than 55 percent of the state median income, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission

to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services.

2. A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, with a household income greater than 55 percent, but less than 65 percent, of the state median income, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services.

3. A child of a parent who transitions from the work program into employment as described in s. 445.032 from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

4.~~3.~~ An at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a) and (b) and subparagraph 1. shall be given priority over other children who are eligible under this paragraph.

5.~~4.~~ A child who is younger than 13 years of age from a

working family that is economically disadvantaged.

6.~~5.~~ A child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.

7.~~6.~~ A child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

8.~~7.~~ A child who otherwise meets one of the eligibility criteria in paragraphs (a) and (b) and subparagraphs 1. and 2. but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

Section 6. Paragraph (a) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by the early learning coalitions in accordance with this part and the General Appropriations Act.

(a) *School readiness program allocation.*—If the annual allocation for the school readiness program is not determined in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, it must ~~shall~~ be determined as follows:

1. For each county in the early learning coalition, the total number of unweighted full-time equivalent school readiness

children, as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), which must consider the historical trend of children served and population changes for each county, shall be multiplied by the appropriate care level factor to calculate the weighted full-time equivalent school readiness children. For purposes of this subparagraph, the term "care level factor" means the adjustment made based on the relative differences in reimbursement rates associated with the eligible school readiness children pursuant to s. 1002.87.

2. The total weighted full-time equivalent school readiness children shall be multiplied by the rate index to calculate the adjusted weighted full-time equivalent school readiness children. For purposes of this subparagraph, the term "rate index" means the adjustment made based on the impact of geographic location on reimbursement rates.

3. The school readiness program funds shall be distributed based on each county's proportionate share of the total adjusted weighted full-time equivalent school readiness children.

Section 7. This act shall take effect July 1, 2025.

11:00 AM2

The Florida Senate

APPEARANCE RECORD

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4/22/2025
Meeting Date

Fiscal Policy
Committee

1382
Bill Number or Topic

Amendment Barcode (if applicable)

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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:
FLPTA

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

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April 22, 2025
Meeting Date

Fiscal Policy
Committee

1382
Bill Number or Topic

Amendment Barcode (if applicable)

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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 Chamber of Commerce

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

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S-001 (08/10/2021)

The Florida Senate

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4/22/25
Meeting Date

Fiscal Policy
Committee

1382
Bill Number or Topic

Amendment Barcode (if applicable)

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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:
League of Women Voters of 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/22/25
Meeting Date

Fiscal Policy
Committee

SB 1382
Bill Number or Topic

Amendment Barcode (if applicable)

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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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4-22-25
Meeting Date

Fiscal Policy
Committee

SB 1382
Bill Number or Topic

Amendment Barcode (if applicable)

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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:
United Way of 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

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4-22-25
Meeting Date

Fiscal Policy
Committee

SB 1382
Bill Number or Topic

Amendment Barcode (if applicable)

Name Matt Herndon

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Email matt@teamrsa.com

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:

Tampa Bay Partnership

☐ 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

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:	CS/SB 1388
INTRODUCER:	Appropriations Committee on Agriculture, Environment, and General Government Committee and Senator Trumbull
SUBJECT:	Vessels
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	**Favorable**
2.	Reagan	Betta	AEG	**Fav/CS**
3.	Carroll	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1388 is the "Boater Freedom Act."

The bill provides that a law enforcement officer may not board any vessel or perform a vessel stop without probable cause that a violation of vessel safety laws has occurred or is occurring, regardless of whether the owner or operator of the vessel is on board. The bill provides that a law enforcement officer may not perform a vessel stop or board a vessel for the sole purpose of making a safety or marine sanitation equipment inspection and that a violation of safety and marine sanitation equipment requirements may only be considered a secondary offense.

The bill requires the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Department of Highway Safety and Motor Vehicles to create a "Florida Freedom Boater" safety inspection decal that will be issued following the demonstration of compliance with safety equipment carriage and use requirements.

The bill also contains the "Watercraft Energy Source Freedom Act," which prohibits a state agency, municipality, government entity, or county from restricting the use or sale of a watercraft based on the energy source used to power the watercraft.

The bill provides that facilities designated as Clean Marine Manufacturers will be eligible for a discount on sovereignty submerged land leases and a waiver of extended-term lease surcharges.

It authorizes funding for the construction and maintenance of parking for boat-hauling vehicles and trailers.

The bill provides that the FWC may establish springs protection zones to prevent significant harm to springs, spring groups, and spring runs.

The bill prohibits the FWC from issuing a fishing license to any commercial fishing vessel owned by any alien power.

The bill will have an indeterminate fiscal impact on the FWC regarding the cost of issuing the boater safety inspection decals. This cost can be absorbed within existing agency resources. See Section V, Fiscal Impact Statement.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Vessel Safety and Marine Sanitation Equipment

The owners and operators of every vessel on waters of this state[1] are required to carry, store, maintain, and use safety equipment in accordance with current U.S. Coast Guard safety equipment requirements, unless expressly exempted by the FWC.[2] Equipment required by the U.S. Coast Guard for recreational vessels includes engine cut-off switches, personal floatation devices, visual distress signals, fire extinguishers, and backfire flame controls.[3]

Additionally, Florida law prohibits a person from operating a vessel less than 26 feet in length unless all children under the age of six are wearing a personal flotation device.[4] A vessel must be equipped with properly serviceable lights and shapes required by the navigation rules and prohibits the use of sirens or flashing, occulting, or revolving lights on any vessel, except as expressly allowed.[5] Florida law also requires the operator of a vessel used in the instruction of a water sport or activity to use an engine cut-off switch and wear an operative link to the switch when a person participating in the water sport or activity is in the water.[6]

The discharge of raw sewage from any vessel, including houseboats and floating structures, into Florida waters is prohibited.[7] Every vessel on waters of this state that is 26 feet or more in length with an enclosed cabin that includes berthing facilities must be equipped with a toilet.[8] Every

[1] "Waters of this state" are defined as any navigable waters of the U.S. within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.
[2] Section 327.50(1)(a), F.S.
[3] U.S. Coast Guard, *A Boater's Guide to the Federal Requirements for Recreational Boats* (2023), *available at* https://uscgboating.org/assets/1/AssetManager/Boaters-Guide-to-Federal-Requirements-for-Receational-Boats-20231108.pdf.
[4] Section 327.50(1)(b), F.S.
[5] Section 327.50(2), (3), F.S.
[6] Section 327.50(4), F.S.
[7] Section 327.53(4)(a), F.S.
[8] Section 327.53(1), F.S.

permanent toilet must be properly attached to the appropriate U.S. Coast Guard certified or labeled marine sanitation device.[9] Floating structures with enclosed living spaces that include berthing facilities, or working spaces with public access, as well as houseboats, must be equipped with at least one permanently installed toilet connected to a U.S. Coast Guard certified or labeled Type III marine sanitation device.[10]

Safety and Marine Sanitation Equipment Inspections

The FWC's Division of Law Enforcement and other law enforcement officers[11] are responsible for enforcing state laws relating to vessel safety and vessel titling and registration.[12] As part of this responsibility, law enforcement officers may inspect all vessels on waters of the state.[13]

Law enforcement officers' authority to conduct inspections of safety and marine sanitation equipment aboard vessels is qualified in statute.[14] When an owner or operator is aboard a vessel, law enforcement officers may board the vessel either with the consent of the owner or operator or if the officer has probable cause[15] or knowledge to believe that a violation of vessel safety law has occurred or is occurring.[16] However, an officer may not board any vessel for a safety and marine sanitation equipment inspection if the owner or the operator is not aboard the vessel. If an officer requests to perform an inspection of the vessel and the operator refuses or is unable to display the safety or marine sanitation equipment, the officer may board the vessel. Additionally, an officer may board the vessel if the safety or marine sanitation equipment is permanently installed and is only visible if the officer is on board the vessel.[17]

After the vessel operator demonstrates compliance with the safety equipment carriage and use requirements during an officer-initiated safety inspection, the operator will receive a safety

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[9] *Id.*

[10] Section 327.53(2), (3), F.S. If the toilet is simultaneously connected to both a Type III marine sanitation device and to another approved marine sanitation device, the valve or other mechanism selecting between the two marine sanitation devices must be set to direct all sewage to the Type III marine sanitation device and, while the vessel is on the waters of the state, must be locked or otherwise secured by the boat operator, so as to prevent resetting. Floating structures may be permanently attached to onshore sewage disposal via plumbing. No floating structure may be plumbed to permit the discharge of sewage into the waters of this state. *Id.* A Type III marine sanitation device is typically a holding tank where sewage is stored until it can be discharged either onshore or at sea (beyond three miles from shore). U.S. Environmental Protection Agency, *Marine Sanitation Devices (MSDs)*, https://www.epa.gov/vessels-marinas-and-ports/marine-sanitation-devices-msds (last visited March 19, 2025).

[11] Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the 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.

[12] Section 327.70(1), F.S.

[13] *Id.*

[14] Section 327.56(1), F.S.

[15] The probable cause standard is incapable of precise definition, as it deals with probabilities and depends on the totality of the circumstances. Generally, probable cause exists when a reasonable inquiry would cause a reasonably intelligent and prudent person to believe in the truth of a particular set of facts. *Maryland v. Pringle*, 540 U.S. 366 (2003).

[16] *Id.*

[17] *Id.* Safety and marine sanitation equipment inspections of floating structures must be completed in accordance with inspections of certain facilities, rather than vessels. *See* section 403.091, F.S.

inspection decal signifying that the vessel has met the requirements.[18] The FWC may designate an expiration date for the decals by rule, however the expiration must be valid for at least one year and not more than five years. All decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.[19]

The safety inspection decal is not required to be displayed.[20] However, if it is displayed, it must be placed within six inches of a vessel's properly displayed vessel registration decal. If the decal is displayed on a nonmotorized vessel that does not need to be registered, the decal must be placed above the waterline on the forward half of the vessel's port side.[21] A law enforcement officer may not stop a vessel with a properly displayed and valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with the safety equipment carriage and use requirements, unless the officer has a reasonable suspicion[22] that a violation of the safety equipment carriage or use requirements has occurred or is occurring.[23] This does not restrict an officer from stopping a vessel for any other lawful purpose.[24]

Boating Restricted Areas

Under Florida law, boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.[25]

The FWC may establish boating-restricted areas by rule.[26] Municipalities and counties may establish, by ordinance, boating-restricted areas for speed and wake restrictions and for safety reasons.[27] Municipalities and counties may also establish vessel-exclusion zones if the area is:

- Reserved as a canoe trail,
- Limited to vessels under oars or sail, or
- Reserved for a particular activity and user group separation is needed to protect the participants.[28]

[18] Section 327.70(2)(a)1., F.S.
[19] *Id*.
[20] Section 327.70(2)(a)2., F.S.
[21] *Id*.
[22] Reasonable suspicion takes into account the totality of the circumstances; it is more than a hunch, is considerably less than a preponderance of the evidence, and is obviously less than what is necessary to meet the probable cause standard. *Navarette v. California*, 134 S.Ct. 1683, 1687 (2014) (citing *U.S. v. Cortez*, 101 S.Ct. 690 (1981); *Terry v. Ohio*, 88 S.Ct. 1868 (1968); and *U.S. v. Sokolow*, 109 S.Ct. 1581 (1989).)
[23] Section 327.70(2)(b), F.S.
[24] *Id*.
[25] Section 327.46(1), F.S.
[26] Section 327.46(1)(a), F.S. These areas are established in Rule 68D-24, F.A.C.
[27] Section 327.46(1)(b), F.S.
[28] Section 327.46(1)(c), F.S.

Lease of Sovereignty Submerged Lands by Boating Facilities

Sovereignty submerged lands are owned by the state and include, but are not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line[29] that lay beneath navigable fresh water or tidally influenced waters.[30] Title to sovereignty submerged lands is vested in the Board of Trustees of the Internal Improvement Trust Fund,[31] which is authorized to administer all state-owned lands, including by leasing sovereignty submerged lands.[32]

The Board of Trustees is authorized in statute to lease sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.[33] A marina, boatyard, or marine retailer designated by the Department of Environmental Protection (DEP) as a Clean Marina, Clean Boatyard, or Clean Marine Retailer under the Clean Marina Program may be eligible for a ten percent discount on its annual fee for a sovereign submerged lands lease if the facility:

- Actively maintains designation under the program,
- Complies with the terms of the lease, and
- Does not change use during the terms of the lease.[34]

The facility may also be eligible for a waiver of its extended-term lease surcharges if the facility:

- Actively maintains designation under the program,
- Complies with the terms of the lease,
- Does not change use during the terms of the lease, and
- Is available to the public on a first-come, first-served basis.[35]

If the facility is in arrears on lease fees or does not comply with the eligibility requirements for a waiver of the extended-term lease surcharges, the facility will not be eligible for the discount or waiver until arrears have been paid and compliance with the program has been met.[36]

An extended-term lease is available for up to 25-year terms.[37] A one-time surcharge will be added to the extended-term lease fee for most extended-term leases.[38]

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[29] The mean high water line is the intersection of the local elevation of mean high water with the shore. Mean high water is calculated by taking the average height of high tides over a 19-year period. The mean high water line along the shore of land immediately bordering navigable waters is the boundary between the foreshore owned by the State of Florida and the uplands, which may be privately owned. Chapter 18-21.003(38)-(39), Fla. Admin. Code.
[30] Chapter 18-21.003(67), Fla. Admin. Code.
[31] The Board of Trustees of the Internal Improvement Trust Fund is comprised of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Section 352.02(1), F.S.
[32] Section 253.03(1), (6), and (7), F.S. The Florida Constitution allows for the private use of portions of sovereignty submerged lands, but only when not contrary to the public interest. FLA. CONST. art. X, s. 11.
[33] Section 253.0346, F.S.
[34] Section 253.0346(3), F.S.
[35] *Id*. "First-come, first served" means that the facility operates on state-owned submerged land for which there is no club membership, stock ownership, equity interest, or other qualifying requirement and rental terms do not exceed 12 months and do not include automatic renewal rights or conditions. Section 253.0346(1), F.S.
[36] Section 253.0346(3)(c), F.S.
[37] Chapter 18-21.008(2), Fla. Admin. Code.
[38] Chapter 18-21.011(1)(b), Fla. Admin. Code.

Clean Marina Program

The Clean Marina Program is a voluntary designation program that incentivizes marinas,[39] boatyards,[40] and marine retailers[41] to incorporate best management practices in their operations.[42] These best management practices address issues like sensitive habitats, invasive species, waste management, stormwater control, water and air pollution, spill prevention, and emergency preparedness.[43]

The program also provides compliance assistance and education on storm readiness through the Clean and Resilience Program.[44] In order to obtain the designation of Clean Marina, Clean Boatyard, or Clean Marine Retailer, facilities must meet all of the DEP's regulatory requirements and implement at least 60 percent of the best management practices.[45]

Fuel Tax Collection Trust Fund

The FWC is authorized to develop and administer competitive grant programs funded with money transferred pursuant to the Fuel Tax Collection Trust Fund requirements.[46] These grants may be awarded for:

- The construction and maintenance of publicly owned boat ramps, piers, and docks;
- Boater education;
- Deployment of manatee technical avoidance technology; and
- Economic development initiatives that promote boating in the state.[47]

The Fuel Tax Collection Trust Fund requires an annual disbursement of $2.5 million to the FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.[48] Of those funds, a minimum of $1.25 million must be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local boating-related activities.[49] The remaining $1.25 million may be used for recreational boating activities and freshwater fisheries management and research.[50]

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[39] A marina is a docking facility with ten or more boat slips or a docking facility that provides marine supplies or services required for boating, including but not limited to: dry storage, boat repair, gas, oil, boat sales, boat testing, shellfish or finfish harvesting or distribution, or facilities associated with certain other boating-related commercial establishments. DEP, *Clean Marina Program*, https://floridadep.gov/rcp/clean-marina/content/clean-marina-program (last visited March 4, 2025).
[40] A boatyard is a facility that provides a repair or refinishing site for hull, mechanical, or electrical work on vessels. *Id*.
[41] A marine retailer sells new or used boats and provides services like onsite or offsite repairs or refinishing for hull, mechanical, or electrical work. *Id*.
[42] DEP, *Florida Clean Marina Best Management Practices*, 2 (2020), *available at* https://floridadep.gov/sites/default/files/2020_Florida_Clean_Marina_Best_Management_Practices.pdf.
[43] *See* DEP, *Florida Clean Marina Best Management Practices*; DEP, *Clean Marina Program*.
[44] DEP, *Clean Marina Program*.
[45] *Id*.
[46] Section 327.47, F.S.
[47] *Id*.
[48] Section 206.606(1)(b), F.S.
[49] *Id*.
[50] *Id*.

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the "Boater Freedom Act."

Section 2 amends s. 253.0346, F.S., concerning the lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers. The bill provides that a facility designated as a Clean Marine Manufacturer under the Clean Marina Program will be eligible for a ten percent discount on its annual lease of sovereignty submerged lands, as well as a waiver of its extended-term lease surcharge, if it meets certain criteria. Facilities designated as Clean Marinas, Clean Boatyards, or Clean Marine Retailers are already eligible under current law.

Section 3 amends s. 327.45, F.S., to provide that the FWC may establish springs protection zones to prevent significant harm where the operation, anchoring, mooring, beaching, or grounding of vessels is determined to be the cause of significant impacts.

Section 4 amends s. 327.47, F.S., which authorizes the FWC to develop and administer competitive grants programs funded by the Fuel Tax Collection Trust Fund. The bill provides that, in addition to what is currently authorized, grants may be awarded for the construction and maintenance of parking for boat-hauling vehicles and trailers.

Section 5 amends s. 327.56, F.S., which concerns safety and marine sanitation equipment inspections. Current law prohibits an officer from boarding a vessel to perform a safety or marine sanitation equipment inspection if the owner or operator is not aboard the vessel. The bill clarifies that an officer may not board a vessel for the sole purpose of performing a safety or marine sanitation equipment inspection. The bill provides that a violation of safety or marine sanitation equipment requirements is a secondary offense, rather than a primary offense.

Section 6 amends s. 327.70, F.S., to require the FWC to coordinate with the Florida Department of Highway Safety and Motor Vehicles to create a "Florida Freedom Boater" safety inspection decal that will be issued following the demonstration of compliance with safety equipment carriage and use requirements at the time of registration or renewal. The decal will signify that a vessel is deemed to have met safety equipment carriage and use requirements.

The bill removes language providing that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.

The bill requires the display of the "Florida Freedom Boater" safety inspection decal.

The bill deletes language prohibiting an officer from stopping a vessel displaying a valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with safety equipment carriage and use requirements unless there is reasonable suspicion that a violation of such requirements has occurred or is occurring. The bill provides that a law enforcement officer is not restricted from stopping a vessel for any lawful purpose when the officer has probable cause or knowledge to believe that a violation has occurred or is occurring.

Section 7 creates s. 327.75, F.S., which may be cited as the "Watercraft Energy Source Freedom Act." The bill defines "energy source" to mean any source of energy used to power a watercraft,

including, but not limited to, gasoline, diesel fuel, electricity, hydrogen, and solar power. It also defines "watercraft" to mean any vessel or craft designed for navigation on water, including boats and personal watercraft.

The bill prohibits a state agency, municipality, government entity, or county from restricting the use or sale of a watercraft based on the energy source used to power the watercraft. This includes an energy source used for propulsion or used for powering other functions of the watercraft.

Section 8 amends s. 379.226, F.S., to prohibit the issuance of commercial fishing vessel licenses to any alien power. Current language prohibits the issuance of commercial fishing vessel licenses to alien powers which subscribes to the doctrine of international communism.

Section 9 provides an effective date of 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There will be indeterminate cost savings to a Clean Marine Manufacturer under the Clean Marina Program as they will be eligible for a ten percent discount on its annual lease of sovereignty submerged lands, as well as a waiver of its extended-term lease surcharge.

C. Government Sector Impact:

The bill will have an indeterminate fiscal impact on the FWC regarding the cost of issuing the boater safety inspection decals. This cost can be absorbed within existing agency resources. There may also be an indeterminate, but insignificant, loss of revenue to the Board of Trustees of the Internal Improvement Trust Fund as a Clean Marine Manufacturer under the Clean Marina Program will be eligible for a ten percent discount on its annual lease of sovereignty submerged lands, as well as a waiver of its extended-term lease surcharge.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 253.0346, 327.45, 327.47, 327.56, 327.75, 379.226, and 327.70.

This bill creates section 327.75 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 Appropriations Committee on Agriculture, Environment, and General Government on April 10, 2025:
The committee substitute:

- Removes the definition of probable cause added in the underlying bill.
- Provides that an officer may not board any vessel or perform a vessel stop without probable cause that a violation of vessel safety laws has occurred or is occurring, regardless of whether the owner or operator of the vessel is on board.
- Removes the requirement in the underlying bill that an officer must make a good faith attempt not to board a vessel if the owner or operator is not on board.
- Clarifies that an officer may not perform a vessel stop or board a vessel for the sole purpose of making a safety or marine sanitation equipment inspection.
- Authorizes the Florida Fish and Wildlife Conservation Commission to create springs protections zones to modify the allowable means of anchoring, mooring, beaching, or grounding vessels.
- Provides that the commission may establish springs protection zones to prevent significant harm to springs, spring groups, and spring runs.

- Expands the description of "significant harm" to include negative impacts where the operation, anchoring, mooring, beaching, or grounding of vessels is determined to be the predominant cause.
- Prohibits the commission from issuing a fishing license to any commercial fishing vessel owned by any alien power. Current language prohibits FWC from issuing commercial fishing licenses to any vessel owned by an alien power that subscribes to the doctrine of international communism.
- Removes the severability clause in the underlying bill.

B. Amendments:

None.

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

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Trumbull

601-03465-25 20251388c1

A bill to be entitled

An act relating to vessels; providing a short title; amending s. 253.0346, F.S.; including Clean Marine Manufacturers within the Clean Marine Program; amending s. 327.45, F.S.; specifying that the Fish and Wildlife Conservation Commission's authorization to establish protection zones includes modifying the allowable means of certain vessel positioning to prevent significant harm to certain springs; revising what constitutes significant harm; amending s. 327.47, F.S.; authorizing certain grants to be awarded for the construction and maintenance of publicly owned parking for boat-hauling vehicles and trailers; amending s. 327.56, F.S.; prohibiting an officer from performing a vessel stop or boarding a vessel without probable cause; prohibiting an officer from performing a vessel stop or boarding a vessel under certain circumstances; providing that a violation of safety or marine sanitation equipment requirements is a secondary rather than a primary offense; amending s. 327.70, F.S.; requiring the commission, in coordination with the Department of Highway Safety and Motor Vehicles, to create the "Florida Freedom Boater" safety inspection decal for specified purposes; providing for the award of such decal; providing requirements for such decal; authorizing an officer to stop a vessel for a lawful purpose when the officer has probable cause or knowledge to believe a violation of certain provisions has occurred or is occurring; creating s. 327.75, F.S.; providing a short title; defining the terms "energy source" and "watercraft"; prohibiting specified entities from restricting the use or sale of watercraft based on the energy source used by such watercraft; amending s. 379.226, F.S.; revising provisions prohibiting the issuance of a license to a vessel owned by certain alien powers; providing an effective date.

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

601-03465-25 20251388c1

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

Section 1. This act may be cited as the "Boater Freedom Act."

Section 2. Subsection (3) of section 253.0346, Florida Statutes, is amended to read:

253.0346 Lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.—

(3) For a facility designated by the department as a Clean Marina, Clean Boatyard, Clean Marine Manufacturer, or Clean Marine Retailer under the Clean Marina Program:

(a) A discount of 10 percent on the annual lease fee shall apply if the facility:

1. Actively maintains designation under the program.

2. Complies with the terms of the lease.

3. Does not change use during the term of the lease.

(b) Extended-term lease surcharges shall be waived if the facility:

1. Actively maintains designation under the program.

2. Complies with the terms of the lease.

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

3. Does not change use during the term of the lease.

4. Is available to the public on a first-come, first-served basis.

(c) If the facility is in arrears on lease fees or fails to comply with paragraph (b), the facility is not eligible for the discount or waiver under this subsection until arrears have been paid and compliance with the program has been met.

Section 3. Subsection (2) of section 327.45, Florida Statutes, is amended to read:

327.45 Protection zones for springs.—

(2) The commission may establish by rule protection zones that restrict the speed and operation of vessels, or that prohibit or modify the allowable means of anchoring, mooring, beaching, or grounding ~~of~~ vessels, to protect and prevent significant harm to first, second, and third magnitude springs and springs groups, including their associated spring runs, as determined by the commission using the most recent Florida Geological Survey springs bulletin. Significant ~~This~~ harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species where the operation, anchoring, mooring, beaching, or grounding of vessels is determined to be the predominant cause of negative impacts.

Section 4. Section 327.47, Florida Statutes, is amended to read:

327.47 Competitive grant programs.—The commission shall develop and administer competitive grant programs funded with moneys transferred pursuant to s. 206.606(1)(d). Grants may be awarded for the construction and maintenance of publicly owned

boat ramps, parking for boat-hauling vehicles and trailers, piers, and docks; boater education; deployment of manatee technical avoidance technology; and economic development initiatives that promote boating in the state. The commission may adopt rules pursuant to chapter 120 to implement this section.

Section 5. Section 327.56, Florida Statutes, is amended to read:

327.56 Safety and marine sanitation equipment inspections; probable cause; qualified.—

(1) An ~~No~~ officer may not ~~shall~~ board any vessel or perform a vessel stop in this state unless ~~to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard. When the owner or operator is aboard, an officer may board a vessel with consent or when~~ the officer has probable cause ~~or knowledge~~ to believe that a violation of ~~a provision of~~ this chapter has occurred or is occurring.

(2) An officer may not perform a vessel stop or board a vessel for the sole purpose of performing a safety or marine sanitation equipment inspection. A violation of safety or marine sanitation equipment requirements is a secondary offense, rather than a primary offense ~~An officer may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by a law enforcement officer, or when the safety or marine sanitation equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel~~.

~~(2) Inspection of floating structures for compliance with this section shall be as provided in s. 403.091~~.

Section 6. Subsection (2) of section 327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(2)(a)1. The commission, in coordination with the Department of Highway Safety and Motor Vehicles, shall create a "Florida Freedom Boater" safety inspection decal for issue at the time of registration or renewal, signifying that the vessel is deemed to have met the safety equipment carriage and use requirements of this chapter. Upon demonstrated compliance with the safety equipment carriage and use requirements of this chapter at the time of registration or renewal ~~during a safety inspection initiated by a law enforcement officer~~, the operator of a vessel shall be issued a "Florida Freedom Boater" safety inspection decal ~~signifying that the vessel is deemed to have met the safety equipment carriage and use requirements of this chapter at the time and location of such inspection~~. The commission may designate by rule the timeframe for expiration of, and the specific design for, the "Florida Freedom Boater" safety inspection decal. However, a decal may not be valid for less than 1 calendar year or more than 5 years at the time of issue and, at a minimum, must meet the standards specified in this paragraph. ~~All decals issued by the commission on or before December 31, 2018, are no longer valid after that date.~~

2. The "Florida Freedom Boater" safety inspection decal~~, if displayed,~~ must be located within 6 inches of the inspected vessel's properly displayed vessel registration decal. For nonmotorized vessels that are not required to be registered, the "Florida Freedom Boater" safety inspection decal~~, if displayed,~~ must be located above the waterline on the forward half of the

port side of the vessel.

(b) ~~If a vessel properly displays a valid safety inspection decal created or approved by the division, a law enforcement officer may not stop the vessel for the sole purpose of inspecting the vessel for compliance with the safety equipment carriage and use requirements of this chapter unless there is reasonable suspicion that a violation of a safety equipment carriage or use requirement has occurred or is occurring.~~ This subsection does not restrict a law enforcement officer from stopping a vessel for any other lawful purpose when the officer has probable cause to believe that a violation of this chapter has occurred or is occurring.

Section 7. Section 327.75, Florida Statutes, is created to read:

327.75 Watercraft Energy Source Freedom Act.—

(1) SHORT TITLE.—This section may be cited as the "Watercraft Energy Source Freedom Act."

(2) DEFINITIONS.—For the purposes of this section, the term:

(a) "Energy source" means any source of energy used to power a watercraft, including, but not limited to, gasoline, diesel fuel, electricity, hydrogen, and solar power.

(b) "Watercraft" means any vessel or craft designed for navigation on water, including boats and personal watercraft.

(3) PROHIBITION ON RESTRICTIONS BASED ON ENERGY SOURCE.—Notwithstanding any other law to the contrary, a state agency, municipality, governmental entity, or county may not restrict the use or sale of a watercraft based on the energy source used to power the watercraft, including an energy source used for

propulsion or used for powering other functions of the watercraft.

Section 8. Subsection (3) of section 379.226, Florida Statutes, is amended to read:

379.226 Florida Territorial Waters Act; alien-owned commercial fishing vessels; prohibited acts; enforcement.—

(3) No license shall be issued by the Fish and Wildlife Conservation Commission under s. 379.361~~,~~ to any vessel owned in whole or in part by any alien power~~, which subscribes to the doctrine of international communism, or any subject or national thereof, who subscribes to the doctrine of international communism, or any individual who subscribes to the doctrine of international communism, or who shall have signed a treaty of trade, friendship and alliance or a nonaggression pact with any communist power. The commission shall grant or withhold said licenses where other alien vessels are involved on the basis of reciprocity and retorsion, unless the nation concerned shall be designated as a friendly ally or neutral by a formal suggestion transmitted to the Governor of Florida by the Secretary of State of the United States. Upon the receipt of such suggestion licenses shall be granted under s. 379.361, without regard to reciprocity and retorsion, to vessels of such nations~~.

Section 9. This act shall take effect July 1, 2025.

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The Florida Senate

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4-22-25
Meeting Date

Senate Fiscal Policy
Committee

1388
Bill Number or Topic

Amendment Barcode (if applicable)

Name Missy Timmins (Margaret) Phone 850-616-8006

Address 2910 Kerry Forest Pky D4366 Email missy@timminsconsulting.com
Street

TLH FL 32309
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:

Marine Industries Association of Florida

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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4/22/25
Meeting Date

Fiscal Policy
Committee

1388
Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Bell

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

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S-001 (08/10/2021)

4/22/2025
Meeting Date

Fiscal Policy
Committee

The Florida Senate

APPEARANCE RECORD

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1388
Bill Number or Topic

Amendment Barcode (if applicable)

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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

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4/22/2025
Meeting Date

1388
Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Kimberly Russo

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City State Zip

Speaking: [X] 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:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: America's GreatLoop Cruisers Assoc.

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

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: CS/CS/CS/SB 1444

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Collins

SUBJECT: Public Safety

DATE: April 24, 2025 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Vaughan	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1444 amends current law regarding criminal justice. Specifically, the bill:

- Amends s. 112.1815, F.S., to specify that amputee first responders may continue to serve if they meet certification requirements without accommodation;
- Creates s. 112.195, F.S., to create honorary medal programs to be named the Florida Medal of Valor and Florida Blue/Red Heart Medal;
- Creates s. 316.2675, F.S., to prohibit the use of devices that can shut off or prevent a vehicle's engine from starting and provides exceptions;
- Amends s. 500.92, F.S., to specify that kratom products for sale to a person younger 21 years of age is a first degree misdemeanor;
- Amends s. 775.0823, F.S., regarding violent offenses against justice system personnel, to add a minimum mandatory sentence of 25 years for first degree attempted murder;[1]
- Amends s. 790.052, F.S., to add judges, state attorneys and assistant state attorneys to the list of positions that have the right to carry concealed firearms during off-duty hours and utilize their weapons in a manner which is reasonably expected of on-duty officers in similar situations;
- Amends s. 817.49, F.S., regarding false reports of the commission of crimes to encourage each state attorney to adopt a pro-prosecution policy for the false reporting of crimes;

[1] Section 782.04, F.S.

- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless;
- Amends s. 937.021, F.S., to revise procedures for handling missing persons reports by revising the review and reporting requirements;
- Amends s. 937.022, F.S., to remove reference to the National Missing and Unidentified Persons System;
- Creates s. 943.0413, F.S., to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement;
- Amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee; and

Additionally, the bill may have a positive insignificant prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025, except as otherwise expressly provided in this act.

II. Present Situation:

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.[2]

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. All full-time, part-time, or auxiliary officers shall successfully complete at least 40 hours of in-service training or Advanced, Specialized, or Career Development Training courses every four years.[3] The certification of any officer who fails to meet the mandatory retraining requirement shall become inactive.[4]

First Responders

A "first responder" is a law enforcement officer, a correctional officer, a correctional probation officer, a firefighter, or an emergency medical technician or paramedic, employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical

[2] Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at https://www.fdle.state.fl.us/CJSTC/Overview.aspx (last visited March 18, 2025).
[3] Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Mandatory Retraining Requirements*, available at https://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Mandatory-Retraining (last visited March 18, 2025).
[4] Section 943.1395(4), F.S.

technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Licensing Exemptions and Carry Requirements

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.[5]

Currently, all persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9), F.S., shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.[6]

Blood Testing of Inmates

Section 951.27, F.S., provides that each county and municipal detention facility must have a written procedure to establish the conditions under which an inmate will be tested for infectious disease.[7]

Except as otherwise provided, the results of such blood tests are confidential and exempt. Results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information. Also, one such exception to this exemption is that a victim, or the victim's parent or legal guardian, may request the results of any human immunodeficiency virus test performed on an inmate who has been arrested for a sexual offense involving oral, anal, or female genital penetration by, or union with, the sexual organ of another.

False Reports of Commissions of Crimes

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.[8]

Pursuant to 817.49, F.S., a person who willfully imparts, conveys, or causes to be imparted or conveyed to a law enforcement officer or employee of a public safety agency false information

[5] Section 790.051, F.S.
[6] Section 790.052(1)(a), F.S.
[7] Section 951.27(1), F.S.
[8] Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347 (last visited March 28, 2025).

or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed, commits a first degree misdemeanor. If a false report of a crime results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a third degree felony.[9]
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a second degree felony.[10]

Federal Provisions

Under Title 18 U.S.C. 1038, also known as the false information and hoaxes law, it is illegal for a person to engage in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that it relates to certain criminal chapters of law such as crimes or threats involving biological or chemical weapons, crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.[11]

A person who commits an offense under this federal law shall:

- Be fined or imprisoned for not more than five years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

Motor Vehicle Kill Switch

A kill switch is an anti-theft device that interrupts the flow of electricity to critical vehicle components, such as the ignition system or fuel pump.[12] When the switch is in the “off” or “kill” position, it interrupts the electrical or fuel supply to the engine, effectively preventing it from starting or running.[13] There are several types of kill switches including ignition wire kill switch, fuse box kill switch, remote controlled car battery switch, car battery disconnect switch, and fuel line shut off valves.[14]

[9] Sections 775.082, 775.083, or 775.084, F.S.
[10] Sections 775.082, 775.083, or 775.084, F.S.
[11] 18 U.S.C.A. § 1038
[12] Motor Hills, *How to Choose and Install the Best Car Theft Protection Kill Switches*, available at https://motorhills.com/how-to-choose-and-install-the-best-car-theft-protection-kill-switches/ (last visited March 28, 2025).
[13] Electronics Hub, *Car Kill Switches: Types, Installation & All You Need to Know*, available at https://www.electronicshub.org/types-of-kill-switches/ (last visited March 28, 2025).
[14] Dash Cam Guide, *5 Best Ways to Install a Kill Switch in Your Car,* available at https://dashcameras.net/car-kill-switch/ (last visited March 28, 2025).

Missing Persons Reports

Current law requires all law enforcement agencies to adopt written policies for investigating missing child and adult reports.[15] These policies must ensure timely and thorough investigations and outline procedures for handling such cases, including accepting reports, managing investigations, and maintaining records stored in the Florida Crime Information Center[16] (FCIC), the National Crime Information Center (NCIC),[17] and the National Missing and Unidentified Persons System (NamUs).[18] Agencies must review these cases at least monthly and determine whether to maintain them in the database.[19]

Agencies must accept missing child and adult reports in the jurisdiction where the person was last seen.[20] Once a report is filed, law enforcement must notify other relevant agencies and input the information into the state and national databases within two hours.[21]

Mandatory Minimum Sentencing

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court- imposed sentences.[22] These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

Violent Offenses Committed Against Specified Justice System Personnel

Currently, s. 775.0823, F.S. provides for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer,[23] state attorney,[24] assistant state attorney[25], public defender[26] regional counsel[27] court-appointed counsel appointed or defense attorney in a criminal proceeding; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the

[15] Section 937.021(1), F.S.
[16] U.S. Department of Justice Office of Justice Programs, *Florida Crime Information Center Virtual Library*, available at https://www.ojp.gov/ncjrs/virtual-library/abstracts/florida-crime-information-center (last visited April 15, 2025).
[17] Federal Bureau of Investigation, *Privacy Impact Assessment: National Crime Information Center (NCIC)*, available at https://www.fbi.gov/file-repository/pias/pia-ncic-020723.pdf/view (last visited April 15, 2025).
[18] National Missing and Unidentified Persons System, *What is NamUs?*, https://namus.nij.ojp.gov/what-namus (last visited April 15, 2025).
[19] Section 937.021(1)(c), F.S.
[20] Section 937.021(3), F.S.
[21] Section 937.021(4), F.S.
[22] U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications*, available at https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future (last visited on March 28, 2025).
[23] Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.
[24] Section 27.01, F.S.
[25] Section 27.181, F.S.
[26] Section 27.50, F.S.
[27] Section 27.511(3), F.S.

duties. The penalty for murder in the first degree,[28] if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

Florida Kratom Consumer Protection Act of 2023

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,[29] which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. The Florida Department of Agriculture and Consumer Services (FDACS) adopted rules to implement the act.[30]

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymytragynine in its leaves, which are two major psychoactive ingredients.[31] The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.[32]

Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.[33] The toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.[34]

In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.

Currently, kratom is not listed as a controlled substance under federal law or Florida law.

Critical Infrastructure Mapping

The United States depends on the reliable function of critical infrastructure. Cybersecurity threats exploit the increased complexity and connectivity of critical infrastructure systems, placing the Nation's security, economy, and public safety and health at risk.[35]

"Critical infrastructure" is defined in the U.S. Patriot Act of 2001 to mean "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."[36] The critical

[28] Section 782.04(1), F.S.
[29] Section 500.92, F.S.
[30] Fla. Admin. Code R. 5K-4.030.
[31] Drug Enforcement Administration, *Kratom*, available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited April 16, 2025).
[32] *Id.*
[33] *Id.*
[34] Id.; see also Florida Department of Law Enforcement, Drugs Identified in Deceased Persons by Florida Medical Examiners (May 2022), available at https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx (last visited April 16, 2025).
[35] Framework for Improving Critical Infrastructure Cybersecurity, (NIST CSF), National Institute of Standards and Technology, April 16, 2018, https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf *(*last visited on April 1, 2025).
[36] 42 U.S.C. § 5195c(e).

infrastructure community includes public and private owners and operators, and other entities with a role in securing the Nation's infrastructure.

"Critical infrastructure" is addressed in several sections of Florida law, including in s. 119.0725, F.S., which defines it as existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.[37]

"Critical infrastructure facility" is also defined in Florida Statute and is defined in s. 330.41, F.S., as if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders. In part, facilities include:

- An electrical power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural or liquid gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A state or county correctional institution.

III. Effect of Proposed Changes:

The bill amends various laws regarding the criminal justice system.

Section 1 amends s. 112.1815, F.S., to specify that amputee first responders may continue to serve if they meet certification requirements without an accommodation.

Section 2 creates s. 112.195, F.S., relating to two state honorary medals: the Florida Medal of Valor for first responders, and related personnel, who go above and beyond to save lives, and the Florida Blue/Red Heart Medal for law enforcement, correctional, and correctional probation officers and firefighters injured in the line of duty. These awards, administered by FDLE and authorized to be presented by the Governor or his or her designee, require a nomination by a state resident or employing agency. Recipients will be selected by a five-member board, with members serving two-year terms. Three members will be appointed by the Governor, and one each appointed by the President of the Senate and Speaker of the House of Representatives. At least three board members must be active or former law enforcement officers or firefighters.

Section 3 creates s. 316.2675, F.S., relating to motor vehicle kill switches, to prohibit the use of devices that can be remotely activated to disable a vehicle's engine or prevent a vehicle's engine from starting. This does not apply to the owner of the vehicle; law enforcement officers performing their duties to prevent felonies; any person acting on behalf of subscriptions or

[37] Section 119.0725(1)(b), F.S.

memberships. Persons who utilize such devices in violation of this section are subject to second degree misdemeanor penalties.[38]

Section 4 amends s. 500.92, F.S., to specify that kratom products for sale to a person younger 21 years of age is a first degree misdemeanor.

Section 5 amends s. 775.0823, F.S., regarding violent offenses against justice system personnel to add a minimum mandatory sentence of 25 years for first degree attempted murder.[39]

Section 6 amends s. 790.052, F.S., adding judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off-duty hours and utilize their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Section 7 amends s. 817.49, F.S., regarding false reports of the commission of crimes to encourage each state attorney to adopt a pro-prosecution policy for the false reporting of crimes.

Section 8 amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless.

Section 9 amends s. 937.021, F.S., to revise procedures for handling missing persons reports by changing the required review of cases from monthly to annually in the National Missing and Unidentified Persons System (NamUs). It also extends the reporting deadline, requiring that missing persons reports be submitted to NamUs within 90 days of being filed, rather than within two hours. The current review and reporting timeframes relating to the Florida Crime Information Center and National Crime Information Center remain unchanged.

Section 10 amends s. 937.022, F.S., to remove reference to the National Missing and Unidentified Persons System.

Section 11 creates s. 943.0413, F.S., effective July 1, 2025, to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement to support the ongoing assessment of the state's vulnerability to, and ability to recover from, acts of terrorism. The bill specifies that each map created using funds received from the grant program must be created in an electronic or digital format and must be provided to all local, state, and federal responding agencies upon request.

Section 12 amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and must require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee. The bill provides that any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne

[38] A second degree misdemeanor is punishable by up to 60 days in the county jail and a $500 fine. ss.775.082 and 775.083, F.S.
[39] Section 782.04, F.S.

pathogens from an arrestee to notice the facility within 24 hours after the exposure. If incapacitated, the agency must make such notice. Notice invokes immediate testing of the arrestee.

Section 23 provides that the bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

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 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 insignificant prison bed impact 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 three new commitments to prison for attempted murder of a police officer, correctional officer, or correctional probation officer under

s. 782.065, F.S. Since these numbers do not include other justice system personnel, there are other statutes where these attempted murders would likely be included. There were 29 new commitments for attempted felony murder under s. 782.051, F.S. Also, there were 370 new commitments for 1st degree premeditated murder or attempted murder under s. 782.04, F.S. As described, the data under s. 782.04, F.S., includes both actual murder and attempted murder, so these numbers would likely be lower if only premeditated murder was included. Furthermore, it is not known how many of the other court system personnel are included in these numbers. Additionally, there were two new commitments to prison in the same time period for manslaughter of those officers listed under s. 782.07, F.S., which includes other positions, such as firefighters. The sentence lengths for both were roughly fifteen years.

- Per the DOC, in FY 23-24, there were 2,520 new commitments to prison for weapons offenses. It is not known how many of these involved offenses committed by the officials described above, though their potential offenses would likely be for carrying a concealed firearm, where there were 79 new commitments.
- Per the FDLE, in FY 23-24, there were 67 arrests for misdemeanor false reports of commission of crimes, with 31 guilty/convicted charges and 8 adjudication withheld charges.
- Per the DOC, in FY 23-24, there were no new commitments to prison for willful making of a false report causing great bodily harm, permanent disfigurement, or permanent disability or new commitments for making a false report resulting in death. Per the DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7 percent. The incarceration rate for a Level 3, 2nd degree felony was 20 percent, and the incarceration rate for a Level 6, 1st degree felony was 44.4 percent.[40]

VI. Technical Deficiencies:

The bill adds judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off duty hours and utilize their weapon in a manner reasonably expected of on duty officers. This section of law provides this right to persons who have CJSTC training. Judges, state attorneys and assistant state attorneys do not have CJSTC training.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.1815, 112.195, 500.92, 775.0823, 790.052, 817.49, 843.025, 937.021, 937.022, and 951.27.

This bill creates the following sections of the Florida Statutes: 316.2675 and 943.0413.

[40] Office of Economic and Demographic Research, *SB 1444 Criminal Justice*, (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/CS by Fiscal Policy on April 22, 2025:
The committee substitute:

- Removes provisions which provided an exception that correctional probation officers be exempt from licensing requirements for concealed carry.
- Removes provisions that specified that a judge cannot prevent persons authorized to carry from carrying in any other area of the courthouse, provisions, amending the definition of "serious felony offense."
- Removes provisions that removed certain circumstances where criminal histories are automatically sealed.
- Increases the penalty for selling any kratom product to a person under 21 from a second degree misdemeanor to a first degree misdemeanor, and removes language in the original bill relating to specified kratom products.

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 15, 2025:
The committee substitute:

- Amends s. 112.1815, F.S., to specify that amputee first responders may continue to serve if they meet certification requirements without accommodation.
- Creates s. 112.195, F.S., to create honorary medal programs to be named the Florida Medal of Valor and Florida Blue/Red Heart Medal.
- Amends s. 500.92, F.S., to add certain kratom products that are adulterated with synthesized or semi-synthesized kratom alkaloids or constituents or contain certain levels in the alkaloid fraction to the list of prohibited products for sale to a person younger 21 years of age. A violation is a first degree misdemeanor.
- Amends s. 817.49, F.S., regarding false reports of the commission of crimes to encourage each state attorney to adopt a pro-prosecution policy for the false reporting of crimes.
- Amends s. 790.06, F.S., to specify that judge cannot prevent a person who is otherwise authorized to carry a concealed weapon or concealed firearm in a courthouse, from carrying such a concealed weapon or firearm in any other area of the courthouse other than his or her courtroom.
- Amends s. 937.021, F.S., to revise procedures for handling missing persons reports by revising the review and reporting requirements.
- Amends s. 937.022, F.S., to remove reference to the National Missing and Unidentified Persons System.
- Removes provisions allowing the Florida Highway Patrol to retain reimbursement funds paid by patrol officers.
- Removes provisions allowing certified law enforcement officers who are not actively employed by a law enforcement agency to retain their certification by complying with certification requirements.
- Removes provision regarding the use of artificial intelligence for specified purposes in conjunction with data and first responder body cameras.

- Removes the increased penalties for making a false report of a crime and providing policies concerning enforcement.

CS by Criminal Justice on April 1, 2025:
The amendment:

- Creates exceptions to the crime of using a vehicle kill switch.
- Removes provisions requiring a life sentence for manslaughter if the victim is a law enforcement officer.
- Provides that Artificial Intelligence may be used, however information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device.
- Creates the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement.
- Adds battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of "serious felony offense," in s. 914.25, F.S.
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs.

B. Amendments:

None.

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

370304

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) is added to section 112.1815, Florida Statutes, to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(7) An individual who is certified as a first responder and



has a physical disability resulting from an amputation may continue to serve as a first responder if he or she meets the first responder certification requirements without an accommodation.

Section 2. Section 112.195, Florida Statutes, is created to read:

112.195 Florida Medal of Valor and Florida Blue/Red Heart Medal.—

(1)(a) There is created the Florida Medal of Valor for first responders as defined in s. 112.1815 and related personnel. The medal may be awarded only to a first responder or related personnel who goes above and beyond the call of duty to save the life of an individual.

(b) There is created the Florida Blue/Red Heart Medal. The medal shall be awarded to a law enforcement officer, firefighter, correctional officer, or correctional probation officer who is injured in the line of duty.

(2) The Governor, or his or her designee, may present the awards. The awards shall be issued and administered through the Department of Law Enforcement. A resident of this state or an employing agency in this state must apply for the Florida Medal of Valor or the Florida Blue/Red Heart Medal on behalf of the potential recipient.

(3)(a) An application for a medal under this section must be considered and acted upon by a board charged with the duty of evaluating the appropriateness of the application. The board shall be composed of five members as follows:

1. Three members appointed by the Governor.

2. One member appointed by the Speaker of the House of

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Representatives.

3. One member appointed by the President of the Senate.

(b) Members of the board shall serve 2-year terms. Any vacancy on the board must be filled within 3 months. At least three board members must be active, retired, or former law enforcement officers or firefighters.

Section 3. Section 316.2675, Florida Statutes, is created to read:

316.2675 Vehicle kill switches; prohibited uses.—

(1) A person may not use any device that can be remotely activated to disable a vehicle's engine or to prevent a vehicle's engine from starting unless he or she is:

(a) The owner of the vehicle;

(b) A law enforcement officer acting in the course and scope of his or her duties to prevent the commission of a felony; or

(c) Acting for or on behalf of a company that offers a subscription, recurring payment program, or lease in connection with the vehicle.

(2) A person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section does not apply to the manufacturer of a vehicle.

Section 4. Subsections (3) and (4) of section 500.92, Florida Statutes, are amended to read:

500.92 Florida Kratom Consumer Protection Act.—

(3) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person

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younger than ~~who is under~~ 21 years of age.

(4) A person who violates ~~violation of~~ subsection (3) commits ~~is~~ a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Subsection (2) of section 775.0823, Florida Statutes, is amended to read:

775.0823 Violent offenses committed against specified justice system personnel.—The Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; against any public defender elected pursuant to s. 27.50 or regional counsel appointed pursuant to s. 27.511(3); against any court-appointed counsel appointed under s. 27.40 or defense attorney in a criminal proceeding; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, the public defender or regional counsel acting in his or her capacity as defense counsel, the court-appointed counsel or defense attorney in a criminal proceeding acting in his or her capacity as defense counsel, or the justice's or judge's duty as a judicial officer, as follows:

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084. A person convicted under this subsection must be



sentenced to a mandatory minimum term of imprisonment of 25 years.

Notwithstanding s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 6. Paragraph (a) of subsection (1) of section 790.052, Florida Statutes, is amended to read:

790.052 Carrying concealed firearms; off-duty law enforcement officers.—

(1)(a) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9), all judges, and all state attorneys and assistant state attorneys shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Section 7. Subsection (4) is added to section 817.49, Florida Statutes, to read:

817.49 False reports of commission of crimes; penalty.—

(4) The Legislature finds that the false reporting of crimes is a threat to public safety and a threat to the safety of law enforcement officers and other first responders. As such, the Legislature encourages each state attorney to adopt a pro-


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prosecution policy for the false reporting of crimes as prohibited in this section.

Section 8. Section 843.025, Florida Statutes, is amended to read:

843.025 Depriving officer of means of protection or communication.—

(1) It is unlawful for any person to do any of the following to ~~deprive~~ a law enforcement officer as defined in s. 943.10(1), a correctional officer as defined in s. 943.10(2), or a correctional probation officer as defined in s. 943.10(3):

(a) Deprive the officer of her or his weapon or radio; digital recording device, including a body camera as defined in s. 943.1718(1); or restraint device, including handcuffs, or to otherwise deprive the officer of the means to defend herself or himself or summon assistance.

(b) Render useless the officer's weapon or radio; digital recording device, including a body camera as defined in s. 943.1718(1); or restraint device, including handcuffs, or to otherwise prevent the officer from defending herself or himself or summoning assistance.

(2) Any person who violates this section commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Paragraph (c) of subsection (1) and subsection (4) of section 937.021, Florida Statutes, are amended to read:

937.021 Missing child and missing adult reports.—

(1) Law enforcement agencies in this state shall adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. The

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policies must ensure that cases involving missing children and adults are investigated promptly using appropriate resources. The policies must include:

(c) Standards for maintaining and clearing computer data of information concerning a missing child or missing adult which is stored in the Florida Crime Information Center, the National Crime Information Center, and the National Missing and Unidentified Persons System. The standards must require, at a minimum, a monthly review of each case entered into the Florida Crime Information Center and the National Crime Information Center, an annual review of each case entered into the National Missing and Unidentified Persons System, and a determination of whether the case should be maintained in the databases ~~database~~.

(4)(a) Upon the filing of a police report that a child is missing by the parent or guardian, the Department of Children and Families, or a community-based care provider, the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and~~,~~ the National Crime Information Center~~, and the National Missing and Unidentified Persons System~~ databases and shall, within 90 days after receipt of the report, transmit the report to the National Missing and Unidentified Persons System. A law enforcement agency may not require a reporter to present an order that a child be taken into custody or any other such order before accepting a report that a child is missing.



(b) Upon the filing of a credible police report that an adult is missing, the law enforcement agency receiving the report shall, within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and~~,~~ the National Crime Information Center~~,~~ ~~and the National Missing and Unidentified Persons System~~ databases and shall, within 90 days after receipt of the report, transmit the report to the National Missing and Unidentified Persons System.

Section 10. Paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended to read:

937.022 Missing Endangered Persons Information Clearinghouse.—

(3) The clearinghouse shall:

(b) Provide a centralized file for the exchange of information on missing endangered persons.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information concerning missing endangered persons.

2. Any person having knowledge may submit a missing endangered person report to the clearinghouse concerning a child or adult younger than 26 years of age whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child or adult missing to the appropriate law enforcement agency within the county in which the child or adult became missing, and subsequent to entry by the law enforcement agency of the child or person into the Florida Crime Information Center and~~,~~ the National Crime Information Center~~, and the National Missing and Unidentified Persons System~~ databases. The



missing endangered person report shall be included in the clearinghouse database.

3. Only the law enforcement agency having jurisdiction over the case may submit a missing endangered person report to the clearinghouse involving a missing adult age 26 years or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.

4. Only the law enforcement agency having jurisdiction over the case may make a request to the clearinghouse for the activation of a state Silver Alert or a Purple Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert Plan or the Purple Alert.

Section 11. Section 943.0413, Florida Statutes, is created to read:

943.0413 Critical Infrastructure Mapping Grant Program.—

(1)(a) Subject to legislative appropriation, the Critical Infrastructure Mapping Grant Program is created within the department to support the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state.

(b) The state, or any law enforcement agency, county, municipality, or other political subdivision of this state, or any agent thereof, which has constitutional or statutory authority to employ or appoint law enforcement officers is eligible to receive funding from the grant program to map critical infrastructure locations that meet the requirements of this section.

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(2) Grant funds may be used to map critical infrastructure as defined in s. 812.141, public gathering places, places of worship, and any other location for which a map would be deemed of high value for facilitating an emergency response.

(3) Each map of such locations must be created in an electronic or digital format and must be provided to all local, state, and federal responding agencies that request such maps for use in responding to emergencies. Each map must satisfy all of the following requirements:

(a) Be compatible with and integrate into the department's statewide database and be compatible with software platforms used by local, state, and federal public safety agencies that provide emergency services to the specific location for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data.

(b) Be in a printable format and, if requested, be in a digital file format that can be integrated into interactive mobile platforms currently in use.

(c) Be verified for accuracy, which must include a walk-through of a building or grounds.

(d) Be oriented to true north.

(e) Be overlaid on current aerial imagery.

(f) Contain site-specific labeling that matches the structure of the building, including, but not limited to, room labels, hallway names, and external door or stairwell numbers and locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits.

(g) Contain site-specific labeling that matches the

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grounds, including, but not limited to, parking areas, surrounding roads, and neighboring properties.

(h) Be overlaid with gridded x and y coordinates.

(4) The department may adopt rules to administer this section.

Section 12. Section 951.27, Florida Statutes, is amended to read:

951.27 Blood tests of inmates.—

(1) Each county and each municipal detention facility must develop ~~shall have~~ a written procedure regarding the blood testing of inmates ~~developed,~~ in consultation with the facility medical provider. The written procedure must:

(a) Include~~, establishing~~ conditions under which an inmate will be tested for infectious disease, including human immunodeficiency virus pursuant to s. 775.0877, which procedure is consistent with guidelines of the Centers for Disease Control and Prevention and recommendations of the Correctional Medical Authority.

(b) Specify the conditions which require the detention facility to test an inmate for infectious diseases immediately following his or her booking into a detention facility, including upon receipt of a notice of exposure under subsection (4).

(c) Require the test results to be provided to:

1. The sheriff or chief correctional officer of the detention facility.

2. Employees or officers of the sheriff or chief correctional officer who are responsible for the care and custody of the affected inmate.

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3. Any employee or officer of the sheriff or chief correctional officer, or any first responder, as defined in s. 112.1815, who provided a notice of exposure to the detention facility as required under subsection (4) ~~It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer~~.

(2) Except as otherwise provided in this subsection, serologic blood test results obtained pursuant to subsection (1) are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, it is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer. Such test results must also ~~may~~ be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information, any person who provided a notice of exposure under subsection (4), and as provided in ss. 775.0877 and 960.003. In addition, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the results of any HIV test performed on an inmate arrested for any sexual offense involving oral, anal, or female genital penetration by, or union with, the sexual organ of another, must be disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor. In such cases, the county or municipal detention facility shall furnish the test results to the Department of Health, which is responsible for disclosing the results to public health agencies as provided in s. 775.0877 and to the victim or the victim's legal guardian, or the parent

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or legal guardian of the victim if the victim is a minor, as provided in s. 960.003(3). As used in this subsection, the term "female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(3) The results of any serologic blood test on an inmate are a part of that inmate's permanent medical file. Upon transfer of the inmate to any other correctional facility, such file is also transferred, and all relevant authorized persons must be notified of positive HIV test results, as required in s. 775.0877.

(4)(a) Any first responder, as defined in s. 112.1815, or any employee or officer of the sheriff or chief correctional officer, who, in the performance of his or her official duties, is exposed to a bodily fluid or a potential bloodborne pathogen by a person who has been arrested and subsequently booked into a county or municipal detention facility must provide notice of such exposure to the detention facility as soon as possible after the person is booked, but no later than 24 hours after such exposure. If the first responder, employee, or officer is incapacitated and cannot provide the notice of exposure, his or her employing agency must provide such notice.

(b) Upon receipt of a notice of exposure under paragraph (a), the detention facility must immediately test the inmate who was the cause of the exposure unless such a test has already been performed. The test must be conducted in accordance with the detention facility's written procedures under subsection (1).

Section 13. This act shall take effect July 1, 2025.

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========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete everything before the enacting clause
and insert:
A bill to be entitled
An act relating to public safety; amending s. 112.1815, F.S.; authorizing first responder amputees to continue to serve as first responders under certain circumstances; creating s. 112.195, F.S.; creating the Florida Medal of Valor and the Florida Blue/Red Heart Medal; providing requirements for such medals; creating a board to evaluate applications for awarding such medals; providing for board membership; creating s. 316.2675, F.S.; prohibiting the use of motor vehicle kill switches; providing exceptions; providing a criminal penalty; amending s. 500.92, F.S.; providing increased criminal penalties for the selling, delivering, bartering, furnishing, or giving of any kratom product to a person younger than 21 years of age; amending s. 775.0823, F.S.; requiring a mandatory minimum term of imprisonment for attempted murder in the first degree committed against specified justice system personnel; amending s. 790.052, F.S.; providing that specified persons may carry concealed firearms under certain circumstances and use them in the same manner as on-duty law enforcement officers; amending s. 817.49, F.S.; providing legislative findings concerning prosecution of the false reporting of crimes; amending s. 843.025, F.S.; prohibiting a

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person from depriving specified officers of digital recording devices or restraint devices; prohibiting a person from rendering a specified officer's weapon, radio, digital recording device, or restraint device useless or otherwise preventing the officer from defending himself or herself or summoning assistance; providing a criminal penalty; amending ss. 937.021 and 937.022, F.S.; revising requirements for the reporting of missing persons information; creating s. 943.0413, F.S.; creating the Critical Infrastructure Mapping Grant Program within the Department of Law Enforcement; providing eligibility; specifying requirements for maps created by the program; authorizing the department to adopt rules; amending s. 951.27, F.S.; specifying requirements for testing inmates for infectious diseases; requiring that test results be reported to specified persons; requiring a first responder and other specified persons to provide notice upon his or her exposure to certain substances; requiring an employing agency to provide notice if a first responder or specified person is unable to provide notice; requiring a detention facility to test an inmate upon receipt of a specified notice; providing an effective date.

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

604-03626-25 20251444c2

A bill to be entitled

An act relating to public safety; amending s. 112.1815, F.S.; authorizing first responder amputees to continue to serve as first responders under certain circumstances; creating s. 112.195, F.S.; creating the Florida Medal of Valor and the Florida Blue/Red Heart Medal; providing requirements for such medals; creating a board to evaluate applications for awarding such medals; providing for board membership; creating s. 316.2675, F.S.; prohibiting the use of motor vehicle kill switches; providing criminal penalties; providing an exception; amending s. 775.0823, F.S.; providing a minimum mandatory sentence for attempted murder of specified justice system personnel; amending s. 790.051, F.S.; providing correctional probation officers with the same firearms rights as law enforcement officers; amending s. 790.052, F.S.; providing that specified persons may carry concealed firearms under certain circumstances and use them in the same manner as on-duty law enforcement officers; amending s. 817.49, F.S.; providing legislative findings concerning prosecution of the false reporting of crimes; amending s. 790.06, F.S.; providing construction regarding a judge preventing the carrying of concealed weapons or concealed firearms in a courthouse; amending ss. 937.021 and 937.022, F.S.; revising requirements for the reporting of missing persons information; amending s. 500.92, F.S.; prohibiting the selling, delivering, bartering,

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furnishing, or giving of specified kratom products to persons younger than a specified age; providing increased criminal penalties; amending s. 951.27, F.S.; requiring certain testing of an arrestee and provision of test results to a first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee; requiring a first responder or criminal justice professional exposed to a potential communicable disease or bloodborne pathogen from an arrestee to provide a notice of the exposure to the detention facility; authorizing the first responder or criminal justice professional to obtain blood test results according to certain provisions; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; amending s. 843.025, F.S.; prohibiting a person from depriving certain officers of digital recording devices or restraint devices; prohibiting a person from rendering useless certain officer's weapons or radios, digital recording devices, or restraint devices; providing criminal penalties; amending ss. 397.417, 420.6241, and 435.04, F.S.; conforming provisions to changes made by the act; amending s. 914.25, F.S.; revising the definition of the term "serious felony offense"; reenacting ss. 914.27(1), (2), and (5) and 943.031(8)(c), F.S., relating to the confidentiality of victim and witness information and the Victim and Witness Protection Review Committee, respectively, to incorporate the

amendment made to s. 914.25, F.S., in references thereto; amending s. 943.0595, F.S.; eliminating certain circumstances in which criminal history records are automatically sealed; providing that specified provisions do not limit a prosecutor from accessing automatically sealed criminal history records for certain purposes; creating s. 943.0413, F.S.; creating the Critical Infrastructure Mapping Grant Program within the Department of Law Enforcement; providing eligibility; specifying requirements for maps created by the program; authorizing the department to adopt rules; providing effective dates.

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

Section 1. Effective July 1, 2025, subsection (7) is added to section 112.1815, Florida Statutes, to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(7) An individual who is certified as a first responder and has a physical disability resulting from an amputation may continue to serve as a first responder if he or she meets the first responder certification requirements without an accommodation.

Section 2. Effective July 1, 2025, section 112.195, Florida Statutes, is created to read:

112.195 Florida Medal of Valor and Florida Blue/Red Heart

Medal.—

(1)(a) There is created the Florida Medal of Valor for first responders as defined in s. 112.1815 and related personnel. The medal may be awarded only to a first responder or related personnel who goes above and beyond the call of duty to save the life of an individual.

(b) There is created the Florida Blue/Red Heart Medal. The medal shall be awarded to a law enforcement officer, firefighter, correctional officer, or correctional probation officer who is injured in the line of duty.

(2) The Governor, or his or her designee, may present the awards. The awards shall be issued and administered through the Department of Law Enforcement. A resident of this state or an employing agency in this state must apply for the Florida Medal of Valor or the Florida Blue/Red Heart Medal on behalf of the potential recipient.

(3)(a) An application for a medal under this section must be considered and acted upon by a board charged with the duty of evaluating the appropriateness of the application. The board shall be composed of five members as follows:

1. Three members appointed by the Governor.

2. One member appointed by the Speaker of the House of Representatives.

3. One member appointed by the President of the Senate.

(b) Members of the board shall serve 2-year terms. Any vacancy on the board must be filled within 3 months. At least three board members must be active, retired, or former law enforcement officers or firefighters.

Section 3. Section 316.2675, Florida Statutes, is created

to read:

316.2675 Vehicle kill switches; prohibited uses.—

(1) A person may not use any device that can be remotely activated to disable a vehicle's engine or to prevent a vehicle's engine from starting unless he or she is:

(a) The owner of the vehicle;

(b) A law enforcement officer acting in the course and scope of his or her duties to prevent the commission of a felony; or

(c) Acting for or on behalf of a company that offers a subscription, recurring payment program, or lease in connection with the vehicle.

(2) A person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section does not apply to the manufacturer of a vehicle.

Section 4. Subsection (2) of section 775.0823, Florida Statutes, is amended to read:

775.0823 Violent offenses committed against specified justice system personnel.—The Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; against any public defender elected pursuant to s. 27.50 or regional counsel appointed pursuant to s. 27.511(3); against any court-appointed counsel appointed under s. 27.40 or defense

attorney in a criminal proceeding; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, the public defender or regional counsel acting in his or her capacity as defense counsel, the court-appointed counsel or defense attorney in a criminal proceeding acting in his or her capacity as defense counsel, or the justice's or judge's duty as a judicial officer, as follows:

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 with a mandatory minimum sentence of 25 years imprisonment.

Notwithstanding s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 5. Section 790.051, Florida Statutes, is amended to read:

790.051 Exemption from licensing requirements; law enforcement officers.—Law enforcement officers and correctional probation officers, as defined in s. 943.10(3), are exempt from the licensing and penal provisions of this chapter when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.

Section 6. Paragraph (a) of subsection (1) of section

790.052, Florida Statutes, is amended to read:

790.052 Carrying concealed firearms; off-duty law enforcement officers.—

(1)(a) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9), all judges, and all state attorneys and assistant state attorneys shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Section 7. Subsection (4) is added to section 817.49, Florida Statutes, to read:

817.49 False reports of commission of crimes; penalty.—

(4) The Legislature finds that the false reporting of crimes is a threat to public safety and a threat to the safety of law enforcement officers and other first responders. As such, the Legislature encourages each state attorney to adopt a pro-prosecution policy for the false reporting of crimes as prohibited in this section.

Section 8. Effective July 1, 2025, paragraph (a) of subsection (12) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(12)(a) A license issued under this section does not

authorize any person to openly carry a handgun or carry a concealed weapon or concealed firearm into:

1. Any place of nuisance as defined in s. 823.05;

2. Any police, sheriff, or highway patrol station;

3. Any detention facility, prison, or jail;

4. Any courthouse;

5. Any courtroom, except that ~~nothing in~~ this section does not preclude ~~precludes~~ a judge from carrying a concealed weapon or concealed firearm or determining who will carry a concealed weapon or concealed firearm in his or her courtroom. This subparagraph does not grant a judge the ability to prevent a person, who is otherwise authorized under this chapter to carry a concealed weapon or concealed firearm in a courthouse, from carrying such a concealed weapon or concealed firearm in any area of the courthouse other than his or her courtroom;

6. Any polling place;

7. Any meeting of the governing body of a county, public school district, municipality, or special district;

8. Any meeting of the Legislature or a committee thereof;

9. Any school, college, or professional athletic event not related to firearms;

10. Any elementary or secondary school facility or administration building;

11. Any career center;

12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

13. Any college or university facility unless the licensee

is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

15. Any place where the carrying of firearms is prohibited by federal law.

Section 9. Effective July 1, 2025, paragraph (c) of subsection (1) and subsection (4) of section 937.021, Florida Statutes, are amended to read:

937.021 Missing child and missing adult reports.—

(1) Law enforcement agencies in this state shall adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. The policies must ensure that cases involving missing children and adults are investigated promptly using appropriate resources. The policies must include:

(c) Standards for maintaining and clearing computer data of information concerning a missing child or missing adult which is stored in the Florida Crime Information Center, the National Crime Information Center, and the National Missing and Unidentified Persons System. The standards must require, at a minimum, a monthly review of each case entered into the Florida Crime Information Center and the National Crime Information Center, an annual review of each case entered into the National

Missing and Unidentified Persons System, and a determination of whether the case should be maintained in the databases ~~database~~.

(4)(a) Upon the filing of a police report that a child is missing by the parent or guardian, the Department of Children and Families, or a community-based care provider, the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and~~,~~ the National Crime Information Center~~, and the National Missing and Unidentified Persons System~~ databases, and shall, within 90 days after receipt of the report, transmit the report to the National Missing and Unidentified Persons System. A law enforcement agency may not require a reporter to present an order that a child be taken into custody or any other such order before accepting a report that a child is missing.

(b) Upon the filing of a credible police report that an adult is missing, the law enforcement agency receiving the report shall, within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and~~,~~ the National Crime Information Center~~, and the National Missing and Unidentified Persons System~~ databases, and shall, within 90 days after receipt of the report, transmit the report to the National Missing and Unidentified Persons System.

Section 10. Effective July 1, 2025, paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended

to read:

937.022 Missing Endangered Persons Information Clearinghouse.—

(3) The clearinghouse shall:

(b) Provide a centralized file for the exchange of information on missing endangered persons.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information concerning missing endangered persons.

2. Any person having knowledge may submit a missing endangered person report to the clearinghouse concerning a child or adult younger than 26 years of age whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child or adult missing to the appropriate law enforcement agency within the county in which the child or adult became missing, and subsequent to entry by the law enforcement agency of the child or person into the Florida Crime Information Center and~~,~~ the National Crime Information Center~~, and the National Missing and Unidentified Persons System~~ databases. The missing endangered person report shall be included in the clearinghouse database.

3. Only the law enforcement agency having jurisdiction over the case may submit a missing endangered person report to the clearinghouse involving a missing adult age 26 years or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.

4. Only the law enforcement agency having jurisdiction over the case may make a request to the clearinghouse for the activation of a state Silver Alert or a Purple Alert involving a

missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert Plan or the Purple Alert.

Section 11. Subsections (3) and (4) of section 500.92, Florida Statutes, are amended to read:

500.92 Florida Kratom Consumer Protection Act.—

(3) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product, including any kratom product that is adulterated with synthesized or semi-synthesized kratom alkaloids or constituents or that contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 2 percent, to a person younger than ~~who is under~~ 21 years of age.

(4) A person who violates ~~violation of~~ subsection (3) commits ~~is~~ a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Section 951.27, Florida Statutes, is amended to read:

951.27 Blood tests of inmates.—

(1) Each county and each municipal detention facility shall have a written procedure developed, in consultation with the facility medical provider, establishing conditions under which an inmate will be tested for infectious disease, including human immunodeficiency virus pursuant to s. 775.0877, which procedure is consistent with guidelines of the Centers for Disease Control and Prevention and recommendations of the Correctional Medical Authority. It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer. These procedures must include

circumstances that warrant the immediate testing of an arrestee upon booking and must require that testing results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee.

(2) Except as otherwise provided in this subsection, serologic blood test results obtained pursuant to subsection (1) are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information, and as provided in ss. 775.0877 and 960.003. In addition, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the results of any HIV test performed on an inmate arrested for any sexual offense involving oral, anal, or female genital penetration by, or union with, the sexual organ of another, must be disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor. In such cases, the county or municipal detention facility shall furnish the test results to the Department of Health, which is responsible for disclosing the results to public health agencies as provided in s. 775.0877 and to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, as provided in s. 960.003(3). As used in this subsection, the term "female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(3) The results of any serologic blood test on an inmate are a part of that inmate's permanent medical file. Upon transfer of the inmate to any other correctional facility, such file is also transferred, and all relevant authorized persons must be notified of positive HIV test results, as required in s. 775.0877.

(4) A first responder or criminal justice professional who, in the lawful performance of his or her duties, is exposed to a potential communicable disease or bloodborne pathogen by a subject who is arrested and booked into a county or municipal detention facility shall notice the detention facility upon booking or within 24 hours after the exposure. If the first responder or criminal justice professional is incapacitated and cannot provide this notice, this responsibility falls upon his or her employing department. This notice must invoke immediate testing of the inmate, if it has not already been done, according to the written procedures of the detention facility, and such testing is required before release of the inmate. The results of the testing must be handled in accordance with s. 775.0877(2).

Section 13. Paragraphs (c), (d), and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.

319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling,

		offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or

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		failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.

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790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more

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		but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.

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817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	2nd ~~3rd~~	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification

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		cards.
836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
847.01385	3rd	Harmful communication to a minor.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).

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893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from

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		practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

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893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction

		history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.

784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.

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812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or

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		deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.

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839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Interfering with a ~~Deprive~~ law enforcement, correctional, or correctional probation officer's ~~officer of~~ means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.

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529			
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
530			
	870.01(3)	2nd	Aggravated rioting.
531			
	870.01(5)	2nd	Aggravated inciting a riot.
532			
	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
533			
	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
534			
	914.14(2)	3rd	Witnesses accepting bribes.
535			
	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
536			
	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
537			
	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
538			
	918.12	3rd	Tampering with jurors.
539			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
540			
	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
541			
	951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable

		communication device introduced into county detention facility.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription

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		drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.

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784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school

		property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious

		molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.

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812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.
812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm

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		robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	1st ~~2nd~~	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious

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		molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting

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		or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a

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		witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

Section 14. Section 843.025, Florida Statutes, is amended to read:

843.025 Interfering with an officer's ~~Depriving officer of~~ means of protection or communication.—

(1) It is unlawful for any person to do any of the following to ~~deprive~~ a law enforcement officer as defined in s. 943.10(1), a correctional officer as defined in s. 943.10(2), or a correctional probation officer as defined in s. 943.10(3):

(a) Deprive the officer of her or his weapon or radio; digital recording device, including a body-worn camera; or restraint device, including handcuffs, or to otherwise deprive the officer of the means to defend herself or himself or summon assistance.

(b) Render useless the officer's weapon or radio; digital recording device, including a body-worn camera; or restraint device, including handcuffs, or to otherwise prevent the officer from defending herself or himself or to summon assistance.

(2) Any person who violates this section commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Paragraph (e) of subsection (4) of section 397.417, Florida Statutes, is amended to read:

397.417 Peer specialists.—

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604-03626-25 20251444c2

(4) BACKGROUND SCREENING.—

(e) The background screening conducted under this subsection must ensure that a peer specialist has not been arrested for and is awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.

4. Section 415.111, relating to abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

8. Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

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

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.

25. Chapter 800, relating to lewdness and indecent exposure.

26. Section 806.01, relating to arson.

27. Section 810.02, relating to burglary, if the offense was a felony of the first degree.

28. Section 810.14, relating to voyeurism, if the offense was a felony.

29. Section 810.145, relating to digital voyeurism, if the offense was a felony.

30. Section 812.13, relating to robbery.

31. Section 812.131, relating to robbery by sudden snatching.

32. Section 812.133, relating to carjacking.

33. Section 812.135, relating to home-invasion robbery.

34. Section 817.034, relating to communications fraud, if the offense was a felony of the first degree.

35. Section 817.234, relating to false and fraudulent insurance claims, if the offense was a felony of the first or second degree.

36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.

37. Section 817.505, relating to patient brokering.

38. Section 817.568, relating to fraudulent use of personal

identification, if the offense was a felony of the first or second degree.

39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.

40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.

41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense was a felony.

42. Section 826.04, relating to incest.

43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

44. Section 827.04, relating to contributing to the delinquency or dependency of a child.

45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.

47. Section 831.30, relating to fraud in obtaining medicinal drugs.

48. Section 831.31, relating to the sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver of any counterfeit controlled substance, if the offense was a felony.

49. Section 843.01, relating to resisting arrest with violence.

50. Section 843.025, relating to interfering with ~~depriving~~ a law enforcement, correctional, or correctional probation officer's ~~officer of the~~ means of protection or communication.

51. Section 843.12, relating to aiding in an escape.

52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.

53. Chapter 847, relating to obscenity.

54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

55. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

56. Section 895.03, relating to racketeering and collection of unlawful debts.

57. Section 896.101, relating to the Florida Money Laundering Act.

58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

60. Section 944.40, relating to escape.

61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

62. Section 944.47, relating to introduction of contraband into a correctional institution.

63. Section 985.701, relating to sexual misconduct in juvenile justice programs.

64. Section 985.711, relating to introduction of contraband into a detention facility.

Section 16. Paragraph (b) of subsection (4) of section 420.6241, Florida Statutes, is amended to read:

420.6241 Persons with lived experience.—

(4) BACKGROUND SCREENING.—

(b) The background screening conducted under this subsection must ensure that the qualified applicant has not been arrested for and is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has not been adjudicated delinquent and the record has been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense is a felony of the first or second degree.

4. Section 415.111, relating to criminal penalties for abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence, as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

8. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or a disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician,

or a paramedic.

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing of an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense is a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.

25. Chapter 800, relating to lewdness and indecent exposure.

26. Section 806.01, relating to arson.

27. Section 810.02, relating to burglary, if the offense is a felony of the first degree.

28. Section 810.14, relating to voyeurism, if the offense is a felony.

29. Section 810.145, relating to digital ~~video~~ voyeurism, if the offense is a felony.

30. Section 812.13, relating to robbery.

31. Section 812.131, relating to robbery by sudden snatching.

32. Section 812.133, relating to carjacking.

33. Section 812.135, relating to home-invasion robbery.

34. Section 817.034, relating to communications fraud, if the offense is a felony of the first degree.

35. Section 817.234, relating to false and fraudulent insurance claims, if the offense is a felony of the first or second degree.

36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.

37. Section 817.505, relating to patient brokering.

38. Section 817.568, relating to fraudulent use of personal identification, if the offense is a felony of the first or second degree.

39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.

40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.

41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense is a felony.

42. Section 826.04, relating to incest.

43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

44. Section 827.04, relating to contributing to the delinquency or dependency of a child.

45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.

47. Section 831.30, relating to fraud in obtaining medicinal drugs.

48. Section 831.31, relating to the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense is a felony.

49. Section 843.01, relating to resisting arrest with violence.

50. Section 843.025, relating to interfering with ~~depriving~~ a law enforcement, correctional, or correctional probation

officer's ~~officer of the~~ means of protection or communication.

51. Section 843.12, relating to aiding in an escape.

52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.

53. Chapter 847, relating to obscenity.

54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

55. Chapter 893, relating to drug abuse prevention and control, if the offense is a felony of the second degree or greater severity.

56. Section 895.03, relating to racketeering and collection of unlawful debts.

57. Section 896.101, relating to the Florida Money Laundering Act.

58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate, resulting in great bodily harm.

60. Section 944.40, relating to escape.

61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

62. Section 944.47, relating to introduction of contraband into a correctional institution.

63. Section 985.701, relating to sexual misconduct in juvenile justice programs.

64. Section 985.711, relating to introduction of contraband into a detention facility.

Section 17. Paragraph (xx) of subsection (2) of section

435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that persons subject to this section have not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; or have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(xx) Section 843.025, relating to interfering with ~~depriving~~ a law enforcement, correctional, or correctional probation officer's ~~officer~~ means of protection or communication.

Section 18. Paragraph (b) of subsection (1) of section 914.25, Florida Statutes, is amended to read:

914.25 Protective services for certain victims and witnesses.—

(1) For purposes of this section, the term:

(b) "Serious felony offense" means one of the following offenses, including an attempt, solicitation, or conspiracy to commit one of the following offenses: murder, manslaughter, sexual battery, aggravated stalking, aggravated battery, carjacking, home invasion robbery, burglary, arson, robbery, kidnapping, racketeering, ~~or~~ trafficking in a controlled substance, battery by strangulation, human smuggling, human trafficking, or any other felony that involves the use or threat of physical force or violence against any individual.

Section 19. For the purpose of incorporating the amendment

made by this act to section 914.25, Florida Statutes, in references thereto, subsections (1), (2), and (5) of section 914.27, Florida Statutes, are reenacted to read:

914.27 Confidentiality of victim and witness information.—

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

(a) The identity or location of a victim or witness who has been identified or certified for protective or relocation services pursuant to s. 914.25;

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

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

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

is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protective or relocation services provided pursuant to s. 914.25 and to

support the prosecution efforts of the state attorneys and the statewide prosecutor. Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided.

(2) If a victim or witness is identified for protective services under s. 914.25 and is later denied certification, the identity and location information exempt pursuant to paragraphs (1)(a) and (b) becomes public information, unless otherwise provided by law.

(5) For the purposes of effectively implementing s. 914.25, any state or local law enforcement agency, state attorney, or the statewide prosecutor may provide written notification to an agency as defined in s. 119.011 or to a business entity operating under contract with, licensed by, or having any other business relationship with an agency, or providing services pursuant to s. 914.25, that information described in subsection (1) held by that agency or business is confidential and exempt from public disclosure. The state or local law enforcement agency, state attorney, or the statewide prosecutor providing such written notification shall also provide written notification to the agency or business as to when, in accordance with this section, identity and location information exempted pursuant to paragraphs (1)(a) and (b) can be made publicly available.

Section 20. For the purpose of incorporating the amendment made by this act to section 914.25, Florida Statutes, in a reference thereto, paragraph (c) of subsection (8) of section 943.031, Florida Statutes, is reenacted to read:

943.031 Florida Violent Crime and Drug Control Council.—

(8) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.—

(c) The lead law enforcement agency providing victim or witness protective or temporary relocation services pursuant to the provisions of s. 914.25 may submit a request for reimbursement to the Victim and Witness Protection Review Committee in a format approved by the committee. The lead law enforcement agency shall submit such reimbursement request on behalf of all law enforcement agencies that cooperated in providing protective or temporary relocation services related to a particular criminal investigation or prosecution. As part of the reimbursement request, the lead law enforcement agency must indicate how any reimbursement proceeds will be distributed among the agencies that provided protective or temporary relocation services.

Section 21. Effective July 1, 2025, paragraph (a) of subsection (2) of section 943.0595, Florida Statutes, is amended, and paragraph (e) is added to subsection (3) of that section, to read:

943.0595 Automatic sealing of criminal history records; confidentiality of related court records.—

(2) ELIGIBILITY.—

(a) The department shall automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony as defined in s. 776.08 or for an offense enumerated in s. 943.0435(1)(h)1.a.(I), if:

~~1. An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.~~

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

~~2. An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction as to all counts. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to s. 916.145 or s. 985.19.~~

1.~~3.~~ A not guilty verdict was rendered by a judge or jury as to all counts. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.

2.~~4.~~ A judgment of acquittal was rendered by a judge as to all counts.

(3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

(e) This section does not limit a prosecutor from accessing a criminal history record sealed pursuant to this section to determine an appropriate plea offer, to access evidence that can be used in a prosecution, or to determine eligibility for diversion.

Section 22. Effective July 1, 2025, section 943.0413, Florida Statutes, is created to read:

943.0413 Critical Infrastructure Mapping Grant Program.—

(1)(a) Subject to legislative appropriation, the Critical Infrastructure Mapping Grant Program is created within the department to support the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state.

(b) The state, or any law enforcement agency, county,

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

municipality, or other political subdivision of this state, or any agent thereof, which has constitutional or statutory authority to employ or appoint law enforcement officers, is eligible to receive funding from the grant program to map critical infrastructure locations that meet the requirements of this section.

(2) Grant funds may be used to map critical infrastructure as defined in s. 812.141, public gathering places, places of worship, and any other locations for which a map would be deemed of high value for facilitating an emergency response.

(3) Each map of such locations must be created in an electronic or digital format and must be provided to all local, state, and federal responding agencies that request such maps for use in responding to emergencies. Each map must satisfy all of the following requirements:

(a) Be compatible with and integrate into the department's statewide database and be compatible with software platforms used by local, state, and federal public safety agencies that provide emergency services to the specific location for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data.

(b) Be in a printable format and, if requested, be in a digital file format that can be integrated into interactive mobile platforms currently in use.

(c) Be verified for accuracy, which must include a walk-through of a building or grounds.

(d) Be oriented to true north.

(e) Be overlaid on current aerial imagery.

(f) Contain site-specific labeling that matches the structure of the building, including, but not limited to, room labels, hallway names, and external door or stairwell numbers and locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits.

(g) Contain site-specific labeling that matches the grounds, including, but not limited to, parking areas, surrounding roads, and neighboring properties.

(h) Be overlaid with gridded x and y coordinates.

(4) The department may adopt rules to administer this section.

Section 23. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2025, this act shall take effect October 1, 2025.

The Florida Senate

APPEARANCE RECORD

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

4/22/25
Meeting Date

1444
Bill Number or Topic

FISCAL POLICY
Committee

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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

4/22/2025
Meeting Date

Fiscal Policy
Committee

SB 1444
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 8505661979

Email amcnair@flsheriffs.org

Address 2167 Mahan Dr.
Street

Tallahassee FL 32308
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 Sheriffs 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)

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

4/22/25
Meeting Date

Fiscal
Committee

SB 1414
Bill Number or Topic

Amendment Barcode (if applicable)

Name Abby Hilley

Phone 321-229-7054

Address on file
Street

Email abby.hilley@ocsofl.com

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:
Orange County Sheriff's office

☐ 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

April 22 2025
Meeting Date

Fiscal Policy
Committee

1444
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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)

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.)

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

BILL:	CS/SB 1458
INTRODUCER:	Education Postsecondary Committee and Senator DiCeglie
SUBJECT:	Apprenticeship and Preapprenticeship Program Funding
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	HE	**Fav/CS**
2.	Gray	Elwell	AHE	**Favorable**
3.	Brick	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1458 establishes requirements for partnerships between apprenticeship and preapprenticeship programs and local educational agencies (LEAs), enhances financial transparency, and expands reporting requirements for the Department of Education (DOE). Specifically, the bill:

- Expands the DOE's uniform minimum standards and policies to require equitable and transparent funding arrangements between LEAs and program providers;
- Modifies the annual DOE apprenticeship and preapprenticeship report by revising the publication deadline and expanding reporting requirements related to responsibilities, costs, and administrative workload;
- Requires the DOE to create a standard model contract for use in LEA-provider partnerships, with specific provisions related to roles, responsibilities, funding, and compliance;
- Establishes funding allocation parameters for LEA-provider partnerships, including a 10 percent cap for LEAs that provide administrative support only;
- Requires the DOE to publish a funding transparency tool by July 1, 2026, with historical apprenticeship funding data searchable by source, district, and Florida College System institution; and
- Adds transparency requirements and revises timelines for meetings of the District Workforce Education Funding Steering Committee.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Federal apprenticeship

Registered apprenticeship programs are designated as eligible training providers under the federal Workforce Innovation and Opportunity Act (WIOA),[1] the primary federal workforce development program. WIOA funds may be used to support registered apprenticeships through several mechanisms:

- Incumbent Worker Training, which supports training for currently employed apprentices;
- Customized Training, which pays for eligible instructional costs tailored to employer needs;
- On-the-Job Training (OJT) contracts, which reimburse employers for a portion of extraordinary training costs; and
- Individual Training Accounts, which provide funding for instruction tied to apprentice career goals.

Additional federal resources are available to support registered apprenticeship programs, including:

- Federal Student Aid;
- GI Bill and other veterans' education programs;
- Supplemental Nutrition Assistance Program (SNAP) Employment & Training;
- Federal Highway Administration's OJT and Supportive Services Program; and
- Eligible programs under U.S. Department of Housing and Urban Development funding. [2]

The WIOA also recognizes preapprenticeship as a form of youth work experience and prioritizes its integration into employment pathways.[3] Programs such as Job Corps and YouthBuild offer federal support for preapprenticeship through residential training, academic instruction, and hands-on construction or rehabilitation projects for disadvantaged youth.[4]

Apprenticeship in Florida

The federal government delegates authority to register apprenticeship programs to states through federally recognized State Apprenticeship Agencies.[5] In Florida, the Department of Education (DOE) serves as the state apprenticeship agency, responsible for registering programs, ensuring compliance with federal and state standards, providing technical assistance, and conducting quality assurance reviews.[6]

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[1] Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq.
[2] U.S. Department of Labor, Employment and Training Administration, *The Federal Resources Playbook for Registered Apprenticeship, available at* https://www.apprenticeship.gov/sites/default/files/playbook.pdf, at 2.
[3] USDOL, *US Department of Labor Announces Nationwide Effort to Prepare Students at Job Corps Centers for Registered Apprenticeship Programs* (Nov. 2022), https://www.dol.gov/newsroom/releases/eta/eta20221114-0 (last visited April 3, 2025).
[4] 29 U.S.C. s. 3226(c)(2)(A).
[5] 29 C.F.R. ss. 29.1 and 29.13.
[6] 29 C.F.R. s. 29.2.

Florida law provides a statutory framework for registered apprenticeship and preapprenticeship programs, including key definitions that establish uniform standards for program design, participant eligibility, and instructional delivery. Under current law:

- A preapprentice is a person age 16 or older enrolled in a registered preapprenticeship program.
- An apprentice is a person age 16 or older who is learning a skilled trade through a combination of paid, supervised OJT and related instruction, and who has signed a written agreement with a registered program sponsor.
- A registered apprenticeship sponsor may be an employer, an association of employers, or a local joint apprenticeship committee.
- A preapprenticeship program is a registered, DOE-approved course designed to prepare individuals to enter a registered apprenticeship program and must be sponsored by such a program.
- An apprenticeship program is a DOE-registered instructional program that outlines the qualifications, recruitment, selection, employment, and training of apprentices.
- An OJT program is a structured sequence of job processes, lasting six to 24 months, that may be supplemented by related instruction and must be registered with DOE.
- Related technical instruction (RTI) is systematic, occupation-specific classroom or online instruction designed to complement hands-on job training.[7]

Florida also encourages work-based learning experiences that prioritize paid opportunities, such as apprenticeship and preapprenticeship programs.[8] For the 2024–2025 fiscal year, eight industry certifications for apprenticeship and preapprenticeship certificates are included on the CAPE Industry Certification Funding List, which provides bonus funding to school districts and Florida College System (FCS) institutions when students earn these approved credentials.[9]

Registered Apprenticeship Programs

A registered apprenticeship is a paid, work-based learning program that combines supervised OJT with RTI. In Florida, an apprentice is a person at least 16 years of age who has entered into a written agreement with a program sponsor—such as an employer, an association of employers, or a local joint apprenticeship committee—to learn a recognized skilled trade under the supervision of a qualified journey worker.[10]

Apprenticeship training must be coordinated with instruction in technical and supplementary subjects related to the occupation. All programs must be approved and registered with the DOE, which sets minimum program standards and oversees implementation and compliance.[11]

During the 2023–2024 program year:

[7] Section 446.021, F.S.
[8] Section 446.0915, F.S.
[9] Florida Department of Education, *CAPE Industry Certification Funding List: 2024-25, available at* https://www.fldoe.org/academics/career-adult-edu/cape-secondary/cape-industry-cert-funding-list-current.stml (last visited April 3, 2025).
[10] Section 446.021(2), F.S.
[11] Section 446.041, F.S.

- The DOE registered 32 new apprenticeship programs, bringing the total to 329 active programs;
- These programs trained 19,214 apprentices statewide;
- 2,167 apprentices completed a program and earned a DOE-issued certificate of completion;

The average exit annual salary for program completers was $57,837.[12]

Registered Preapprenticeship Programs

A registered preapprenticeship program must be approved and registered with the DOE and sponsored by a registered apprenticeship program.[13] The DOE administers these programs in cooperation with district school boards and Florida College System (FCS) institutions.[14]

A preapprenticeship program is required to include:
- Training and curriculum that aligns with the skill needs of the workforce;
- Access to educational and career counseling;
- Hands-on, meaningful learning activities that are connected to education and training activities;
- Opportunities to attain at least one industry-recognized credential; and
- A partnership with one or more registered apprenticeship programs.[15]

In the 2023–2024 program year, the DOE registered 11 new preapprenticeship programs for a total of 68 programs training 3,230 preapprentices.[16]

Registered Programs and Public Educational Partnerships

Of the 397 registered apprenticeship and preapprenticeship programs in Florida during the 2023–2024 apprenticeship year, 45 percent partnered with a school district or FCS institution for the provision of RTI. Within this 45 percent:
- 126 programs (33 percent of all registered programs) partnered exclusively with school districts;
- 31 programs (eight percent) partnered exclusively with FCS institutions; and
- 16 programs (four percent) partnered with both school districts and FCS institutions.

The remaining 206 programs (55 percent) did not partner with a school district or FCS institution for RTI, but may have partnered with non-state-reporting education providers for instructional delivery.

For programs that partner with a school district or FCS institution for RTI, the local educational agency (LEA)—either the district or the FCS institution—is responsible for reporting enrollment

[12] Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report* (2024), *available at* https://www.fldoe.org/core/fileparse.php/9904/urlt/2024ApprenticeFL-Annual.pdf, at 5.
[13] Section 446.021(5), F.S.
[14] Section 446.052, F.S.
[15] 20 C.F.R. s. 681.480.
[16] Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report* (2024), *available at* https://www.fldoe.org/core/fileparse.php/9904/urlt/2024ApprenticeFL-Annual.pdf, at 5.

data to the Department of Education. This data is used for accountability and funding purposes and is disaggregated by trade or occupation.[17]

Apprenticeship and Preapprenticeship Program Funding

District Workforce Education Funding Steering Committee

To promote equitable funding and account for enrollment growth, the DOE is required to use a funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs.[18]

District Workforce Education Funding

Florida provides state funding to school district workforce education programs through the Workforce Development Fund. The DOE calculates funding based on full-time equivalent (FTE) student enrollment, using instructional hours and cost-weighting factors for each program type.

For 2024–2025, district-operated apprenticeship and preapprenticeship programs receive funding according to the following methodology:

- One FTE is defined as 900 instructional hours. [19]
- RTI hours for apprenticeship programs are weighted between 1.50 and 2.50, depending on the program's classification as low, medium, or high cost.[20]
- OJT hours for apprenticeship programs are funded at a rate of 0.25 FTE per hour.[21]
- For apprenticeship programs, OJT hours are capped at a maximum of 2,000 hours per student; districts reporting more than 2,000 OJT hours for a student have their fundable hours reduced accordingly.[22]
- Weighted FTE totals are multiplied by a base cost factor of $5,139.73, then adjusted by the district's Comparable Wage Factor (CWF) to reflect local cost variations.
- Each district receives a minimum funding floor of $81,133.85, adjusted by the District Cost Differential (DCD), regardless of calculated workload.[23]

Florida College System Funding for Workforce Education

FCS institutions receive state funding for workforce education through the FCS Program Fund. This funding supports program operations, instruction, and performance-based initiatives aligned with workforce outcomes.[24]

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[17] Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report* (2024), *available at* https://www.fldoe.org/core/fileparse.php/7729/urlt/2024ApprenticeFL-Annual.pdf, at 21.
[18] Section 1011.80(7)(a), F.S.
[19] Florida Department of Education, *2024–25 District Workforce Education Funding Summary*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2024-25-District-Workforce-Summary-FINAL.pdf, at 4.
[20] Florida Department of Education, *2024–25 District Workforce Education Funding Summary*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2024-25-District-Workforce-Summary-FINAL.pdf, at 5-6.
[21] Florida Department of Education, *2024–25 District Workforce Education Funding Summary*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2024-25-District-Workforce-Summary-FINAL.pdf, at 6.
[22] Florida Department of Education, *2024–25 District Workforce Education Funding Summary*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2024-25-District-Workforce-Summary-FINAL.pdf, at 5.
[23] Florida Department of Education, *2024–25 District Workforce Education Funding Summary*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2024-25-District-Workforce-Summary-FINAL.pdf, at 6.
[24] Sections 1011.80 and 1011.81, F.S.; specific appropriations 8, 126 and 128, ch. 2024-231, Laws of Fla.

For the 2024–2025 fiscal year, a total of $1.63 billion was appropriated to FCS institutions for operational expenses and performance incentives.[25]

Performance-based funding is awarded to FCS institutions based on metrics such as program completion rates, job placement outcomes, and graduate earnings.[26]

Florida Pathways to Career Opportunities Grant Program

The Florida Pathways to Career Opportunities Grant Program is administered by the DOE to support the establishment, expansion, and operation of apprenticeship and preapprenticeship programs.[27] Grant funds may be used for direct program costs, including:

- RTI;
- Instructional equipment;
- Supplies;
- Instructional personnel;
- Student services; and
- Other expenses associated with the creation, expansion, or operation of an apprenticeship program.

Grant funds may not be used for administrative or indirect costs.[28] The DOE is responsible for soliciting proposals, making funding recommendations, and prescribing required quarterly reporting from grant recipients.[29]

For the 2024–2025 program year, the Legislature appropriated $20 Million, and reappropriated approximately $10.8 Million, for the Florida Pathways to Career Opportunities Grant Program.[30] As of January 27, 2025, the DOE has provided $16.7 Million in grants to 61 district school boards, state colleges, and registered apprenticeship programs. Apprenticeship programs sponsored by an entity that is not affiliated with a district school board or state college received $11.5 Million.[31]

Credential Alignment and High-Demand Occupations

Florida's workforce education system prioritizes alignment between career education programs and statewide or regional workforce needs. Several tools guide program funding, development, and accountability:

- The Master Credential List is maintained by the Credentials Review Committee under the Reimagining Education and Career Help (REACH) Act. It includes credentials identified as

[25] Specific Appropriations 8, 126 and 128, ch. 2024-231, Laws of Fla.
[26] Section 1011.81, F.S.
[27] Section 1011.802(1), F.S.
[28] Section 1011.802(3), F.S.
[29] Section 1011.802(2)-(3), F.S.
[30] Transparency Florida, *2024-2025 Operating Budget in Ledger Format*, http://www.transparencyflorida.gov/OperatingBudget/Ledger.aspx?FY=22&BE=48250800&AC=051310&Fund=1000&LI=123&OB=Y&SC=F, (last visited April 3, 2025).
[31] Florida Department of Education, *Pathways to Career Opportunities Grant Program*, PCOG Prioritized Funding List (Statewide Competition), https://www.fldoe.org/file/18794/2091876759.pdf.

high-value based on criteria such as wage thresholds, demand, and alignment with career pathways.
- The Framework of Quality establishes the criteria for including credentials on the Master Credential List. These criteria emphasize stackability, industry recognition, portability, and alignment with high-skill, high-wage, in-demand occupations.[32]
- The Labor Market Estimating Conference, in partnership with the Department of Commerce, identifies critical statewide and regional shortages and high-demand occupations that help prioritize funding for workforce education and apprenticeship programs.[33]

III. Effect of Proposed Changes:

This bill establishes requirements for partnerships between apprenticeship and preapprenticeship programs and local educational agencies (LEAs), enhances financial transparency, and expands reporting requirements for the Department of Education (DOE).

Uniform Minimum Standards and Policies

The bill amends s. 446.032, F.S., to add to the DOE's existing requirement to adopt uniform minimum standards and policies for registered apprenticeship and preapprenticeship programs. Specifically, the bill requires DOE's standards and policies to include provisions that:
- Allow programs to partner with LEAs and determine an equitable split of apprenticeship funding;
- Require LEAs to ensure transparency in funding partnerships by:
  - Confirming that all parties understand the total amount and allocation of apprenticeship funding;
  - Documenting the terms of the partnership in a written agreement or contract; and
  - Prohibiting LEAs from imposing additional fees or withholding funds beyond what is specified in the agreement, unless explicitly outlined.

Annual Apprenticeship and Preapprenticeship Report

The bill modifies the required contents of the DOE's annual apprenticeship and preapprenticeship report by expanding existing reporting elements related to local educational LEA expenditures. Specifically, the bill:
- Shifts the deadline for publication of the report from September 1 to November 30.
- Expands the expenditure summary to include both the LEA's and the apprenticeship or preapprenticeship program's responsibilities and costs.
- Adds to the requirement for reporting allocations by training provider, program, and occupation to also include the total funds "received."
- Adds to the reporting of administrative costs a requirement to include the total number of personnel hours required to administer each apprenticeship and preapprenticeship program.

[32] Section 445.004(4), F.S.
[33] Section 216.136(7), F.S.

Standard Model Contract for LEAs and Apprenticeship or Preapprenticeship Programs

The bill requires the DOE to develop a standard model contract template to be used by LEAs and apprenticeship or preapprenticeship programs. The bill specifies the minimum required elements of the contract template, which must include:

- Identification of the parties to the contract;
- Duration of the contract;
- Funds paid or received under the contract;
- Assignment of responsibilities between the parties, including:
  - Which party is responsible for providing equipment, related technical instruction, and on-the-job training;
  - Which party is responsible for hiring and evaluating instructors; and
  - Which party is responsible for administrative support, including reporting requirements;
- A requirement for both parties to comply with applicable federal and state laws and insurance requirements; and
- Execution of the contract.

The bill establishes parameters partnership agreements between LEAs and apprenticeship or preapprenticeship program providers. Specifically, the bill:

- Requires each partnership agreement between an LEA and apprenticeship or preapprenticeship program provider to:
  - Define the respective roles of each party; and
  - Establish how the funding will be divided, based on the responsibilities assigned in the agreement.
- Limits the LEA's share of funding to 10 percent if the LEA does not provide classroom space, related technical instruction, or on-the-job training services, meaning the role is administrative only.
- Requires the funding allocation to be proportional to responsibilities when the LEA and provider share duties related to administrative support, classroom space, related technical instruction, or on-the-job training.

Apprenticeship and Preapprenticeship Funding Transparency Tool

The bill requires the DOE to develop an apprenticeship and preapprenticeship funding transparency tool by July 1, 2026. The bill requires that:

- The tool display historical funding amounts provided to school district and Florida College System (FCS) institution apprenticeship and preapprenticeship programs;
- The data include funds from workforce development appropriations and other legislative appropriations;
- The tool is published on the DOE website; and
- Users are able to search the data by:
  - Source of funds;
  - School district; or
  - FCS institution; and
- The tool include funding data for the preceding three fiscal years.

District Workforce Education Funding Steering Committee Meetings

The bill amends s. 1011.80(7)(b), F.S., to revise procedures and deadlines related to meetings of the District Workforce Education Funding Steering Committee. Specifically, the bill:

- Requires that any meeting of the committee held to take action or recommend workload for the workforce education funding model must:
  - Be publicly noticed at least seven days in advance;
  - Be open to the public;
  - Provide a reasonable opportunity for public comment;
  - Include publication and distribution of all workpapers at the time of notice; and
  - Allow the meeting to be held using communications media technology, defined to include telephone, video, or other platforms that allow all participants to audibly communicate.
- Revises the deadline by which the steering committee must recommend a funding methodology to the Commissioner of Education—changing it from no later than March 1 to no less than two months before the start of the regular session of the Legislature.

The bill takes effect 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 could have an impact on the Department of Education to develop a standard model contract template to be used by local educational agencies and apprenticeship and preapprenticeship programs. However, it is likely the department would be able to absorb the current provisions of this bill within their existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.032 and 1011.80.

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 Postsecondary on March 31, 2025:
Authorizes apprenticeship and preapprenticeship programs to partner with local educational agencies (LEAs) and determine an equitable funding split through a documented agreement;

- Prohibits LEAs from imposing additional fees or withholding funds beyond the agreed-upon amount unless explicitly outlined in the agreement;
- Requires the Department of Education (DOE) to adopt rules to administer minimum standards and policies and to publish an expanded annual report by September 1 each year with detailed financial, enrollment, performance, and outcome data by program and provider;
- Requires the DOE to develop a standard model contract template to be used between LEAs and apprenticeship/preapprenticeship providers, with defined roles and funding terms;
- Caps administrative funding at 10% for LEAs that do not provide classroom space, related technical instruction, or on-the-job training services;
- Requires the DOE to publish a funding transparency tool by July 1, 2026, showing historical funding allocations for apprenticeship and preapprenticeship programs.
- Expands transparency and public access requirements for meetings of the District Workforce Education Funding Steering Committee;

- Requires all related workpapers to be published with the meeting notice and provide a reasonable opportunity for public comment;
- Requires the funding model used by the DOE to be submitted to the Legislature at least two months prior to the regular session.

B. Amendments:

None.

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

By the Committee on Education Postsecondary; and Senator DiCeglie

589-03066-25 20251458c1

A bill to be entitled

An act relating to apprenticeship and preapprenticeship program funding; amending s. 446.032, F.S.; revising requirements for the uniform minimum standards and policies governing apprenticeship and preapprenticeship programs and agreements to include requirements for partnerships between local educational agencies and apprenticeship and preapprenticeship programs; revising the required date for a specified report on apprenticeship and preapprenticeship programs; revising the requirements for such report; requiring the Department of Education to develop a standard model contract template for local educational agencies and apprenticeship and preapprenticeship programs; providing requirements for such template; providing requirements for local educational agencies and apprenticeship and preapprenticeship programs that enter into partnership agreements; requiring the department to develop an apprenticeship and preapprenticeship funding transparency tool by a specified date; providing requirements for such tool; amending s. 1011.80, F.S.; providing requirements for District Workforce Education Funding Steering Committee meetings; providing requirements for certain workpapers; authorizing such meetings to be held using communications media technology; defining the term "communications media technology"; requiring a specified funding model to be provided to the

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589-03066-25 20251458c1

Legislature annually within a specified timeframe; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 446.032, Florida Statutes, are amended, and subsections (5) and (6) are added to that section, to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(1)(a) Establish uniform minimum standards and policies governing apprenticeship and preapprenticeship programs and agreements which must require training providers to submit data necessary to determine program performance consistent with state and federal law. The standards and policies:

1. Shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeyworkers, safety, related instruction, and on-the-job training; but these standards and policies may not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts.

2. Must allow an apprenticeship or preapprenticeship program to partner with a local educational agency and determine an equitable split of apprenticeship funding. The local educational agency must ensure that all parties understand the total amount of apprenticeship funding and allocations. The terms of a partnership between an apprenticeship or

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preapprenticeship program and a local educational agency must be documented in an agreement or a contract. A local educational agency may not impose additional fees or withhold additional funds beyond the agreed upon amount in such agreement or contract unless explicitly outlined to ensure financial clarity and prevent unexpected costs for apprenticeship and preapprenticeship program sponsors.

(b) ~~The department shall~~ Adopt rules necessary to administer the standards and policies.

(2) By November 30 ~~September 1~~ of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(a) A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

(b) A detailed summary of each local educational agency's and apprenticeship or preapprenticeship program's responsibilities, costs, and expenditure of funds for apprenticeship and preapprenticeship programs, including, but not limited to, all the following:

1. The total amount of funds received and expended for apprenticeship and preapprenticeship programs.

2. The total amount of funds received and allocated by training provider, program, and occupation.

3. The total amount of funds expended for administrative costs by training provider, program, and occupation, and the total number of personnel hours required to administer each

apprenticeship and preapprenticeship program.

4. The total amount of funds expended for instructional costs by training provider, program, and occupation.

(c) The number of apprentices and preapprentices per trade and occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.

(e) Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives and the outcomes of such activities and their impact on establishing or expanding apprenticeship and preapprenticeship programs.

(g) Retention and completion rates of participants disaggregated by training provider, program, and occupation.

(h) Wage progression of participants as demonstrated by starting, exit, and postapprenticeship wages at 1 and 5 years after participants exit the program.

(5)(a) Develop a standard model contract template to be used by local educational agencies and apprenticeship and preapprenticeship programs. At a minimum, the contract template shall include sections to address the following:

1. The parties to the contract.

2. The duration of the contract.

3. The funds paid or received pursuant to the contract.

4. The responsibilities assigned to each party to the

contract, including which party is responsible for providing equipment, related technical instruction, and on-the-job training; hiring instructors and evaluating such instructors' credentials and qualifications; and providing administrative support, including any reporting requirements.

5. A requirement that each party follow all applicable federal and state laws and insurance requirements.

6. The execution of such contract.

(b) A local educational agency and an apprenticeship or preapprenticeship program provider that partner to provide apprenticeship or preapprenticeship education and training programs must define their respective roles in the partnership agreement and establish how the funding will be divided. The partnership agreement must divide the funding based on the responsibilities that the local educational agency and apprenticeship or preapprenticeship program provider will hold in the partnership agreement.

1. If the local educational agency does not provide classroom space, related technical instruction, or on-the-job training services, its role is deemed to be administrative only and its funding share may not exceed 10 percent.

2. If the local educational agency and apprenticeship or preapprenticeship program provider share the responsibilities of providing administrative support, classroom space, related technical instruction, and on-the-job training, the manner in which the agency and provider divide the funding must be directly tied to each of their responsibilities under the partnership agreement.

(6) By July 1, 2026, develop an apprenticeship and

preapprenticeship funding transparency tool showing historical funding amounts provided to school district and Florida College System institution apprenticeship and preapprenticeship programs from workforce development funds and other funds appropriated by the Legislature. The transparency tool shall be published on the Department of Education's website and shall include historical funding amounts searchable by the source of funds, school district, or Florida College System institution for the preceding 3 fiscal years.

Section 2. Paragraph (a) of subsection (7) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(7)(a) A school district or a Florida College System institution that provides workforce education programs shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act. To ensure equitable funding for all school district workforce education programs and to recognize enrollment growth, the Department of Education shall use the funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs. Any District Workforce Education Funding Steering Committee meeting held for the purpose of taking action or recommending the workload for the funding model used by the Department of Education shall be publicly noticed 7 days in advance, be open to the public, and provide a reasonable opportunity for public comment. All workpapers shall be published and distributed at the time of

notice. Such meetings may be held using communications media technology. For purposes of this paragraph, the term "communications media technology" means telephone conference, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate. To assist the Legislature in allocating workforce education funds in the General Appropriations Act, the funding model shall annually be provided to the legislative appropriations committees no less than 2 months before the start of the regular session of the Legislature ~~later than March 1~~.

Section 3. This act shall take effect July 1, 2025.

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The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

1458
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Dawson

Phone 4078438880

Address 301 E. Pine Street, Suite 1400
Street

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Orlando FL 32801
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 Roofing & Sheet Metal Contractors 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

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April 22, 2025
Meeting Date

Fiscal Policy
Committee

1458
Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric Carr

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Email ecarr@flchamber.com

Tallahassee Florida 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 Chamber of Commerce

☐ 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)

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4/22
Meeting Date

Fiscal Policy
Committee

1458
Bill Number or Topic

Amendment Barcode (if applicable)

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Email ron@teamrsa.com

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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:
American Fire Sprinkler 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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The Florida Senate

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4/22/2025
Meeting Date

Fiscal Policy
Committee

1458
Bill Number or Topic

Amendment Barcode (if applicable)

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Boca Raton FL 33488
City State Zip

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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

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:	CS/CS/SB 1490
INTRODUCER:	Appropriations Committee on Health and Human Services; Health Policy Committee; and Senator Harrell
SUBJECT:	Children's Medical Services Program
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Morgan	Brown	HP	**Fav/CS**
2.	Barr	McKnight	AHS	**Fav/CS**
3.	Morgan	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1490 transfers the operation of the Children's Medical Services (CMS) Managed Care Plan from the Department of Health (DOH) to the Agency for Health Care Administration (AHCA).

Under the bill, the DOH will retain responsibility for clinical eligibility determinations and must provide ongoing consultation to the AHCA on services to children and youth with special health care needs.

The bill repeals s. 391.037, F.S., effective January 1, 2026, deleting provisions that clarify instances in which it is not a violation of s. 112.313(7), F.S., for a physician who is involved with the DOH under certain circumstances to also be employed by the DOH to provide CMS services or services to assist in proceedings related to children.

The bill requires the AHCA to develop a plan to redesign the Florida Medicaid Model Waiver for home and community-based services (HCBS)[1] to include children who receive private duty nursing services. The bill also requires the AHCA to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2025, detailing certain aspects of the waiver redesign.

The bill will have no fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect upon becoming a law, except as otherwise expressly provided.

II. Present Situation:

Florida Agency for Health Care Administration

The Agency for Health Care Administration (AHCA) was statutorily created by ch. 20, F.S., as the chief health policy and planning entity for the state. The AHCA is primarily responsible for the state's estimated $33 billion Medicaid program (which is projected to serve 4.2 million Floridians in state fiscal year 2024-2025)[2], the licensure of the state's more than 50,500 health care facilities, and the sharing of health care data through the Florida Center for Health Information and Policy Analysis.[3]

The Florida Medicaid Program

The Medicaid program is a voluntary, federal-state program that finances health coverage for individuals, including eligible low-income adults, children, pregnant women, elderly adults, and persons with disabilities.[4] The federal Centers for Medicare & Medicaid Services within the U.S. Department of Health and Human Services is responsible for administering the Medicaid program at the federal level. Florida Medicaid is the health care safety net for low-income Floridians and is financed through state and federal funds.[5]

A Medicaid state plan is an agreement between a state and the federal government describing how the state administers its Medicaid programs. The state plan establishes groups of individuals

[1] HCBS are types of person-centered care delivered in the home and community. A variety of health and human services can be provided, including home health care, durable medical equipment, case management, personal care, and caregiver and client training. HCBS programs address the needs of people with functional limitations who need assistance with everyday activities, like getting dressed or bathing. HCBS are often designed to enable people to stay in their homes, rather than moving to a facility for care; *see* CMS.gov, *Home- and Community-Based Services, available at* https://www.cms.gov/training-education/partner-outreach-resources/american-indian-alaska-native/ltss-ta-center/information/ltss-models/home-and-community-based-services (last visited Mar. 30, 2025).
[2] Social Services Estimating Conference, *Medicaid Caseloads and Expenditures, February 12, 35 and 27, 2025, Executive Summary available at* https://edr.state.fl.us/Content/conferences/medicaid/execsummary.pdf (last visited Apr. 4, 2025).
[3] Agency for Health Care Administration, *About the Agency for Health Care Administration, available at* https://ahca.myflorida.com/about-the-agency-for-health-care-administration (last visited Mar. 30, 2025).
[4] Medicaid.gov, *Medicaid, available at* https://www.medicaid.gov/medicaid (last visited Mar. 30, 2025).
[5] Section 20.42, F.S.

covered under the Medicaid program, services that are provided, payment methodologies, and other administrative and organizational requirements.[6]

Florida KidCare – The Children's Health Insurance Program

Florida KidCare is the state's children's health insurance program (CHIP) for uninsured children who meet income and eligibility requirements. In 1998, the Florida Legislature created Florida KidCare in response to the passage of Title XXI of the Social Security Act (SSA) in 1997. Three state agencies[7] and the Florida Healthy Kids Corporation, a non-profit organization, form the Florida KidCare partnership. MediKids, Florida Healthy Kids, and Title XXI Children's Medical Services (CMS) Managed Care Plan compose Florida KidCare. Florida KidCare is not an entitlement program, and the families pay a monthly premium that varies depending on the family's income. Florida KidCare also includes Medicaid for children.[8]

Statewide Medicaid Managed Care

Approximately 72.5 percent of Florida Medicaid recipients[9] receive services through a managed care plan contracted with the AHCA under the Statewide Medicaid Managed Care (SMMC) program.[10] The SMMC program has three components: Managed Medical Assistance (MMA), Long-Term Care (LTC), and the Prepaid Dental Health program.[11] Among these three components, Florida's SMMC program offers a health care package covering acute, preventive, behavioral health, prescribed drugs, long-term care, and dental services. Florida's SMMC program benefits are authorized through federal waivers and are specifically required by the Florida Legislature in ss. 409.973, 409.98, and 409.9855, F.S.[12]

The AHCA contracts with managed care plans on a regional basis to provide services to eligible recipients. The MMA program, which covers most medical and acute care services for managed care plan enrollees, was fully implemented in 2014 and was re-procured for a period beginning December 2018 and ending in 2023.[13] In 2020, the Legislature extended the allowable term of the SMMC contracts from five to six years.[14] As a result, the AHCA's previous contracts

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[6] Medicaid.gov, *Medicaid State Plan Amendments, available at* https://www.medicaid.gov/medicaid-state-planamendments/index.html (last visited Mar. 30, 2025).
[7] The Agency for Health Care Administration, the Department of Children and Families, and the Department of Health.
[8] Agency for Health Care Administration, *Florida KidCare – Title XXI – Children's Health Insurance Program (CHIP), available at* https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/program-policy/florida-kidcare-title-xxi-children-s-health-insurance-program-chip (last visited Mar. 30, 2025).
[9] The other 27.5 percent of recipients receive Medicaid services through the fee-for-service (FFS) delivery model, where providers contract directly with the AHCA to render services, billing and receiving reimbursement directly from the AHCA; Agency for Health Care Administration, *Senate Bill 306* (Feb. 7, 2025) (on file with Senate Committee on Health Policy).
[10] Agency for Health Care Administration, *Florida Statewide Medicaid Enrollment Report As of February 28, 2025 (including Medikids Population), available at* https://ahca.myflorida.com/content/download/26230/file/ENR_202502.xls (last visited Mar. 30, 2025).
[11] Agency for Health Care Administration, *Statewide Medicaid Managed Care, available at* https://ahca.myflorida.com/medicaid/statewide-medicaid-managed-care (last visited Mar. 27, 2025).
[12] Agency for Health Care Administration, *Senate Bill 1490* (Nov. 4, 2024) (on file with Senate Committee on Health Policy).
[13] Agency for Health Care Administration, *Statewide Medicaid Managed Care: Overview, available at* https://ahca.myflorida.com/medicaid/statewide_mc/pdf/mma/SMMC_Overview_12042018.pdf (last visited Mar. 30, 2025).
[14] Chapter 2020-156, s. 44, Laws of Florida.

recently ended in December 2024. On February 1, 2025, the AHCA implemented new SMMC contracts, and the contractual period runs through 2030.[15]

Florida Medicaid Waivers

State Medicaid programs may request a formal waiver of the requirements codified in the federal Social Security Act. Federal waivers give states flexibility not afforded through their Medicaid state plan. Of the available waiver types,[16,17] Florida's current Medicaid waivers are as follows:[18]

- Section 1115 – Research & Demonstration Projects[19]
  - 1115 Florida MMA Waiver[20]
  - 1115 Florida Medicaid Family Planning Waiver[21]
- Section 1915(b) – Managed Care Waivers[22]
  - 1915(b)(1)(4) Florida Non-Emergency Transportation (NET) Waiver[23]

[15] Agency for Health Care Administration, *Statewide Medicaid Managed Care 3.0 Overview, available at* https://ahca.myflorida.com/content/download/25090/file/Statewide%20Medicaid%20Managed%20Care%20Full%20Deck_09172024.pdf (last visited Mar. 30, 2025).
[16] Medicaid.gov, *Managed Care Authorities, available at* https://www.medicaid.gov/medicaid/managed-care/managed-care-authorities (last visited Mar. 30, 2025).
[17] Medicaid.gov, *Home & Community Based Services Authorities, available at* https://www.medicaid.gov/medicaid/home-community-based-services/home-community-based-services-authorities (last visited Mar. 30, 2025).
[18] Agency for Health Care Administration, *2025 Agency Legislative Bill Analysis – Senate Bill 1490* (Nov. 4, 2024) (on file with Senate Committee on Health Policy).
[19] Section 1115 of the SSA gives the Secretary of HHS authority to approve experimental, pilot, or demonstration projects that promote the objectives of the Medicaid and CHIP programs. The purpose of these demonstrations, which give states additional flexibility to design and improve their programs, is to demonstrate and evaluate policy approaches, such as expanding eligibility to individuals who are not otherwise Medicaid or CHIP eligible, providing services not typically covered by Medicaid, and using innovative service delivery systems that improve care, increase efficiency, and reduce costs; *see* Medicaid.gov, *Managed Care Authorities, available at* https://www.medicaid.gov/medicaid/managed-care/managed-care-authorities (last visited Mar. 30, 2025).
[20] The MMA program provides primary and acute medical care, and behavioral health and dental services for the majority of Medicaid recipients. Recipients receive their services through competitively selected health plans; see Agency for Health Care Administration, *Federal Waivers, available at* https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers (last visited Mar. 30, 2025).
[21] The family planning waiver provides family planning and family planning-related services to all women of childbearing age (14-55) losing Medicaid coverage, who have a family income at or below 191 percent of the federal poverty level and who are not otherwise eligible for Medicaid, CHIP, or other health insurance coverage providing family planning services. Coverage is available for up to two years after loss of Medicaid eligibility; *see* Agency for Health Care Administration, *Federal Waivers, available at* https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers (last visited Mar. 30, 2025).
[22] States can also implement a managed care delivery system using waiver authority under 1915(b) of the SSA. There are four 1915(b) waivers: (b)(1) Freedom of Choice - restricts Medicaid enrollees from receiving services within the managed care network; (b)(2) Enrollment Broker - utilizes a "central broker;" (b)(3) Non-Medicaid Services Waiver - uses cost savings to provide additional services to beneficiaries; and (b)(4) Selective Contracting Waiver - restricts the provider from whom the Medicaid eligible may obtain services. *See* Medicaid.gov, *Managed Care Authorities, available at* https://www.medicaid.gov/medicaid/managed-care/managed-care-authorities (last visited Mar. 30, 2025).
[23] The Florida NET waiver provides NET services to eligible Medicaid recipients; see Agency for Health Care Administration, *FL 1915(b) Managed Care Waiver, available at* https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers/fl-1915-b-managed-care-waiver (last visited Mar. 30, 2025).

- Concurrent Section 1915(b) and 1915(c)[24] Waivers
  - 1915(b)(c) Florida LTC Managed Care Waiver[25]
- Concurrent Section 1915(a)[26] and 1915(c) Waivers
  - 1915(a)(c) Florida Comprehensive Intellectual and Developmental Disabilities Managed Care (IDD Pilot) Waiver[27]
- Section 1915(c) – Home and Community Based Services (HCBS) Waivers
  - 1915(c) Florida Developmental Disabilities Individual Budgeting (iBudget) Waiver[28]
  - 1915(c) Florida Familial Dysautonomia (FD) Waiver[29]
  - 1915(c) Florida Model Waiver

The Florida Medicaid Model Waiver

The current 1915(c) Model waiver was implemented in 1991, and it is authorized under s. 409.906, F.S., and Rule 59G-13.080, F.A.C. The waiver provides HCBS to eligible children and is designed to delay or prevent institutionalization and allow waiver recipients to maintain stable health while living at home in their community. The Model Waiver is a Katie Beckett Waiver, also known as the federal Tax Equity and Fiscal Responsibility Act (TEFRA) waiver, which permits the state to disregard the family income for certain children when determining eligibility for the waiver (also commonly referred to as "family of one").[30]

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[24] The Medicaid HCBS waiver program is authorized in s. 1915(c) of the SSA. The program permits a state to furnish an array of HCBS that assist Medicaid beneficiaries to live in the community and avoid institutionalization; *see* CMS Waiver Applications, *1915(c) Waiver Application & 372 Reports, available at* https://wms-mmdl.cms.gov/WMS/faces/portal.jsp (last visited Mar. 30, 2025).

[25] The LTC program provides LTC services and supports to eligible disabled individuals aged 18-64 and elderly individuals aged 65 or older, including individuals over the age of 18 with a diagnosis of cystic fibrosis, AIDS, or a traumatic brain or spinal cord injury. Program recipients receive their services through competitively selected managed care organizations; *see* Agency for Health Care Administration, *Federal Waivers, available at* https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers (last visited Mar. 30, 2025).

[26] States can implement a voluntary managed care program simply by executing a contract with companies that the state has procured using a competitive procurement process. The Centers for Medicare & Medicaid Services must approve the state in order to make payment. Currently, 13 states (and Puerto Rico) use 1915(a) contracts to administer 24 voluntary managed care programs; *see* Medicaid.gov, *Managed Care Authorities, available at* https://www.medicaid.gov/medicaid/managed-care/managed-care-authorities (last visited Mar. 30, 2025).

[27] The IDD Pilot Waiver is a voluntary, comprehensive program consisting of MMA, LTC waiver, and Florida Developmental Disabilities Individual Budgeting (iBudget) waiver services; *see* Agency for Health Care Administration, *Comprehensive Intellectual and Developmental Disabilities Managed Care Waiver, available at* https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers/comprehensive-intellectual-and-developmental-disabilities-managed-care-waiver (last visited Mar. 30, 2025).

[28] The purpose of the Medicaid iBudget waiver is to provide home and community-based supports and services to eligible persons with developmental disabilities living at home or in a home-like setting utilizing an individual budgeting approach, and to provide enhanced opportunities for self-determination; *see* Agency for Health Care Administration, *Developmental Disabilities Individual Budgeting (iBudget) Waiver, available at* https://ahca.myflorida.com/medicaid/home-and-community-based-settings-rule/developmental-disabilities-individual-budgeting-ibudget-waiver (last visited Mar. 30, 2025).

[29] The FD waiver is designed to promote, maintain, and restore the health of eligible recipients with FD and to minimize the effects of illness and disabilities through the provision of needed supports and services in order to delay or prevent hospital placement or institutionalization; *see* Agency for Health Care Administration, *Familial Dysautonomia Waiver, available at* https://ahca.myflorida.com/medicaid/home-and-community-based-settings-rule/familial-dysautonomia-waiver (last visited Mar. 30, 2025).

[30] Agency for Health Care Administration, *Medicaid 2025 General Session CMS Transfer Briefing* (Feb. 19, 2025) (on file with Senate Committee on Health Policy).

The current eligibility criteria for the Model waiver require that eligible individuals must be:[31]

- 20 years of age or younger;
- Determined disabled using criteria established by the federal Social Security Administration;
- Determined at-risk for hospitalization by the Children's Multidisciplinary Assessment Team (CMAT); and
- Diagnosed as having degenerative spinocerebellar disease or deemed medically fragile and have resided in a skilled nursing facility for at least 60 consecutive days prior to enrollment.

The Model waiver currently has 20 enrollment slots available of which five are for children in the community with degenerative spinocerebellar disease and 15 are for children deemed medically fragile that have resided in a skilled nursing facility for at least 60 consecutive days. Currently, the enrollment slots do not include children that receive private duty nursing services who do not have degenerative spinocerebellar disease.[32] Model waiver services include environmental accessibility adaptations, nursing home transition services, and respite care.[33]

Services to Medically Fragile Children

Private Duty Nursing (PDN) services are medically necessary skilled nursing services that may be provided to recipients under the age of 21 years in their home or community to support the care required by their complex medical condition, illness, or injury. Florida Medicaid covers PDN services under the state plan. There are approximately 3,000 Medicaid-eligible children currently receiving PDN services for a variety of medical conditions.[34] Under the Florida Medicaid PDN and Family Home Health Aide Services Coverage Policy,[35] PDN services are provided by a licensed practical nurse or a registered nurse licensed in accordance with ch. 464, F.S., working within the scope of his or her practice and employed by home health agencies licensed in accordance with ss. 400.464 and 408.810, F.S., and rule chs. 59A-8 and 59A-35, F.A.C.

During Florida's 2023 Legislative Session, HB 391, titled Home Health Aides for Medically Fragile Children, was enacted. The bill authorized home health agencies to employ and train a family caregiver of an eligible relative to be a home health aide for eligible medically fragile children. Additionally, the bill directed the AHCA to establish a Medicaid fee schedule for home health agencies employing a home health aide for medically fragile children at $25 per hour with a utilization cap of no more than eight hours per day. To implement this requirement, the AHCA

[31] Agency for Health Care Administration, *Model Waiver*, *available at* https://ahca.myflorida.com/medicaid/home-and-community-based-settings-rule/model-waiver (last visited Mar. 30, 2025).
[32] The FD waiver is designed to promote, maintain, and restore the health of eligible recipients with FD and to minimize the effects of illness and disabilities through the provision of needed supports and services in order to delay or prevent hospital placement or institutionalization; *see* Agency for Health Care Administration, *Familial Dysautonomia Waiver*, *available at* https://ahca.myflorida.com/medicaid/home-and-community-based-settings-rule/familial-dysautonomia-waiver (last visited Mar. 30, 2025).
[33] Agency for Health Care Administration, *Medicaid 2025 General Session CMS Transfer Briefing* (Feb. 19, 2025) (on file with Senate Committee on Health Policy).
[34] *Supra* note 32.
[35] Agency for Health Care Administration, *Florida Medicaid Private Duty Nursing and Family Home Health Aide Services Coverage Policy* (Sep. 2024), *available at* https://ahca.myflorida.com/content/download/7036/file/59G-4.261%20Private%20Duty%20Nursing%20Services%20Coverage%20Policy_FINAL.pdf (last visited Mar. 30, 2025).

amended Rule 59G-4.261, F.A.C., Florida Medicaid PDN and Family Home Health Aide Services, effective October 1, 2024.[36]

On July 14, 2023, a federal court order of injunction was entered in *United States v. Florida*, No. 12-60460-CV (S.D.Fla.). The injunction outlines the requirements of the state to comply with three main orders:[37]

- Require Medicaid managed care plans to ensure the provision of all covered and authorized PDN services and develop methods to measure provider performance, including real-time reporting of PDN provider issues;
- Inform and facilitate the transition of children from nursing facilities; and
- Improve the existing Care Coordination system to strengthen accountability and eliminate silos of care.

The injunction requires that 90 percent of PDN be provided for children receiving 24/7 PDN and 70 percent of PDN for all other children prior authorized to receive PDN.[38]

Under the state plan, Florida Medicaid does not currently offer children receiving PDN services respite or home modifications.[39]

Florida Department of Health

The Florida Department of Health (DOH) is responsible for the state's public health system, which must be designed to promote, protect, and improve the health of all people in the state.[40]

The DOH's Division of Children's Medical Services

The DOH's Division of CMS is a collection of programs serving children with special health care needs, including the:

- Child Abuse Death Review Unit;[41]
- Child Protection Teams;[42]
- CMS Managed Care Plan;

[36] Agency for Health Care Administration, *Medicaid 2025 General Session CMS Transfer Briefing* (Feb. 19, 2025) (on file with Senate Committee on Health Policy).
[37] Agency for Health Care Administration, *Medicaid 2025 General Session CMS Transfer Briefing* (Feb. 19, 2025) (on file with Senate Committee on Health Policy).
[38] *Id*.
[39] *Id*.
[40] Section 381.001, F.S.
[41] The DOH's Division of CMS, Bureau of Child Protection and Special Technologies, Child Abuse Death Review (CADR) Unit, administers the CADR system, which utilizes local CADR committees to conduct comprehensive evaluations of the circumstances surrounding child fatalities reported to the DCF's Florida Abuse Hotline and accepted for investigation; *see* Department of Health, *Child Abuse Death Review, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/cadr/index.html (last visited Mar. 30, 2025). *See also* s. 383.402, F.S.
[42] The Child Protection Teams, as mandated by s. 39.303, F.S., assist the DCF and local Sheriff's offices responsible for child protective investigations to assess allegations of abuse and neglect through the provision of multidisciplinary assessments, including medical evaluations and other clinical assessments; see Department of Health, *Child Protection, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/Child-Protection/index.html (last visited Mar. 30, 2025).

- Children's Multidisciplinary Assessment Team;[43]
- Early Steps;[44]
- Medical Foster Care Program;[45]
- Newborn Screening Program;[46]
- Poison Information Center Network;[47]
- Regional Perinatal Intensive Care Centers Program;[48]
- Safety Net Program;[49]
- Sexual Abuse Treatment Program;[50] and

[43] When a child or youth under 21 years of age has a serious or complex medical condition that may require LTC services, the CMAT may review the medical and psychosocial assessment and make a medically necessary determination of eligibility for Medicaid funded LTC services; *see* Department of Health, *Children's Multidisciplinary Assessment Team (CMAT), available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/cmat/index.html (last visited Mar. 30, 2025).

[44] Early Steps is Florida's early intervention system that offers services to eligible infants and toddlers, age birth to 36 months, who have or are at-risk for developmental disabilities or delays; *see* Department of Health, *Early Steps, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/early-steps/index.html (last visited Mar. 30, 2025).

[45] The Medical Foster Care Program is facilitated through the DOH, providing foster children with medical conditions an opportunity to receive care within a family setting; see Department of Health, *Medical Foster Care, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/medical-foster-care/index.html (last visited Mar. 30, 2025).

[46] Newborns are screened for certain genetic, endocrine, hemoglobinopathy, immunologic, and metabolic conditions. Screenings for hearing loss and critical congenital heart defects are completed prior to discharge from a hospital or birth facility. Florida screens for 37 core conditions and may detect an additional 23 secondary conditions (a total of 60 conditions); *see* Florida Newborn Screening, *For Parents, available at* https://floridanewbornscreening.com/ (last visited Mar. 30, 2025).

[47] The DOH's Division of CMS contracts with the three certified regional poison control centers, located in Jacksonville (North), Tampa (Central), and Miami (South), which comprise the Florida Poison Information Center Network. These centers operate under the oversight of the CMS program and are responsible for the provision of toll-free access to poison information for the public; the management of poison cases; offering professional consultation to healthcare practitioners; delivering prevention education to the public; and collecting and reporting poison-related data. *See* s. 395.1027, F.S. See also Department of Health, *Child Protection, Florida Poison Control Center, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/Child-Protection/index.html (last visited Mar. 30, 2025).

[48] The Regional Perinatal Intensive Care Centers work to improve the outcome of pregnancy and the quality of life from birth. These centers provide obstetrical services to women who have a high-risk pregnancy and care for newborns with special health needs, such as critical illness or low birth weight; see Department of Health, *Regional Perinatal Intensive Care Centers (RPICC) Program, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/regional-perinatal-intensive-care-centers-program/index.html (last visited Mar. 30, 2025).

[49] The CMS Safety Net Program helps pay for some medically necessary health services and family needs. Safety Net serves children with chronic and serious health conditions who do not qualify for Florida Medicaid or KidCare, or are unable to access services; *see* Department of Health, *Safety Net Program, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/safety-net/index.html (last visited Mar. 30, 2025).

[50] The CMS Sexual Abuse Treatment Program provides a combination of group, family, and individual counseling for child sexual abuse survivors and their families to reduce the trauma caused by the child sexual victimization, assist the family to recover from the victimization, prevent further child sexual victimization from occurring, and enable families to have healthy, non-abusive relationships; see Department of Health, *Child Protection, Sexual Abuse Treatment Programs, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/Child-Protection/index.html (last visited Mar. 30, 2025).

- Title V Program.[51]

The DOH's Division of CMS, also known as the CMS program, is statutorily authorized to operate the CMS Managed Care Plan for children with special health care needs[52] for Florida KidCare and Medicaid.[53]

The CMS Managed Care Plan

The CMS Network[54] was established to provide children with special health care needs with a family-centered, comprehensive, and coordinated statewide managed system of care and to provide essential preventative, evaluative, and early intervention services for children at risk for or having special health care needs. Originally, the CMS Network was a fee-for-service program serving children with special health care needs who were enrolled in either Medicaid or Florida KidCare.[55]

In August 2014, the CMS Network was transitioned to a managed care model within the AHCA and became known as the CMS Managed Care Plan. The AHCA contracts with the DOH to administer the CMS Managed Care Plan, and the DOH subsequently subcontracts with a health maintenance organization[56] to provide managed medical services to CMS Managed Care Plan enrollees. The DOH conducts clinical eligibility determinations for the CMS Managed Care Plan and provides vendor oversight into the areas of clinical operations, compliance, performance management, family level grievance remedies, and provider technical assistance.[57]

Currently, the DOH sends invoices for CMS Managed Care Plan services to the AHCA for payment, often causing delays. At present, Florida law has not been updated to reflect the change

[51] Florida's Title V Program, the Maternal and Child Health program and the Youth with Special Health Care Needs program, supports statewide public health efforts to protect, promote, and improve the health of children and young adults with chronic and serious physical, developmental, behavioral, or emotional conditions through a comprehensive system of care; see Department of Health, *CMS Title V Program, available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-specialty-programs/title-5-program/index.html (last visited Mar. 30, 2025).
[52] "Children with special health care needs" means those children younger than 21 years of age who have chronic and serious physical, developmental, behavioral, or emotional conditions and who require health care and related services of a type or amount beyond that which is generally required by children; s. 391.021(2), F.S.
[53] Part I, of ch. 391, F.S.
[54] "Children's Medical Services network" or "network" means a statewide managed care service system that includes health care providers (a health professional, health care facility, or entity licensed or certified to provide health services in this state that meets the criteria as established by the DOH); *see* s. 391.021, F.S.
[55] Agency for Health Care Administration, *2025 Agency Legislative Bill Analysis – Senate Bill 1490* (Nov. 4, 2024) (on file with Senate Committee on Health Policy).
[56] Health maintenance organization (HMO) plans offer a wide range of health care services through a network of providers. An HMO gives subscribers access to certain doctors, hospitals and other providers within its network. The network consists of providers who agreed to supply services to subscribers for pre-negotiated rates, as well as meet certain quality standards. Unlike some other insurance plan types, care is covered only if a subscriber sees a provider within the HMO's network, except in the case of an emergency; *see* Department of Financial Services, *Health Insurance and Health Maintenance Organizations – a guide for consumers, available at* https://myfloridacfo.com/docs-sf/consumer-services-libraries/consumerservices-documents/understanding-coverage/consumer-guides/health-insurance-guide.pdf?sfvrsn=5546b2b_4 (last visited Mar. 30, 2025). *See also* s. 641.19(12), F.S.
[57] *Supra* note 54.

from the CMS Network to the CMS Managed Care Plan; however, the word "network" is used interchangeably with the CMS Managed Care Plan.[58]

Enrollment in the CMS Managed Care Plan has continually increased. In May 2024, the CMS Managed Care Plan provided services to 90,207 Medicaid and 11,458 Florida KidCare enrolled members.[59]

III. Effect of Proposed Changes:

Section 1 transfers all statutory powers, duties, functions, records, personnel, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the operation of the Department of Health's (DOH) Children's Medical Services (CMS) Managed Care Plan to the Agency for Health Care Administration (AHCA) effective July 1, 2025.

The bill indicates that the transfer of operations of the CMS Managed Care Plan does not affect the validity of any judicial or administrative action pending as of 11:59 p.m., on the day before the effective date of the transfer to which the DOH's CMS Managed Care Plan is at that time a party, and that the AHCA must be substituted as a party in interest in any such action.

The bill requires the DOH's CMS program to collaborate with the AHCA in the care of children and youth with special health care needs. The DOH's CMS program must:

- Conduct clinical eligibility screening for children and youth with special health care needs who are eligible for or enrolled in Medicaid or the Children's Health Insurance Program (CHIP).
- Provide ongoing consultation to the AHCA to ensure high-quality, family-centered, coordinated health services within an effective system of care for children and youth with special health care needs.

Section 2 requires the DOH's CMS program to do all of the following:

- Effective July 1, 2025, transfer to the AHCA the operation of managed care contracts procured by the DOH for Medicaid and CHIP services provided to children and youth with special health care needs who are enrolled in the CMS Managed Care Plan.
- Conduct clinical eligibility screening for children and youth with special health care needs who are eligible for or are enrolled in Medicaid or CHIP.
- Provide ongoing consultation to the AHCA to ensure high-quality, family-centered, coordinated health services are provided within an effective system of care for children and youth with special health care needs.

The bill also requires the AHCA to establish specific measures of access, quality, and costs of providing health care services to children and youth with special health care needs. The AHCA must contract with an independent evaluator to conduct an evaluation of the services provided. The evaluation must include, but need not be limited to, the following:

[58] Agency for Health Care Administration, *2025 Agency Legislative Bill Analysis – Senate Bill 1490* (Nov. 4, 2024) (on file with Senate Committee on Health Policy).
[59] *Id*.

- A performance comparison of plans contracted to provide services to children and youth with special health care needs as well as plans contracted to serve a broader population of MMA enrollees. The performance comparison must be based on the measures established by the AHCA and differentiated based on the age and medical condition or diagnosis of patients receiving services under each plan.
- For each plan, an assessment of cost savings, patient choice, access to services, coordination of care, person-centered planning, health and quality-of-life outcomes, patient and provider satisfaction, and provider networks and quality of care.

The bill requires the AHCA to submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2028.

Section 3 amends s. 391.016, F.S., to expand the purpose of the CMS program to include youth and delete the requirement that the CMS program coordinate and maintain a consistent medical home for participating children.

Section 4 amends s. 391.021, F.S., to rename "Children's Medical Services Network" to "Children's Medical Services Managed Care Plan," and "Children with special health care needs" to "Children and youth with special health care needs." The bill also expands the definition of "Eligible individual" to include youth.

Section 5 amends s. 391.025, F.S., to:
- Update the statutes to reflect current practices by officially expanding the scope of the CMS program to include the newborn, infant, and toddler hearing screening program established in s. 383.145, F.S.; the Children's Multidisciplinary Assessment Team; the Medical Foster Care Program; the Title V Children and Youth with Special Health Care Needs program; the Safety Net Program; Child Protection Teams and sexual abuse treatment programs established under s. 39.303, F.S., and the State Child Abuse Death Review Committee and local child abuse death review committees established in s. 383.402, F.S.
- Incorporate a reference to clarify that the Early Steps Program, which is a component of the CMS program, is established in ss. 391.301-391.308, F.S.
- Clarify the CMS Managed Care Plan is a component of the CMS program through the end of June 30, 2025.

Section 6 amends s. 391.026, F.S., to:
- Updates statute to reflect current practices by expanding the powers and duties of the DOH to include:
  - Sponsoring or promoting grants for projects, programs, education, or research in the field of youth with special health care needs.
  - Recruitment, training, assessment, and monitoring for the Medical Foster Care Program.
  - Monitoring access and facilitating admissions of eligible children and youth to the Medical Foster Care Program and designated medical foster care homes.
  - Coordinating with the Department of Children and Families and the AHCA or their designees as it pertains to the Medical Foster Care Program.

- Clarify the DOH is responsible for the oversight and operation of the CMS Managed Care Plan, including the management of health care premiums, capitation payments, and funds from government and private entities, through the end of June 30, 2025.
- Delete the following powers, duties, and responsibilities of the DOH requiring that the department:
  - Establish reimbursement mechanisms for the CMS network.
  - Establish CMS network standards and credentialing requirements for health care providers and services.
  - Serve as a provider and principal case manager for children with special health care needs under Titles XIX and XXI of the SSA.
  - Establish and operate a grievance resolution process for participants and health care providers.
  - Maintain program integrity in the CMS program.
- Update the term "Children with Special Health Care Needs program" to "Children and Youth with Special Health Care Needs program."
- Delete the authorization allowing the DOH to maintain a minimum reserve for the CMS network.

Section 7 repeals subsections 391.026(8)-(11), F.S., effective July 1, 2025.

Section 8 repeals s. 391.028, F.S., effective July 1, 2025, to delete the following:
- The requirement providing that the Director of the DOH CMS program be a physician who has specialized training and experience in the provision of health care to children, serve as the deputy secretary and Deputy State Health Officer for CMS, and be appointed by the State Surgeon General.
- All required program activities under physician supervision on a statewide basis.
- The requirement that each CMS area office be directed by a physician who has specialized training and experience in the provision of health care to children and be appointed by the director from the active panel of CMS physician consultants.

Section 9 amends s. 391.029, F.S., to clarify that the high-risk pregnant females enrolled in Medicaid who are eligible to receive services through the DOH CMS program are related to the regional perinatal intensive care centers. The bill updates the provisions related to eligibility for the DOH CMS program, amending the language to conform with other technical changes, indicating that children and youth with serious special health care needs who are enrolled in Medicaid or CHIP will be eligible.

The bill also clarifies that children and youth with serious special health care needs who do not qualify for Medicaid or CHIP but who are unable to access services, as well as children and youth as provided in Title V of the Social Security Act, may receive services under the CMS Safety Net program.

The bill also deletes the requirement that the Florida Birth-Related Neurological Injury Compensation Association[60] reimburse the CMS Network the state's share of funding to obtain matching federal funds under CHIP.

Section 10 requires that benefits provided under the CMS Managed Care Plan be equivalent to Medicaid benefits mandated under ss. 409.905 and 409.906, F.S. The bill clarifies that the DOH is authorized to offer additional benefits through the components of the CMS program.

The bill repeals this section of statute on January 1, 2026.

Section 11 repeals s. 391.035, F.S., relating to CMS provider qualifications.

Section 12 repeals s. 391.037, F.S., effective January 1, 2026, deleting provisions that clarify circumstances in which it is not a violation of s. 112.313(7), F.S., for a physician who is providing private sector services to clients of the DOH or who is employed by or has a contractual relationship with any business entity or agency that is a contract provider of the DOH to also be employed by the DOH to provide CMS services or services to assist in proceedings related to children.

Section 13 repeals s. 391.045, F.S., related to the reimbursement of CMS network health care providers by the DOH and reimbursement to the CMS program for applicable Florida Kidcare recipients.

Section 14 repeals s. 391.047, F.S., effective January 1, 2026, which requires the CMS program to comply with s. 402.24, F.S., concerning third-party liabilities and recovery of third-party payments for health services.

Section 15 repeals s. 391.055, F.S., effective January 1, 2026, related to service delivery systems of the CMS network.

Section 16 repeals s. 391.071, F.S., effective January 1, 2026, related to quality-of-care requirements for health care providers participating in the CMS program.

[60] The state of Florida faced a medical malpractice crisis in the 1970s and 80s. During that time, obstetrics malpractice claims rose sharply and medical liability insurance skyrocketed. Therefore, in 1986, the Legislature created a special task force to study the Florida medical malpractice crisis and address the OB-GYN impact on that crisis. The task force evaluated the rising insurance costs and reported that litigation costs and attorney's fees had increased between 1975 and 1986, but there was no particular change in substantive law to account for the change. Moreover, some physicians became reluctant to treat high-risk patients and practice certain high-risk specialties altogether. In 1985, OB-GYNs in Florida paid an average medical malpractice liability premium of $185,460, compared to a national average for OB-GYNs of $23,300. In response, the Florida Legislature created the Florida Birth-Related Neurological Injury Compensation Association (NICA) in 1988 to promote and protect the health and best interests of children with birth-related neurological injuries who have been accepted into the plan by striving to ensure that their medically necessary needs are being met. NICA is a no-fault alternative to medical malpractice lawsuits for the kind of injuries that carry the highest cost and system impact. The program shifts those costly cases out of the tort system, which helped to stabilize Florida's medical malpractice insurance market and encouraged Florida's obstetricians to continue delivering babies. See NICA, *About NICA, available at* https://www.nica.com/about-nica/ (last visited Mar. 30, 2025).

Section 17 deletes the requirement that the CMS network be included in any evaluation conducted in accordance with the provisions of CHIP as enacted by the Legislature.

Section 18 repeals ss. 391.221 and 391.223, F.S., eliminating the Statewide CMS Network Advisory Council and CMS program technical advisory panels.

Section 19 amends s. 409.166, F.S., to substitute CMS network services provided under the purview of the DOH for services through a plan under contract with the AHCA to serve children and youth with special health care needs effective July 1, 2025.

Section 20 amends s. 409.811, F.S., to delete the definition of "Children's Medical Services Network" or "network" effective July 1, 2025, as it applies to the Florida Kidcare Act.

Section 21 amends s. 409.813, F.S., to replace the CMS network established under ch. 391, F.S., with plans under contract with the AHCA to serve children and youth with special health care needs as a program component of the Florida Kidcare program effective July 1, 2025.

Sections 22, 24, and 25 amend ss. 409.8134, 409.815, and 409.8177, F.S., to replace the term "Children's Medical Services Network" with "a plan under contract with the AHCA to serve children with special health care needs" effective July 1, 2025.

Section 23 amends s. 409.814, F.S., to replace the term "Children's Medical Services Network" with "a plan under contract with the AHCA to serve children with special health care needs," and "clinical screening" with "CMS clinical screening."

Section 26 amends s. 409.818, F.S., to delete the CMS Network from the entities excluded from certification[61] by the Florida Office of Insurance Regulation (OIR)[62] effective July 1, 2025.

Section 27 amends s. 409.912, F.S., to delete the reference to the CMS network as it pertains to the program of all-inclusive care for children (PACC)[63] effective July 1, 2025.

Section 28 amends s. 409.9126, F.S., to clarify that children eligible for the CMS program receiving Medicaid benefits, and other Medicaid-eligible children with special health care needs,

[61] The Company Admission units of the OIR work closely with companies to submit applications for a Certificate of Authority to transact insurance in this state and facilitate the application process. *See* Office of Insurance Regulation, *Organization and Operation, available at* https://floir.com/about-us/organization-and-operation (last visited Mar. 30, 2025).
[62] The OIR is responsible for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Florida Insurance Code or ch. 636, F.S. *See* Office of Insurance Regulation, *Organization and Operation, available at* https://floir.com/about-us/organization-and-operation (last visited Mar. 30, 2025).
[63] PACC is a palliative care model providing pediatric palliative care to enrollees of the CMS Managed Care Plan who have special health care needs and a potentially life-threatening condition. Services are provided from the time of diagnosis throughout the treatment phase of illness, including end-of-life care, to reduce hospitalizations. See Florida Department of Health, *Florida's Program for All Inclusive Care for Children, PARTNERS IN CARE: TOGETHER FOR KIDS, PROGRAM GUIDELINES* (Nov. 2021), *available at* https://www.floridahealth.gov/programs-and-services/childrens-health/cms-plan/partners-in-care/_documents/PICTFKProgramGuidelines.pdf (last visited Mar. 30, 2025).

are exempt from s. 409.9122, F.S., effective July 1, 2025. The bill also removes the provision that these children would be served through the CMS network established in ch. 391, F.S.

Section 29 amends s. 409.9131, F.S., to delete the requirement that the AHCA consider whether individual patients are clients of the CMS Network established in ch. 391, F.S., when considering the patient case mix of a physician for the determination of overpayment, effective July 1, 2025.

Section 30 amends s. 409.920, F.S., to delete the CMS Network authorized under ch. 391, F.S., from the definition of a managed care plan, effective July 1, 2025.

Section 31 amends s. 409.962, F.S., to delete the CMS Network authorized under ch. 391, F.S., from the definition of an eligible plan, effective July 1, 2025.

Section 32 requires the AHCA to develop a comprehensive plan to redesign the Florida Medicaid Model Waiver for home and community-based services to include children who receive private duty nursing (PDN) services. The plan must propose an array of tiered services with the goal of ensuring that institutional care is avoided so children can remain in the home or other community setting. The AHCA must work with stakeholders in developing the plan, including, but not limited to, families of children who are in the model waiver or receiving PDN, advocates for children, providers of services to children receiving PDN, and Statewide Medicaid Managed Care (SMMC) plans. The AHCA is authorized to contract with necessary experts to assist in developing the plan.

The bill also requires the AHCA submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2025, addressing, at a minimum, all of the following:

- The purpose, rationale, and expected benefits of the redesigned waiver plan.
- The proposed eligibility criteria for clients and service benefit packages to be offered through the redesigned waiver plan. Managed care plans participating in the SMMC program must provide services under the redesigned waiver plan.
- A proposed implementation plan and timeline, including, but not limited to, recommendations for the number of clients served by the redesigned waiver plan at initial implementation, changes over time, and any per-client benefit caps.
- The fiscal impact for the implementation year and projections for the next five years determined on an actuarially sound basis.
- An analysis of the availability of services and service providers that would be offered under the redesigned waiver plan and recommendations to increase the availability of such services, as applicable.
- A list of all stakeholders, public and private, who were consulted or contacted during the development of the plan.

Section 33 provides that the bill takes effect upon becoming a law, except as otherwise expressly provided.

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:

Section 6 of Article III, s. 6 of the State Constitution, requires that every law embrace but one subject and matter properly connected therewith, and the subject must be briefly expressed in the title. As written, the title, Children's Medical Services program, does not reflect all content of the bill relating to the Florida Medicaid Model waiver.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed transfer of staff from the Department of Health's Division of Children's Medical Services to the Agency for Health Care Administration is budget neutral.

VI. Technical Deficiencies:

Under s. 409.166(4)(f), F.S., the Department of Children and Families may provide adoption assistance to adoptive parents for medical assistance initiated after the adoption of a child for medical, surgical, hospital, and related services needed as a result of the physical or mental condition of the child which existed before the adoption and is not covered by Medicaid, Children's Medical Services (CMS), or Children's Mental Health Services. As the bill is written, it is unclear whether "Children's Medical Services" references the program, the Managed Care Plan, or both.

The bill amends s. 409.814(10)(c), F.S., to clarify that the term "clinical screening" is referencing a CMS clinical screening. It may be beneficial to indicate the clinical screening is one conducted by the CMS program for further clarity.

VII. Related Issues:

The following deletions may result in Children's Medical Services (CMS) program operational issues and confusion:

- Section 6 of the bill deletes the requirement that the Department of Health (DOH) maintain program integrity in the CMS program.
- Section 12 deletes provisions that clarify instances in which it is not a violation of s. 112.313(7), F.S., for a physician who is involved with the DOH under certain circumstances to also be employed by the DOH to provide CMS services or services to assist in proceedings related to children.
- Section 14 repeals the requirement that the CMS program comply with s. 402.24, F.S., concerning third-party liabilities and recovery of third-party payments for health services.
- Section 16 repeals provisions related to quality-of-care requirements for health care providers participating in the CMS program.

VIII. Statutes Affected:

The bill creates undesignated sections of the Laws of Florida.

This bill substantially amends the following sections of the Florida Statutes: 391.016, 391.021, 391.025, 391.026, 391.029, 391.0315, 391.097, 409.166, 409.811, 409.813, 409.8134, 409.814, 409.815, 409.8177, 409.818, 409.912, 409.9126, 409.9131, 409.920, 409.962, and 409.974.

This bill repeals the following sections of the Florida Statutes: 391.026(8), 391.026(9), 3291.026(10), 391.026(11), 391.028, 391.035, 391.037, 391.045, 391.047, 391.055, 391.071, 391.221, and 391.223.

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 Health and Human Services on April 10, 2025:
The committee substitute revises the due date from September 30, 2025, to December 31, 2025, for the study of a redesign of the Florida Medicaid Model Waiver required in Section 32 of the underlying bill.

CS by Health Policy on April 1, 2025:
The committee substitute:

- Deletes the underlying bill's provisions shifting Florida Medicaid's prescribed pediatric extended care (PPEC) services from a fee-for-service delivery model to managed care.

- Removes the underlying bill's requirement that the Agency for Health Care Administration (AHCA) seek federal approval to revise Florida's Medicaid Model Waiver, instead requiring the AHCA to develop a comprehensive plan to redesign the Medicaid Model Waiver and submit a report to the Governor and the Legislature by September 30, 2025.

B. Amendments:

None.

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

By the Appropriations Committee on Health and Human Services; the Committee on Health Policy; and Senator Harrell

603-03452-25 20251490c2

A bill to be entitled

An act relating to the Children's Medical Services program; transferring operation of the Children's Medical Services Managed Care Plan from the Department of Health to the Agency for Health Care Administration, effective on a specified date; providing construction as to judicial and administrative actions pending as of a specified date and time; requiring the department's Children's Medical Services (CMS) program to collaborate with the agency in the care of children and youth with special health care needs; requiring the CMS program to conduct certain clinical eligibility screenings and provide ongoing consultation to the agency for a specified purpose; amending s. 409.974, F.S.; requiring the CMS program to transfer operation of certain managed care contracts from the department to the agency effective on a specified date; requiring the CMS program to conduct clinical eligibility screening for certain children and youth with special health care needs; requiring the program to provide ongoing consultation to the agency for a specified purpose; requiring the agency to establish specific measures for evaluation of services provided to children and youth with special health care needs; requiring the agency to contract with an independent evaluator to conduct the evaluation of services provided; specifying requirements for the evaluation; requiring the agency to submit the results of the

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

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evaluation to the Governor and the Legislature by a specified date; amending s. 391.016, F.S.; revising the purposes and functions of the CMS program; amending s. 391.021, F.S.; revising definitions; amending s. 391.025, F.S.; revising the scope of the CMS program; amending s. 391.026, F.S.; revising the powers and duties of the department to conform to changes made by the act; providing for the future repeal of s. 391.026(8) through (11), F.S., relating to the department's oversight and administration of the CMS program; repealing s. 391.028, F.S., relating to administration of the program; amending s. 391.029, F.S.; revising program eligibility requirements; conforming provisions to changes made by the act; amending s. 391.0315, F.S.; conforming provisions to changes made by the act; providing for future repeal of specified provisions; repealing ss. 391.035, 391.037, 391.045, 391.047, 391.055, and 391.071, F.S., relating to provider qualifications, physicians and private sector services, provider reimbursements, third-party payments, service delivery systems under the program, and quality of care requirements, respectively; amending s. 391.097, F.S.; conforming a provision to changes made by the act; repealing part II of ch. 391, F.S., consisting of ss. 391.221 and 391.223, F.S., relating to Children's Medical Services councils and panels; amending ss. 409.166, 409.811, 409.813, 409.8134, 409.814, 409.815, 409.8177, 409.818, 409.912, 409.9126, 409.9131, 409.920, and

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

409.962, F.S.; conforming provisions to changes made by the act; requiring the agency to develop a comprehensive plan to redesign the Florida Medicaid Model Waiver for home and community-based services to include children who receive private duty nursing services; providing requirements for the redesign of the waiver plan; requiring the agency to submit a report to the Governor and the Legislature by a specified date; providing requirements for the report; providing effective dates.

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

Section 1. Transfer of operation of the Children's Medical Services Managed Care Plan.—

(1) Effective July 1, 2025, all statutory powers, duties, functions, records, personnel, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the operation of the Department of Health's Children's Medical Services Managed Care Plan are transferred to the Agency for Health Care Administration.

(2) The transfer of operations of the Children's Medical Services Managed Care Plan does not affect the validity of any judicial or administrative action pending as of 11:59 p.m. on the day before the effective date of the transfer to which the Department of Health's Children's Medical Services Managed Care Plan is at that time a party, and the Agency for Health Care Administration shall be substituted as a party in interest in

any such action.

(3) The Department of Health's Children's Medical Services program shall collaborate with the Agency for Health Care Administration in the care of children and youth with special health care needs. The Department of Health's Children's Medical Services program shall do all of the following:

(a) Conduct clinical eligibility screening for children and youth with special health care needs who are eligible for or enrolled in Medicaid or the Children's Health Insurance Program.

(b) Provide ongoing consultation to the Agency for Health Care Administration to ensure high-quality, family-centered, coordinated health services within an effective system of care for children and youth with special health care needs.

Section 2. Subsection (4) of section 409.974, Florida Statutes, is amended to read:

409.974 Eligible plans.—

(4) CHILDREN'S MEDICAL SERVICES ~~NETWORK~~.—

(a) The Department of Health's Children's Medical Services program shall do all of the following:

1. Effective July 1, 2025, transfer to the agency the operation of managed care contracts procured by the department for Medicaid and Children's Health Insurance Program services provided to children and youth with special health care needs who are enrolled in the Children's Medical Services Managed Care Plan.

2. Conduct clinical eligibility screening for children and youth with special health care needs who are eligible for or are enrolled in Medicaid or the Children's Health Insurance Program.

3. Provide ongoing consultation to the agency to ensure

high-quality, family-centered, coordinated health services are provided within an effective system of care for children and youth with special health care needs.

(b) The agency shall establish specific measures of access, quality, and costs of providing health care services to children and youth with special health care needs. The agency shall contract with an independent evaluator to conduct an evaluation of services provided. The evaluation must include, but need not be limited to, all of the following:

1. A performance comparison of plans contracted to provide services to children and youth with special health care needs as well as plans contracted to serve a broader population of Managed Medical Assistance enrollees. The performance comparison must be based on the measures established by the agency and differentiated based on the age and medical condition or diagnosis of patients receiving services under each plan.

2. For each plan, an assessment of cost savings, patient choice, access to services, coordination of care, person-centered planning, health and quality-of-life outcomes, patient and provider satisfaction, and provider networks and quality of care.

The agency shall submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2028 ~~Participation by the Children's Medical Services Network shall be pursuant to a single, statewide contract with the agency that is not subject to the procurement requirements or regional plan number limits of this section. The Children's Medical Services Network must~~

~~meet all other plan requirements for the managed medical assistance program~~.

Section 3. Subsection (1) of section 391.016, Florida Statutes, is amended to read:

391.016 Purposes and functions.—The Children's Medical Services program is established for the following purposes and authorized to perform the following functions:

(1) Provide to children and youth with special health care needs a family-centered, comprehensive, and coordinated statewide managed system of care that links community-based health care with multidisciplinary, regional, and tertiary pediatric specialty care. ~~The program shall coordinate and maintain a consistent medical home for participating children.~~

Section 4. Subsections (1), (2), and (4) of section 391.021, Florida Statutes, are reordered and amended to read:

391.021 Definitions.—When used in this act, the term:

(2) ~~(1)~~ "Children's Medical Services Managed Care Plan ~~network~~" or "plan ~~network~~" means a statewide managed care service system that includes health care providers, as defined in this section.

(1) ~~(2)~~ "Children and youth with special health care needs" means those children and youth younger than 21 years of age who have chronic and serious physical, developmental, behavioral, or emotional conditions and who require health care and related services of a type or amount beyond that which is generally required by children and youth.

(4) "Eligible individual" means a child or youth with a special health care need or a female with a high-risk pregnancy, who meets the financial and medical eligibility standards

established in s. 391.029.

Section 5. Subsection (1) of section 391.025, Florida Statutes, is amended to read:

391.025 Applicability and scope.—

(1) The Children's Medical Services program consists of the following components:

(a) The newborn screening program established in s. 383.14 and the newborn, infant, and toddler hearing screening program established in s. 383.145.

(b) The regional perinatal intensive care centers program established in ss. 383.15-383.19.

(c) The developmental evaluation and intervention program, including the Early Steps Program established in ss. 391.301-391.308.

(d) The Children's Medical Services Managed Care Plan through the end of June 30, 2025 ~~network~~.

(e) The Children's Multidisciplinary Assessment Team.

(f) The Medical Foster Care Program.

(g) The Title V Children and Youth with Special Health Care Needs program.

(h) The Safety Net Program.

(i) Child Protection Teams and sexual abuse treatment programs established under s. 39.303.

(j) The State Child Abuse Death Review Committee and local child abuse death review committees established in s. 383.402.

Section 6. Section 391.026, Florida Statutes, is amended to read:

391.026 Powers and duties of the department.—The department shall have the following powers, duties, and responsibilities:

(1) To provide or contract for the provision of health services to eligible individuals.

(2) To provide services to abused and neglected children through Child Protection Teams pursuant to s. 39.303.

(3) To determine the medical and financial eligibility of individuals seeking health services from the program.

(4) To coordinate a comprehensive delivery system for eligible individuals to take maximum advantage of all available funds.

(5) To coordinate with programs relating to children's medical services in cooperation with other public and private agencies.

(6) To initiate and coordinate applications to federal agencies and private organizations for funds, services, or commodities relating to children's medical programs.

(7) To sponsor or promote grants for projects, programs, education, or research in the field of children and youth with special health care needs, with an emphasis on early diagnosis and treatment.

(8) To oversee and operate the Children's Medical Services Managed Care Plan through the end of June 30, 2025 ~~network~~.

(9) ~~To establish reimbursement mechanisms for the Children's Medical Services network.~~

~~(10) To establish Children's Medical Services network standards and credentialing requirements for health care providers and health care services.~~

~~(11) To serve as a provider and principal case manager for children with special health care needs under Titles XIX and XXI of the Social Security Act.~~

~~(12)~~ To monitor the provision of health services in the program, including the utilization and quality of health services.

(10)~~(13)~~ To administer the Children and Youth with Special Health Care Needs program in accordance with Title V of the Social Security Act.

~~(14) To establish and operate a grievance resolution process for participants and health care providers.~~

~~(15) To maintain program integrity in the Children's Medical Services program.~~

(11)~~(16)~~ To receive and manage health care premiums, capitation payments, and funds from federal, state, local, and private entities for the program. The department may contract with a third-party administrator for processing claims, monitoring medical expenses, and other related services necessary to the efficient and cost-effective operation of the Children's Medical Services Managed Care Plan through the end of June 30, 2025 ~~network. The department is authorized to maintain a minimum reserve for the Children's Medical Services network in an amount that is the greater of:~~

~~(a) Ten percent of total projected expenditures for Title XIX-funded and Title XXI-funded children; or~~

~~(b) Two percent of total annualized payments from the Agency for Health Care Administration for Title XIX and Title XXI of the Social Security Act~~.

(12)~~(17)~~ To provide or contract for peer review and other quality-improvement activities.

(13)~~(18)~~ To adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the Children's Medical Services Act.

(14)~~(19)~~ To serve as the lead agency in administering the Early Steps Program pursuant to part C of the federal Individuals with Disabilities Education Act and part III of this chapter.

(15) To administer the Medical Foster Care Program, including all of the following:

(a) Recruitment, training, assessment, and monitoring for the Medical Foster Care Program.

(b) Monitoring access and facilitating admissions of eligible children and youth to the program and designated medical foster care homes.

(c) Coordination with the Department of Children and Families and the Agency for Health Care Administration or their designees.

Section 7. Effective July 1, 2025, subsections (8) through (11) of section 391.026, Florida Statutes, as amended by this act, are repealed.

Section 8. Effective July 1, 2025, section 391.028, Florida Statutes, is repealed.

Section 9. Subsections (2) and (3) of section 391.029, Florida Statutes, are amended to read:

391.029 Program eligibility.—

(2) The following individuals are eligible to receive services through the program:

(a) Related to the regional perinatal intensive care centers, a high-risk pregnant female who is enrolled in Medicaid.

(b) Children and youth with serious special health care needs from birth to 21 years of age who are enrolled in

Medicaid.

(c) Children and youth with serious special health care needs from birth to 19 years of age who are enrolled in a program under Title XXI of the Social Security Act.

(3) Subject to the availability of funds, the following individuals may receive services through the Children's Medical Services Safety Net program:

(a) Children and youth with serious special health care needs from birth to 21 years of age who do not qualify for Medicaid or Title XXI of the Social Security Act but who are unable to access, due to lack of providers or lack of financial resources, specialized services that are medically necessary or essential family support services. Families shall participate financially in the cost of care based on a sliding fee scale established by the department.

(b) Children and youth with special health care needs from birth to 21 years of age, as provided in Title V of the Social Security Act.

(c) An infant who receives an award of compensation under s. 766.31(1). ~~The Florida Birth-Related Neurological Injury Compensation Association shall reimburse the Children's Medical Services Network the state's share of funding, which must thereafter be used to obtain matching federal funds under Title XXI of the Social Security Act.~~

Section 10. Section 391.0315, Florida Statutes, is amended to read:

391.0315 Benefits.—Benefits provided under the Children's Medical Services Managed Care Plan ~~program for children with special health care needs~~ shall be equivalent to benefits

provided to children as specified in ss. 409.905 and 409.906. The department may offer additional benefits through Children's Medical Services programs for early intervention services, respite services, genetic testing, genetic and nutritional counseling, and parent support services, if such services are determined to be medically necessary. This section is repealed on January 1, 2026.

Section 11. Section 391.035, Florida Statutes, is repealed.

Section 12. Effective January 1, 2026, section 391.037, Florida Statutes, is repealed.

Section 13. Section 391.045, Florida Statutes, is repealed.

Section 14. Effective January 1, 2026, section 391.047, Florida Statutes, is repealed.

Section 15. Effective January 1, 2026, section 391.055, Florida Statutes, is repealed.

Section 16. Effective January 1, 2026, section 391.071, Florida Statutes, is repealed.

Section 17. Section 391.097, Florida Statutes, is amended to read:

391.097 Research and evaluation.—

~~(1)~~ The department may initiate, fund, and conduct research and evaluation projects to improve the delivery of children's medical services. The department may cooperate with public and private agencies engaged in work of a similar nature.

~~(2) The Children's Medical Services network shall be included in any evaluation conducted in accordance with the provisions of Title XXI of the Social Security Act as enacted by the Legislature.~~

Section 18. Part II of chapter 391, Florida Statutes,

consisting of ss. 391.221 and 391.223, Florida Statutes, is repealed, and part III of that chapter is redesignated as part II.

Section 19. Effective July 1, 2025, paragraph (b) of subsection (5) of section 409.166, Florida Statutes, is amended to read:

409.166 Children within the child welfare system; adoption assistance program.—

(5) ELIGIBILITY FOR SERVICES.—

(b) A child who is handicapped at the time of adoption is ~~shall be~~ eligible for services through a plan under contract with the agency to serve children and youth with special heath care needs ~~the Children's Medical Services network established under part I of chapter 391~~ if the child was eligible for such services before ~~prior to~~ the adoption.

Section 20. Effective July 1, 2025, subsection (7) of section 409.811, Florida Statutes, is amended to read:

409.811 Definitions relating to Florida Kidcare Act.—As used in ss. 409.810-409.821, the term:

~~(7) "Children's Medical Services Network" or "network" means a statewide managed care service system as defined in s. 391.021(1).~~

Section 21. Effective July 1, 2025, subsection (1) of section 409.813, Florida Statutes, is amended to read:

409.813 Health benefits coverage; program components; entitlement and nonentitlement.—

(1) The Florida Kidcare program includes health benefits coverage provided to children through the following program components, which shall be marketed as the Florida Kidcare

program:

(a) Medicaid;

(b) Medikids as created in s. 409.8132;

(c) The Florida Healthy Kids Corporation as created in s. 624.91;

(d) Employer-sponsored group health insurance plans approved under ss. 409.810-409.821; and

(e) Plans under contract with the agency to serve children and youth with special health care needs ~~The Children's Medical Services network established in chapter 391~~.

Section 22. Effective July 1, 2025, subsection (3) of section 409.8134, Florida Statutes, is amended to read:

409.8134 Program expenditure ceiling; enrollment.—

(3) Upon determination by the Social Services Estimating Conference that there are insufficient funds to finance the current enrollment in the Florida Kidcare program within current appropriations, the program shall initiate disenrollment procedures to remove enrollees, except those children enrolled in a plan under contract with the agency to serve children with special health care needs ~~the Children's Medical Services Network~~, on a last-in, first-out basis until the expenditure and appropriation levels are balanced.

Section 23. Subsection (3) and paragraph (c) of subsection (10) of section 409.814, Florida Statutes, are amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 300 percent of the federal poverty level is eligible for the Florida Kidcare program as provided in this section. If an enrolled individual is determined to be ineligible for coverage, he or she must be

immediately disenrolled from the respective Florida Kidcare program component.

(3) A Title XXI-funded child who is eligible for the Florida Kidcare program who is a child with special health care needs, as determined through a medical or behavioral screening instrument, is eligible for health benefits coverage from and shall be assigned to and may opt out of a plan under contract with the agency to serve children with special health care needs ~~the Children's Medical Services Network~~.

(10) In determining the eligibility of a child, an assets test is not required. If eligibility for the Florida Kidcare program cannot be verified using reliable data sources in accordance with federal requirements, each applicant shall provide documentation during the application process and the redetermination process, including, but not limited to, the following:

(c) To enroll in a plan under contract with the agency to service children with special health care needs ~~the Children's Medical Services Network~~, a completed application, including a Children's Medical Services clinical screening.

Section 24. Effective July 1, 2025, paragraph (t) of subsection (2) of section 409.815, Florida Statutes, is amended to read:

409.815 Health benefits coverage; limitations.—

(2) BENCHMARK BENEFITS.—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.821, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(t) *Enhancements to minimum requirements.*—

1. This section sets the minimum benefits that must be included in any health benefits coverage, other than Medicaid or Medikids coverage, offered under ss. 409.810-409.821. Health benefits coverage may include additional benefits not included under this subsection, but may not include benefits excluded under paragraph (r).

2. Health benefits coverage may extend any limitations beyond the minimum benefits described in this section.

Except for a plan under contract with the agency to serve children with special health care needs ~~the Children's Medical Services Network~~, the agency may not increase the premium assistance payment for either additional benefits provided beyond the minimum benefits described in this section or the imposition of less restrictive service limitations.

Section 25. Effective July 1, 2025, paragraph (i) of subsection (1) of section 409.8177, Florida Statutes, is amended to read:

409.8177 Program evaluation.—

(1) The agency, in consultation with the Department of Health, the Department of Children and Families, and the Florida Healthy Kids Corporation, shall contract for an evaluation of the Florida Kidcare program and shall by January 1 of each year submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report of the program. In addition to the items specified under s. 2108 of Title XXI of the Social Security Act, the report shall include an assessment of crowd-out and access to health care, as well as the

following:

(i) An assessment of the effectiveness of the Florida Kidcare program, including Medicaid, the Florida Healthy Kids program, Medikids, and the plans under contract with the agency to serve children with special health care needs ~~Children's Medical Services network~~, and other public and private programs in the state in increasing the availability of affordable quality health insurance and health care for children.

Section 26. Effective July 1, 2025, subsection (4) of section 409.818, Florida Statutes, is amended to read:

409.818 Administration.—In order to implement ss. 409.810-409.821, the following agencies shall have the following duties:

(4) The Office of Insurance Regulation shall certify that health benefits coverage plans that seek to provide services under the Florida Kidcare program, except those offered through the Florida Healthy Kids Corporation ~~or the Children's Medical Services Network~~, meet, exceed, or are actuarially equivalent to the benchmark benefit plan and that health insurance plans will be offered at an approved rate. In determining actuarial equivalence of benefits coverage, the Office of Insurance Regulation and health insurance plans must comply with the requirements of s. 2103 of Title XXI of the Social Security Act. The department shall adopt rules necessary for certifying health benefits coverage plans.

Section 27. Effective July 1, 2025, subsection (11) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery

of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. s. 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible

dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers

necessary to administer these policies.

(11) The agency shall implement a program of all-inclusive care for children. The program of all-inclusive care for children shall be established to provide in-home hospice-like support services to children diagnosed with a life-threatening illness ~~and enrolled in the Children's Medical Services network~~ to reduce hospitalizations as appropriate. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.

Section 28. Effective July 1, 2025, subsection (1) of section 409.9126, Florida Statutes, is amended to read:

409.9126 Children with special health care needs.—

(1) Except as provided in subsection (4), children eligible for the Children's Medical Services program who receive Medicaid benefits, and other Medicaid-eligible children with special health care needs, are ~~shall be~~ exempt from ~~the provisions of~~ s. 409.9122 ~~and shall be served through the Children's Medical Services network established in chapter 391~~.

Section 29. Effective July 1, 2025, paragraph (a) of subsection (5) of section 409.9131, Florida Statutes, is amended to read:

409.9131 Special provisions relating to integrity of the Medicaid program.—

(5) DETERMINATIONS OF OVERPAYMENT.—In making a determination of overpayment to a physician, the agency must:

(a) Use accepted and valid auditing, accounting, analytical, statistical, or peer-review methods, or combinations thereof. Appropriate statistical methods may include, but are

not limited to, sampling and extension to the population, parametric and nonparametric statistics, tests of hypotheses, other generally accepted statistical methods, review of medical records, and a consideration of the physician's client case mix. Before performing a review of the physician's Medicaid records, however, the agency shall make every effort to consider the physician's patient case mix, including, but not limited to, patient age ~~and whether individual patients are clients of the Children's Medical Services Network established in chapter 391~~. In meeting its burden of proof in any administrative or court proceeding, the agency may introduce the results of such statistical methods and its other audit findings as evidence of overpayment.

Section 30. Effective July 1, 2025, paragraph (e) of subsection (1) of section 409.920, Florida Statutes, is amended to read:

409.920 Medicaid provider fraud.—

(1) For the purposes of this section, the term:

(e) "Managed care plans" means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641~~, the Children's Medical Services Network authorized under chapter 391~~, a prepaid health plan authorized under this chapter, a provider service network authorized under this chapter, a minority physician network authorized under this chapter, and an emergency department diversion program authorized under this chapter or the General Appropriations Act, providing health care services pursuant to a contract with the Medicaid program.

Section 31. Effective July 1, 2025, subsection (7) of section 409.962, Florida Statutes, is amended to read:

409.962 Definitions.—As used in this part, except as otherwise specifically provided, the term:

(7) "Eligible plan" means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, or a provider service network authorized under s. 409.912(1) or an accountable care organization authorized under federal law. For purposes of the managed medical assistance program, the term also includes ~~the Children's Medical Services Network authorized under chapter 391 and~~ entities qualified under 42 C.F.R. part 422 as Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, Medicare Advantage Health Maintenance Organizations, Medicare Advantage Coordinated Care Plans, and Medicare Advantage Special Needs Plans, and the Program of All-inclusive Care for the Elderly.

Section 32. The Agency for Health Care Administration shall develop a comprehensive plan to redesign the Florida Medicaid Model Waiver for home- and community-based services to include children who receive private duty nursing services. The plan must propose an array of tiered services with the goal of ensuring that institutional care is avoided so children can remain in the home or other community setting. The agency shall work with stakeholders in developing the plan, including, but not limited to, families of children who are in the model waiver or receiving private duty nursing, advocates for children, providers of services to children receiving private duty

nursing, and Statewide Medicaid Managed Care plans. The agency is authorized to contract with necessary experts to assist in developing the plan. The agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2025, addressing, at a minimum, all of the following:

(1) The purpose, rationale, and expected benefits of the redesigned waiver plan.

(2) The proposed eligibility criteria for clients and service benefit packages to be offered through the redesigned waiver plan. Managed care plans participating in the Statewide Medicaid Managed Care program must provide services under the redesigned waiver plan.

(3) A proposed implementation plan and timeline, including, but not limited to, recommendations for the number of clients served by the redesigned waiver plan at initial implementation, changes over time, and any per-client benefit caps.

(4) The fiscal impact for the implementation year and projections for the next 5 years determined on an actuarially sound basis.

(5) An analysis of the availability of services and service providers that would be offered under the redesigned waiver plan and recommendations to increase availability of such services, as applicable.

(6) A list of all stakeholders, public and private, who were consulted or contacted during the development of the plan.

Section 33. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

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:	CS/SB 1528
INTRODUCER:	Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Collins
SUBJECT:	Educational Opportunities for Military Children
DATE:	April 21, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Proctor	MS	**Fav/CS**
2.	Gray	Elwell	AED	**Favorable**
3.	Proctor	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1528 directs the Department of Education (DOE) to develop and implement a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school. The DOE must provide the training module to each district school board to provide to each public and charter K-12 school within its district. The district school board must make the training available to employees who work directly with miliary students and families.

This bill may have an insignificant negative fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Procedures for Maintenance and Transfer of Student Records

Each school principal must maintain a permanent cumulative record for each student enrolled in a public K-12 school. The record must be maintained in the form, and contain all data required by Florida Administrative Code Rule 6A-1.0955. The cumulative record is confidential and

exempt from the provisions of public records under s. 119.07(1), F.S., and is open to inspection only as provided in chapter1002, F.S.[1]

Information contained in education records must be classified and retained as follows:
- Category A: Information for each student which must be kept current while the student is enrolled and retained permanently in the manner prescribed by s. 1001.52(2), F.S.
- Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by s. 1001.52(3), F.S.

The content of Category A records, which must be maintained for each student, are as follows:
- Student's full legal name;
- Authenticated birthdate, place of birth, race, ethnicity, and sex;
- Last known address of the student,
- Names of the student's parent(s) or guardian(s);
- Name and location of last school attended;
- Number of days present and absent, date enrolled, and date withdrawn;
- Courses taken and record of achievement, such as grades, units, or certification of competence;
- Date of graduation or date of program completion; and
- Records of requests for access to and disclosure of personally identifiable information from the education records of the student as required by the Family Educational Rights and Privacy Act.

The content of Category B records may include, but are not limited to:
- Health information and health care plans;
- Family background data;
- Standardized test scores;
- Educational and career plans;
- Honors and activities;
- Work experience reports;
- Teacher comments;
- Reports of student services or exceptional student staffing committees including all information required by s. 1001.42(13), F.S.;
- Discipline records;
- School Environmental Safety Incident Reports collected under s. 1006.07(9), F.S.;
- Except as provided in Subsection (6), threat assessments done by the threat assessment team pursuant to s. 1006.07(7), F.S.;
- Academic and behavioral intervention services,
- Psychological evaluations;
- Therapeutic treatment plans and therapy progress notes;
- Correspondence from community agencies or private professionals,
- Driver education certificate;
- List of schools attended;

[1] Section 1003.25(1), F.S.

- Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records; and
- Records designated for retention by the Florida Department of State in General Records Schedule GS7 for Public Schools Pre-K – 12, Adult and Vocational/Technical.[2]

The procedure for transferring and maintaining records of students who transfer from school to school is prescribed by rules of the State Board of Education.[3]

The transfer of education records:

- Must be made immediately upon written request of an eligible student, a parent or a receiving school. The principal or designee must transfer a copy of all Category A and Category B information and must retain a copy of Category A information; however, student records which are required for audit purposes for programs listed in s. 1010.305, F.S., must be maintained in the district for the time period pursuant to Florida Administrative Code Rule 6A-1.0453.
- Must not be delayed for nonpayment of a fee or fine assessed by the school.
- Of students who transfer from school to school must occur within five school days of receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first. In accordance with s. 1003.25, F.S., student records must contain verified reports of serious or recurrent behavior patterns, including all documentation and related information for reports of concerning behavior, concerning communication, or threats that are documented using any portion of the Florida Harm Prevention and Threat Management Instrument, and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by district or charter school staff. All reports of concerning behavior, concerning communication, or threats must be transferred, regardless of the outcome or level of concern.[4]

Procedures relating to the acceptance of transfer work and credit for students must be prescribed by rule by the State Board of Education.[5]

III. Effect of Proposed Changes:

This bill amends s. 1003.05, F.S., to direct the DOE to develop and implement a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school. The DOE must provide the training module to each district school board to provide to each public and charter K-12 school within its district. The district school board must make the training available to employees who work directly with miliary students and families.

[2] Fla. Admin. Code R. 6A-1.0955 (2024).
[3] Section 1003.25(2), F.S.
[4] Fla. Admin. Code R. 6A-1.0955 (2024).
[5] Section 1003.25(3), F.S.

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:

There may be an insignificant fiscal impact related to the development and implementation by the DOE of a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school and then making the training available to employees who work directly with miliary students and families.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.05 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 Military and Veterans Affairs, Space, and Domestic Security on March 18, 2025:
The committee substitute removes the provision for future legislative review and repeal of the Interstate Compact on Educational Opportunity for Military Children.

B. Amendments:

None.

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

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Collins

583-02562-25 20251528c1

A bill to be entitled

An act relating to the educational opportunities for military children; amending s. 1003.05, F.S.; requiring that strategies addressed in specified memoranda of agreement between school districts and military installations include the development and implementation of a specified training module; requiring the Department of Education to provide the training module to each district school board; requiring each district school board to provide such module to each public and charter K-12 school in its district; requiring district school boards to make certain training available to certain employees; providing an effective date.

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

Section 1. Subsection (2) of section 1003.05, Florida Statutes, is amended to read:

1003.05 Assistance to transitioning students from military families.—

(2) The Department of Education shall facilitate the development and implementation of memoranda of agreement between school districts and military installations which address strategies for assisting students who are the children of active duty military personnel in the transition to Florida schools.

(a) The strategies developed by the department must include the development and implementation of a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school.

(b) The department shall provide the training module required under paragraph (a) to each district school board to provide to each public and charter K-12 school within its district. The district school board shall make the training available to employees who work directly with miliary students and families.

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

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

1/00 412

The Florida Senate

APPEARANCE RECORD

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

4/22/2025
Meeting Date

Fiscal Policy
Committee

1528
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

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Orlando FL 32809
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:
FLPTA

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

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:	CS/CS/SB 1574
INTRODUCER:	Fiscal Policy Committee; Regulated Industries Committee; and Senator DiCeglie
SUBJECT:	Energy Infrastructure Investment
DATE:	April 23, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Fav/CS**
2.	Sanders	Betta	AEG	**Favorable**
3.	Schrader	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1574 amends s. 366.075, F.S., relating to Florida's experimental and transitional utility rates. The bill requires the Florida Public Service Commission (PSC or Commission) to establish an experimental mechanism to facilitate energy infrastructure investment in renewable natural gas (RNG).

The bill does not impact state revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Public Service Commission

The PSC is an arm of the legislative branch of government.[1] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[2] In order to do so, the PSC exercises

[1] Section 350.001, F.S.

[2] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited April 8, 2025).

authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[3]

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid[4] and may order the addition or repair of infrastructure as necessary.[5] The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities[6] (called "public utilities" under ch. 366, F.S.).[7] However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.[8] Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

PSC Setting of Public Utility Rates and Other Charges

Section 366.041, F.S., establishes the considerations the PSC must apply in fixing just, reasonable, and compensatory rates:

> the [PSC] is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and the value of such service to the public; the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base

Section 366.06, F.S., establishes the PSC's authority to establish and implement procedures for the fixing of and changing public utility rates. Under this section, all applications made by public utilities for changes in rates must be in writing with the PSC under the PSC's established rules and regulations.[9] Section 366.06(2), F.S., requires the PSC to hold a public hearing whenever it finds, upon request made, or upon its own motion, one or more of the following:

- That the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law;
- That such rates are insufficient to yield reasonable compensation for the services rendered;
- That such rates yield excessive compensation for services rendered; or
- That such service is inadequate or cannot be obtained.

[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited April 8, 2025).
[4] Section 366.04(5) and (6), F.S.
[5] Section 366.05(1) and (8), F.S.
[6] Section 366.05, F.S.
[7] Section 366.02(8), F.S.
[8] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited April 8, 2025).
[9] Section 366.06(1), F.S.

During such a hearing, the PSC must determine just and reasonable rates to be thereafter charged for such service, and promulgate rules and regulations affecting equipment, facilities, and service to be thereafter installed, furnished, and used.

The PSC establishes separate rates and charges for various components of a public utility's cost of providing service to its customers. These are established through various proceedings which include:

- Base rate proceedings (also known as rate cases);
- Cost recovery clauses;
- Infrastructure surcharges;
- Interim charges.[10]

Experimental and Transitional Rates

Section 366.075, F.S., authorizes the PSC to approve experimental or transitional rates for the purpose of encouraging energy conservation or efficiency. This provision is used by the PSC to allow electric and natural gas utilities under its rate-regulatory jurisdiction to conduct limited scope pilot programs.

Such rates must be limited in geographic area and be for a limited period of time. The PSC may approve the area used in testing experimental rates and must specify in the order setting those rates the area that will be affected by those rates. The PSC can extend this time period "if it determines that further testing is necessary to fully evaluate the effectiveness of such experimental rates."

Renewable Energy

Section 366.91, F.S., establishes a number of renewable policies for the state. The purpose of these policies, as established in this section, states it is in the public interest to promote the development of renewable energy resources in this state.[11] Further, the statute is intended to encourage fuel diversification to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.[12]

The section defines "renewable energy" as:

> [E]electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations and electrical energy produced using pipeline-

[10] Florida Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 354*, (Feb. 28, 2025) (on file with Senate Committee on Regulated Industries).
[11] Section 366.91(1), F.S
[12] *Id.*

quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.[13]

Renewable Natural Gas

Natural gas is a fossil energy source which forms beneath the earth's surface. Natural gas contains many different compounds, the largest of which is methane. Conventional natural gas is primarily extracted from subsurface porous rock reservoirs via gas and oil well drilling and hydraulic fracturing, commonly referred to as "fracking."[14] RNG refers to biogas that has been upgraded to use in place of fossil fuel natural gas (i.e. conventional natural gas).[15]

Section 366.91, F.S., identifies sources for producing RNG as a potential source of renewable energy.[16] The section specifically defines renewable natural gas as anaerobically generated biogas,[17] landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater. Under the definition, such gas may be used as a transportation fuel or for electric generation, or is of a quality capable of being injected into a natural gas pipeline.

Biogas used to produce RNG comes from various sources, including municipal solid waste landfills, digesters at water resource recovery facilities, livestock farms, food production facilities, and organic waste management operations.[18] Raw biogas has a methane content between 45 and 65 percent.[19] Once biogas is captured, it is treated in a process called conditioning or upgrading, which involves the removal of water, carbon dioxide, hydrogen sulfide, and other trace elements. After this process, the nitrogen and oxygen content is reduced and the RNG has a methane content comparable to natural gas and is thus a suitable energy source in applications that require pipeline-quality gas, such as vehicle applications.[20]

RNG that meets certain standards qualifies as an advanced biofuel under the Federal Renewable Fuel Standard Program.[21] This program was enacted by the United States Congress in order to

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[13] Section 366.91(2)(e), F.S.
[14] United States Energy Information Administration, *Natural gas explained* (Oct. 10, 2024), https://www.eia.gov/energyexplained/natural-gas/ (last visited April 8, 2025).
[15] Environmental Protection Agency, *Landfill Methane Outreach Program (LMOP): Renewable Natural Gas*, https://www.epa.gov/lmop/renewable-natural-gas (last visited April 8, 2025).
[16] Section 366.91(2)(e), F.S., defines "renewable energy," in part, as energy produced from biomass. Section 366.91(2)(b), F.S., defines "biomass" in part, as "a power source that is comprised of, but not limited to, combustible residues or gases from…waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas." RNG would be such a combustible gas.
[17] Section 366.91(2)(a) defines "biogas" as a mixture of gases produced by the biological decomposition of organic materials which is largely comprised of carbon dioxide, hydrocarbons, and methane gas.
[18] Environmental Protection Agency, *supra* note 15.
[19] *Id.*
[20] United States Department of Energy, *Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited April 8, 2025).
[21] United States Department of Energy, *Renewable Fuel Standard*, https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20(RFS,Act%20of%202007%20(EISA) (last visited April 8, 2025).

reduce greenhouse gas emissions by reducing reliance on imported oil and expanding the nation's renewable fuels sector.[22]

Nationally as of September 2023, there were 580 landfill gas facilities in operation and 530 anaerobic digester systems operating at commercial livestock farms in the United States.[23] Of the more than 16,000 wastewater treatment plants in operation in the United States, approximately 1,200 have anaerobic digesters on site, and 860 of those have the equipment to use their biogas on site.[24]

Florida Power and Light (FPL) Woodford Decision

In *Citizens of State v. Graham*, 191 So. 3d 897 (Fla. 2016), the Florida Supreme Court found the PSC lacked statutory authority to approve cost recovery for FPL investment in a natural gas production facility in the Woodford Shale Gas Region in Oklahoma (Woodford Project). The Woodford Project involved exploration and production of natural gas and not the purchase of actual fuel—something that would generally be within the types of activities an electric utility would engage in. The Supreme Court cited to s. 366.02(2), F.S. (2014), which defines an "electric utility" as "any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state," and found that the Woodford Project activities did not fall within this definition.[25]

However, in making its decision, the Supreme Court noted the following:

> This may be a good idea, but whether advance cost recovery of speculative capital investments in gas exploration and production by an electric utility is in the public interest is a policy determination that must be made by the Legislature. For example, in contrast to natural gas exploration and production, the Legislature has authorized the PSC to approve cost recovery for capital investments in nuclear power plants and energy efficient and renewable energy power sources. See ss. 366.8255; 366.92; 366.93, Fla. Stat. (2014). Without statutory authorization from the Legislature, the recovery of FPL's costs and capital investment in the Woodford Project through the fuel clause is overreach.[26]

Thus, while the Supreme Court determined that the PSC could not approve cost recovery for capital electric utility investments in natural gas production, it indicated that the Legislature has the authority to allow for such if it chose to do so.[27]

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[22] Environmental Protection Agency, *Renewable Fuel Standard Program*, https://www.epa.gov/renewable-fuel-standard-program (last visited April 8, 2025).
[23] United States Department of Energy, *Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited April 8, 2025) and American Biogas Council, *Biogas Market Snapshot*, https://americanbiogascouncil.org/biogas-market-snapshot/ (last visited April 8, 2025).
[24] *Id.*
[25] *Citizens of State v. Graham*, 191 So. 3d 897, 901-2 (Fla. 2016).
[26] *Id.* at 902.
[27] Florida Public Service Commission, *Bill Analysis for SB 1162* (Mar. 14, 2023) (on file with the Senate Committee on Regulated Industries).

Biogas in Florida

According to the American Biogas Council, Florida has 70 operational biogas systems:
- 40 wastewater systems;
- 21 landfills;
- Five food waste systems; and
- Four manure processing locations.[28]

Recovery of Natural Gas Facilities Relocation Costs

Created in 2024 (chapter 2024-186, Laws of Florida), s. 366.99, F.S., authorizes natural gas public utilities to petition the PSC to annually recover prudently incurred natural gas facilities relocation costs to accommodate requirements imposed by the Florida Department of Transportation (FDOT) and local government entities. The section allows each utility to recover such costs through a charge separate and apart from base rates, referred to in the section as the natural gas facilities relocation cost recovery clause.

The section directs the PSC to establish an annual proceeding to review these petitions. This review is limited to:
- Determining the prudence of the utility's actual incurred natural gas facilities relocation costs;
- Determining the reasonableness of the utility's projected natural gas facilities relocation costs for the next calendar year; and
- Providing for a true-up of the costs with the projections on which past factors were set.

Any refund or collection made pursuant to the true-up process must include applicable interest.

The section also requires all costs approved pursuant to this clause be allocated to customer classes pursuant to the rate design most recently approved by the PSC. If a capital expenditure is recoverable as a natural gas facilities relocation cost, the public utility may recover the annual depreciation on the cost, calculated at the public utility's current approved depreciation rates, and a return on the undepreciated balance of the costs at the public utility's weighted average cost of capital using the last approved return on equity.

The section directs the PSC to adopt rules to implement the section as soon as practicable.

III. Effect of Proposed Changes:

Section 1 amends s. 366.075, F.S., to require the PSC to establish an experimental mechanism to facilitate energy infrastructure investment in gas using the administrative proceeding structure created for natural gas facilities relocation cost recovery in s. 366.99, (2) through (6), F.S. As used in the section, "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for pipeline distribution.

[28] American Biogas Council, *Biogas State Profiles*, https://americanbiogascouncil.org/resources/state-profiles/florida/ (last visited April 8, 2025).

In establishing this mechanism, the PSC is to consider the intent provided in s. 366.91(1), F.S., for renewable energy.[29] The gas infrastructure investment may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution.

The section also requires the PSC to propose a rule for adoption as soon as practicable, but not later than January 1, 2026. These rules must provide for the allocation to public utility customers of the benefit of any tradeable energy credits and tax savings associated with gas infrastructure investments made pursuant to this subsection. They must also address the treatment of revenues from sales of gas from such investments for transportation purposes.

Section 2 provides an effective date of 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.

[29] Section 366.91(1), F.S., provides that the "Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies."

B. Private Sector Impact:

Public utilities will likely expand their use and sale of RNG, the costs of which will be authorized to be passed through to the utilities' customers. In addition, if the production of RNG increases in response to the experimental mechanism authorized in the bill, operators of farming operations that have the potential to generate RNG may see a revenue increase as a result of increased RNG capture and production.

C. Government Sector Impact:

The bill does not impact state revenues and expenditures. The bill requires the PSC to adopt rules and expands the responsibilities of the PSC. Any such expenses will be absorbed within existing resources.[30]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 366.075 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 April 22, 2025:
The committee substitute amends the bill to:

- Specify that the experimental mechanism established in the bill is mandatory for the Public Service Commission (PSC) to create. The bill had specified that the PSC "may" establish the mechanism.
- Provide particular rules the PSC must adopt pursuant to the mechanism. Specifically, the rules must provide for the allocation to public utility customers of the benefit of any tradeable energy credits and tax savings associated with gas infrastructure investments, and must address the treatment of revenues from sales of gas from such investments for transportation purposes.

CS by Regulated Industries on April 1, 2025:
The committee substitute revises the recovery mechanism structure for the energy infrastructure investments specified in the bill. Specifically, the amendment replaces the

[30] Florida Public Service Commission, *Bill Analysis for Senate Bill 1574* (April 1, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

storm protection plans and cost recovery (ss. 366.96, (7) and (8), F.S.) mechanism with that used for natural gas relocation facilities costs (ss. 366.99(2) through (6), F.S.).

The committee substitute also makes a conforming change to delete a provision that the PSC has the discretion to determine whether to use an annual proceeding to conduct such an experimental mechanism. Section 366.99(2) through (6), F.S., already specifies annual proceedings for that mechanism).[31]

B. Amendments:

None.

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

[31] *Id.*

379058

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 366.075, Florida Statutes, to read:

366.075 Experimental and transitional rates; experimental mechanisms.—

(3)(a) The commission shall establish an experimental mechanism to facilitate energy infrastructure investments in gas

379058

consistent with a similar structure as set forth in s. 366.99(2)-(6) and with the intent of s. 366.91(1). Such gas infrastructure investments may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution. In an annual proceeding, the commission shall have the discretion to determine whether such mechanism shall be implemented. As used in this subsection, the term "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas produced and collected in this state and refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for pipeline distribution.

(b) The commission shall adopt rules to implement and administer this subsection and shall propose such rules for adoption as soon as practicable but no later than January 1, 2026. Such rules must provide for the allocation to public utility customers of the benefit of any tradeable energy credits and tax savings associated with gas infrastructure investments made pursuant to this subsection and must address the treatment of revenues from sales of gas from such investments for transportation purposes.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to energy infrastructure investment;

379058

amending s. 366.075, F.S.; requiring the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investments in gas; providing requirements for gas infrastructure investments; authorizing the commission to make certain determinations; defining the term "gas"; requiring the commission to adopt rules and propose such rules for adoption by a specified date; providing requirements for such rules; providing an effective date.

303246

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment to Amendment (379058) (with title amendment)

Delete lines 15 - 17
and insert:
as a transportation fuel or for pipeline distribution. As used

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:
Delete lines 45 - 46

303246

and insert:

investments; defining the term “gas”;

By the Committee on Regulated Industries; and Senator DiCeglie

580-03185-25 20251574c1

A bill to be entitled

An act relating to energy infrastructure investment; amending s. 366.075, F.S.; authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investment in gas; providing requirements for gas infrastructure investments; defining the term "gas"; requiring the commission to adopt rules and propose such rules by a specified date; providing an effective date.

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

Section 1. Subsection (3) is added to section 366.075, Florida Statutes, to read:

366.075 Experimental and transitional rates; experimental mechanisms.—

(3) The commission may establish an experimental mechanism to facilitate energy infrastructure investment in gas consistent with a similar structure as set forth in s. 366.99(2)-(6) and with the intent of s. 366.91(1). Such gas infrastructure investment may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution. As used in this subsection, the term "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for pipeline distribution. The commission shall adopt rules to implement and administer this subsection

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

580-03185-25 20251574c1

and shall propose such rules for adoption as soon as practicable but no later than January 1, 2026.

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

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

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

1574
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tanner Warwick

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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:
Associated Industries of 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

4/22/2025
Meeting Date

Fiscal Policy
Committee

The Florida Senate

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1574
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Chamber of Commerce

☐ 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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4/22/25
Meeting Date

S. FISCAL POLICY
Committee

SB 1574
Bill Number or Topic

Amendment Barcode (if applicable)

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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:

NATIONAL WASTE & RECYCLING ASSN. FL CHAPTER

☐ 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

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 1578
INTRODUCER:	Senator Davis
SUBJECT:	Coverage for Mammograms and Supplemental Breast Cancer Screenings
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Favorable**
2.	Barr	McKnight	AHS	**Favorable**
3.	Moody	Siples	FP	**Favorable**

I. Summary:

SB 1578 modifies required coverage for mammograms and supplemental breast cancer screenings in Florida. The bill requires the Agency for Health Care Administration (ACHA) to provide Medicaid coverage to female recipients who are aged 25 and over for one mammogram and one supplemental breast screening in certain circumstances.

Further, the bill modifies the coverage mandate for mammograms for the following types of insurance coverage:

- An individual accident and health insurance policy ("individual insurance policy"),
- A group, blanket, and franchise health insurance ("group insurance policy"), and
- A health maintenance organization (HMO) contract.

Such policies or contracts are amended to increase mandatory mammogram coverage and to require coverage for supplemental breast cancer screenings in specified circumstances, including coverage for additional risk factors than are covered under current law. The bill defines "supplemental breast cancer screening" to mean a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating physician for breast cancer screening in accordance with applicable American College of Radiology guidelines, which may include but is not limited to magnetic resonance imaging, ultrasound, and molecular breast imaging. The bill's coverage requirement of supplemental breast cancer screenings replaces the mandate that insurance policies and HMO contracts provide coverage for additional mammograms based on a physician's recommendation.

The relevant sections of current law are updated to conform to the revised coverage, and certain terms are defined in the relevant sections to clarify the scope of the coverage.

The bill will have an indeterminate, negative fiscal impact on state expenditures related to state employee insurance. The bill will have an indeterminate negative fiscal impact on private sector individuals and insurers. **See Section V., Fiscal Impact Statement**.

The bill takes effect July 1, 2025.

II. Present Situation:

Background

Rates of breast cancer vary among different groups of people. Rates vary between women and men and among people of different ethnicities and ages. Rates of breast cancer incidence (new cases) and mortality (death) are much lower among men than among women. The American Cancer Society made the following estimates regarding cancer among women in the U.S. during 2024:

- 310,720 new cases of invasive breast cancer (This includes new cases of primary breast cancer, but not breast cancer recurrences);
- 56,500 new cases of ductal carcinoma in situ (DCIS), a non-invasive breast cancer; and
- 42,250 breast cancer deaths.[1]

The estimates for men in the U.S. for 2024 were:

- 2,790 new cases of invasive breast cancer (This includes new cases of primary breast cancers, but not breast cancer recurrences); and
- 530 breast cancer deaths.[2]

Breast cancer is the second most common form of cancer diagnosed in women, and it is estimated that one in eight women will be diagnosed with breast cancer in her lifetime.[3] It accounts for 30 percent of all new female cancers in the United States each year.[4] The median age at which a woman is diagnosed is 62 with a very small percentage of women who are diagnosed under the age of 45.[5]

Risks and Risk Factors

There are no absolute ways to prevent breast cancer as there might be with other forms of cancer; however, there are some risk factors that may increase a woman's chances of receiving a diagnosis. Some risk factors that are out of an individual's control are:

- Being born female;
- Aging beyond 55;
- Inheriting certain gene changes;
- Having a family or personal history of breast cancer;
- Being of certain race or ethnicity;

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[1] *Cancer Facts & Figures*, pgs. 10-11, American Cancer Society - Cancer Facts & Figures 2024 (last visited Mar. 20, 2025).
[2] *Id.*
[3] American Cancer Society, *Key Statistics for Breast Cancer*, Breast Cancer Statistics | How Common Is Breast Cancer? | American Cancer Society (last visited Mar. 20, 2025).
[4] *Id.*
[5] *Id.*

- Being taller;
- Having dense breast tissue;
- Having certain benign breast conditions;
- Starting menstrual periods early, usually before age 12;
- Having radiation to the chest; and
- Being exposed to the drug, diethylstilbestrol.[6]

For many of the factors above, it is unclear why these characteristics make an individual more susceptible to a cancer diagnosis other than perhaps being female. However, men can and do receive breast cancer diagnoses, just in very small numbers. About one in every 100 breast cancers diagnosed in the United States is found in a man.[7]

Breast Cancer Screening

In Florida, an individual insurance policy, a group insurance policy, or a health maintenance contract issued, amended, delivered, or renewed in this state must provide coverage for at least the following:

- A baseline mammogram for any woman who is 35 years of age or older, but younger than 40 years of age.
- A mammogram every two years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendation.
- A mammogram every year for any woman who is 50 years of age or older.
- One or more mammograms a year, based upon a physician's recommendation, for any woman who is at risk for breast cancer because of a personal or family history of breast cancer, having a history of biopsy-proven benign breast disease, having a mother, sister, or daughter who has or has had breast cancer, or a woman has not given birth before the age of 30.[8]

With respect to an individual insurance policy or a group insurance policy only, except for mammograms conducted more frequently than every 2 years for women between the ages of 40 to 50 years old, the coverage for mammograms described above only applies if the insured obtains a mammogram in an office, facility, or health testing service that uses radiological equipment registered with the Department of Health.[9] The coverage for individual and group policies and contracts is subject to the deductible and coinsurance applicable to other benefits.[10]

However, mammography is only the initial step in early detection and, by itself, unable to diagnose cancer. A mammogram is an x-ray of the breast.[11] While screening mammograms are routinely performed to detect breast cancer in women who have no apparent symptoms,

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[6] American Cancer Society, *Breast Cancer Risk Factors You Cannot Change*- Breast Cancer Risk Factors You Can't Change | American Cancer Society (last visited Mar. 20, 2025).
[7] Centers for Disease Control and Prevention, *Breast Cancer in Men*- About Breast Cancer in Men | Breast Cancer | CDC (last visited Mar. 21, 2025).
[8] Sections 627.6418(1), 627.6613(2), and 641.31095(1), F.S.
[9] Sections 627.6418(2) and 627.6613(2), F.S.
[10] Sections 627.6418(2), 627.6613(2), and 641.31095(2), F.S.
[11] National Breast Cancer Foundation, *What Is The Difference Between A Diagnostic Mammogram And A Screening Mammogram?*, available at https://www.nationalbreastcancer.org/diagnostic-mammogram (last visited Mar. 21, 2025).

diagnostic mammograms are used after suspicious results on a screening mammogram or after some signs of breast cancer alert the physician to check the tissue.[12]

If a mammogram shows something abnormal, early detection of breast cancer requires diagnostic follow-up or additional supplemental imaging required to rule out breast cancer or confirm the need for a biopsy.[13] An estimated 12-16 percent of women screened with modern digital mammography require follow-up imaging.[14] Out-of-pocket costs are particularly burdensome on those who have previously been diagnosed with breast cancer, as diagnostic tests are recommended rather than traditional screening.[15] When breast cancer is detected early, the five-year relative survival rate is ninety-nine percent.[16]

Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.[17] As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.[18] The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a certificate of authority to transact insurance business in Florida.[19] As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.[20] The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.[21]

The Agency for Health Care Administration (AHCA) regulates the quality of care by health maintenance organizations (HMO) under part III of ch. 641, F.S. Before receiving a certificate of authority from the OIR, an HMO must receive a Health Care Provider Certificate from the AHCA.[22] As part of the certificate process used by the agency, an HMO must provide information to demonstrate that the HMO has the ability to provide quality of care consistent with the prevailing standards of care.[23]

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[12] *Id.*
[13] Susan G. Komen Organization, *Breast Cancer Screening & Early Detection*, available at https://www.komen.org/breast-cancer/screening/ (last visited Mar. 21, 2025).
[14] *Id.*
[15] *Id.*
[16] National Breast Cancer Foundation, *3 Steps to Early Detection Guide*, available at 3 Steps to Early Detection - Breast Cancer Detection Guide (last visited Mar. 21, 2025).
[17] Section 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.
[18] Section 624.418, F.S.
[19] Section 624.316(1)(a), F.S.
[20] Section 624.318(2), F.S.
[21] Section 624.3161, F.S.
[22] Section 641.21(1), F.S.
[23] Section 641.495, F.S.

Florida's Medicaid Program[24]

Administration of the Program

The Agency for Health Care Administration (AHCA) is the single state agency responsible for the administration of the Florida Medicaid program, authorized under Title XIX of the Social Security Act (SSA). This authority includes establishing and maintaining a Medicaid state plan approved by the federal Centers for Medicare and Medicaid Services and maintaining any Medicaid waivers needed to operate the Florida Medicaid program as directed by the Florida Legislature.

A Medicaid state plan is an agreement between a state and the federal government describing how that state administers its Medicaid programs; it establishes groups of individuals covered under the Medicaid program, services that are provided, payment methodologies, and other administrative and organizational requirements. State Medicaid programs may request a formal waiver of the requirements codified in the SSA. Federal waivers give states flexibility not afforded through their Medicaid state plan.

In Florida, most Medicaid recipients receive their services through a managed care plan contracted with the AHCA under the Statewide Medicaid Managed Care (SMMC) program. The SMMC program has three components: Managed Medical Assistance (MMA), Long-Term Care (LTC), and Dental. Florida's SMMC program benefits are authorized through federal waivers and are specifically required by the Florida Legislature in ss. 409.973 and 409.98, F.S.

Mandatory Medicaid Coverage

Section 409.905, F.S., relating to mandatory Medicaid services, provides that the AHCA may make payments for delineated services, which are required of the state by Title XIX of the SSA. Currently, the Florida Medicaid program covers mammograms and other breast screening services under s. 409.905, F.S., and Rule 59G-4.240 of the Florida Administrative Code, which incorporates the Radiology and Nuclear Medicine Services Coverage Policy by reference. An eligible recipient must:

- Be enrolled in the Florida Medicaid program on the date of service,
- Meet the criteria of the policy, and
- Require medically necessary services.[25]

Mandatory services must not be duplicative.[26] Mammography screenings are covered at a frequency of one per year, per recipient.[27] No age limit or requirement is specified.[28] Any additional screening services are covered as listed on the associated Radiology Fee Schedule,

[24] Agency for Health Care Administration, *Senate Bill 1578 Bill Analysis*, (Mar. 20, 2025) (on file with the Senate Committee on Banking and Insurance)
[25] Agency for Health Care Administration, *Florida Medicaid: Radiology and Nuclear Medicine Services Coverage Policy*, p. 2-3, May 2019, available at 59G-4.240_Radiology_and_Nuclear_Medicine_Coverage_Policy_2019.pdf (last visited Mar. 21, 2025).
[26] Agency for Health Care Administration, *Florida Medicaid: Radiology and Nuclear Medicine Services Coverage Policy*, p. 2-3, May 2019, available at 59G-4.240_Radiology_and_Nuclear_Medicine_Coverage_Policy_2019.pdf (last visited Mar. 21, 2025).
[27] *Id.*
[28] *Id.*

which currently includes magnetic resonance imaging (MRI) of breast, molecular breast imaging of breast, ultrasound of breast, and digital breast tomosynthesis mammogram.[29] SMMC plans have the flexibility to cover service above and beyond the ACHA's coverage policies, but they may not be more restrictive than ACHA's policy, meaning they must cover these services as described in this section at a minimum.[30]

Patient Protection and Affordable Care Act

Essential Benefits

Under the Patient Protection and Affordable Care Act (PPACA),[31] all non-grandfathered health plans in the non-group and small-group private health insurance markets must offer a core package of health care services known as the essential health benefits (EHBs). While the PPACA does not specify the benefits within the EHB, it provides 10 categories of benefits and services that must be covered and it requires the Secretary of Health and Human Services to further define the EHB.[32]

The 10 EHB categories are:
- Ambulatory patient services.
- Emergency services.
- Hospitalization.
- Maternity and newborn care
- Mental health and substance use disorder services, including behavioral health treatment.
- Prescription drugs.
- Rehabilitation and habilitation services.
- Laboratory services.
- Preventive and wellness services and chronic disease management.
- Pediatric services, including oral and vision care.

The PPACA requires each state to select its own reference benchmark plan as its EHB benchmark plan that all other health plans in the state use as a model. Beginning in 2020, states could choose a new EHB plan using one of three options, including: selecting another's state benchmark plan; replacing one or more categories of EHB benefits; or selecting a set of benefits that would become the State's EHB benchmark plan.[33] Florida selected its EHB plan before 2012 and has not modified that selection.[34]

[29] Agency for Health Care Administration, *Senate Bill 1578 Bill Analysis*, (Mar. 20, 2025) (on file with the Senate Committee on Banking and Insurance)
[30] *Id.*
[31] Patient Protection and Affordable Care Act of 2010. Pub. L. No. 111-141, as amended.
[32] 45 CFR 156.100. et seq.
[33] Centers for Medicare and Medicare Services, *Marketplace – Essential Health Benefits,* available at https://www.cms.gov/marketplace/resources/data/essential-health-benefits (last reviewed Mar. 21, 2025).
[34] Centers for Medicare and Medicaid Services, *Information on Essential Health Benefits (EHB) Benchmark Plans,* Florida State Required Benefits, available at https://downloads.cms.gov/ (last viewed on Mar. 21, 2025).

State Employee Health Plan

For state employees who participate in the state employee benefit program, the Department of Management Services through the Division of State Group Insurance (DSGI) administers the state group health insurance program (Program).[35] The Program is a cafeteria plan managed consistent with section 125 of the Internal Revenue Service Code.[36] To administer the program, DSGI contracts with third party administrators for self-insured plans, a fully insured HMO, and a pharmacy benefits manager for the state employees' self-insured prescription drug program, pursuant to s.110.12315, F.S. For the 2025 Plan Year, which began January 1, 2025, the HMO plans under contract with DSGI are Aetna, Capital Health Plan, and United Healthcare, and the preferred provider organization (PPO) plan is Florida Blue.[37]

Breast Cancer Screening Coverage

Currently, the Program covers 100 percent of the costs of screening, preventive mammograms, (consistent with federal requirements related to essential health benefits coverage). Out of pocket costs, such as copayments, may vary for supplemental and diagnostic imaging based on the enrollee's plan and the provider selected.

Legislative Proposals for Mandated Health Benefit Coverage

Any person or organization proposing legislation which would mandate health coverage or the offering of health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, must submit to the AHCA and the legislative committees having jurisdiction a report which assesses the social and financial impacts of the proposed coverage.[38] Guidelines for assessing the impact of a proposed mandated or mandatorily offered health coverage, to the extent that information is available, include:

- To what extent is the treatment or service generally used by a significant portion of the population?
- To what extent is the insurance coverage generally available?
- If the insurance coverage is not generally available, to what extent does the lack of coverage result in persons avoiding necessary health care treatment?
- If the coverage is not generally available, to what extent does the lack of coverage result in unreasonable financial hardship?
- The level of public demand for the treatment or service.
- The level of public demand for insurance coverage of the treatment or service.
- The level of interest of collective bargaining agents in negotiating for the inclusion of this coverage in group contracts.
- To what extent will the coverage increase or decrease the cost of the treatment or service?

[35] Section 110.123, F.S.
[36] A section 125 cafeteria plan is a type of employer offered, flexible health insurance plan that provides employees a menu of pre-tax and taxable qualified benefits to choose from, but employees must be offered at least one taxable benefit such as cash, and one qualified benefit, such as a Health Savings Account.
[37] Department of Management Services, Division of State Group Insurance, *2024 Open Enrollment Brochure for Active State Employee Participants,* available at https://www.mybenefits.myflorida.com/beta_-_open_enrollment (last visited Mar. 21, 2025).
[38] Section 624.215(2), F.S.

- To what extent will the coverage increase the appropriate uses of the treatment or service?
- To what extent will the mandated treatment or service be a substitute for a more expensive treatment or service?
- To what extent will the coverage increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders?
- The impact of this coverage on the total cost of health care.[39]

To date, such a report has not been received by the Senate Committee on Banking and Insurance.

III. Effect of Proposed Changes:

The bill amends certain minimum insurance coverage for mammograms and supplemental breast cancer screenings to apply to younger women and modifies risk factors.

Section 1 requires, subject to availability, limitations or directions of funds, the Agency for Health Care Administration (AHCA) to provide the following specified annual coverage to a woman who is aged 25 years or older and enrolled in the Florida Medicaid Program:

- One mammogram to detect the presence of breast cancer.
- One supplemental breast cancer screening to detect breast cancer if:
  - The woman's mammogram demonstrates that the woman has dense breast based on specified imaging standards.
  - The woman is at increased risk of breast cancer due to a personal or family history of breast cancer, a personal history of biopsy-proven benign breast disease, ancestry, genetic predisposition, not having given birth before the age of 30, and other reasons as determined by the woman's health care provider.

The AHCA must seek any required federal approval to implement these provisions.

The bill also defines the following terms in the Florida Medicaid laws:

- "Mammogram" means "an image of a radiologic examination used to detect unsuspected breast cancer at an early stage in an asymptomatic woman and includes the X-ray picture of the breast captured using equipment dedicated specifically for mammography, including, but not limited to, the X-ray tube, filter, compression device, screens, film, and cassettes. The radiologic examination must include two views of each breast. The term also includes images from digital breast tomosynthesis and the professional interpretation of images from any mammography equipment but does not include any diagnostic mammography image."
- "Supplemental breast cancer screening" means "a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating health care provider for breast cancer screening in accordance with applicable American College of Radiology guidelines, which examination includes, but is not limited to, magnetic resonance imaging, ultrasound, and molecular breast imaging."

Sections 2, 3, and 4 modifies ss. 627.6418, 627.6613, and 641.31095, F.S., relating to an individual insurance policy; a group insurance policy; and a health maintenance organization contract, respectively, to revise the state's coverage mandates for mammograms. For any woman aged 25 or older, the policy or contract must provide coverage for one mammogram and must

[39] Section 624.215(2)(a)-(l), F.S.

also cover one supplemental breast cancer screening per year, based upon a physician's recommendation if the woman is a risk for breast cancer because of dense breast tissue, a personal or family history of breast cancer, a personal history of biopsy-proven benign breast disease, ancestry, genetic predisposition, the woman has not given birth before age 30, or because of other reasons determined by the woman's physician.

The bill makes the following changes to current law:

- Lowers the minimum age for any mandatory coverage by ten years (i.e. from 35 years old to 25 years old).
- Increases coverage for any woman who is between 35 and 40 years old to cover mammograms, rather than a single baseline mammogram.
- Clarifies that a mammogram for any woman covered under the provision includes a digital breast tomosynthesis mammogram.
- Increases the frequency of coverage for any woman who is between the ages of 40 and 50 years old to one mammogram per year, rather than one every two years or more frequently based on the patient's physician's recommendation.
- Based upon a physician's recommendation, requires such policies to cover one supplemental breast cancer screening per year, rather than one or more mammograms a year provided under current law, based on certain risk factors which are modified in the bill to include the following additional risk factors:
    - Dense breast tissue, as evidenced by the woman's mammogram and standards prescribed by the American College of Radiology.
    - A personal or family history of breast cancer.
    - A personal history of biopsy-proven benign breast disease.
    - Ancestry.
    - Genetic predisposition.
    - Other reasons as determined by the woman's physician.

Further, the risk factor of having a mother, sister, or daughter who has or has had breast cancer is removed because it overlaps with the new broader factor of having a personal or family history of breast cancer. The risk factor of having a history of biopsy-proven benign breast disease is clarified to specify that the history must be a "personal" one.

The bill defines "supplemental breast cancer screening" for purposes of the section to mean "a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating health care provider for breast cancer screening in accordance with applicable American College of Radiology guidelines, which examination includes, but is not limited to, magnetic resonance imaging, ultrasound, and molecular breast imaging."

With respect to **sections 2 and 3 only** (relating to an individual insurance policy and a group insurance policy), the bill also modifies current law to require coverage of all mammograms and applicable supplement breast cancer screenings obtained in an office, facility, or health testing service that uses radiological equipment registered with the Department of Health, rather than only certain specified mammograms, and such coverage is subject to deductibles and coinsurance provisions applicable to outpatient visits.

Section 5 provides that the bill is effective 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:

The fiscal impact on the private sector is indeterminate. Based on the additional coverage provided under the bill, a negative fiscal may impact the private sector if premiums are raised; however, the private sector may get earlier access to diagnosis and treatment.

Insurers may incur indeterminate administrative costs for implementing provisions of the bill. Any increased costs which the insurers may incur due to the enhanced coverage requirement within the bill would likely be passed on to insureds. However, if the bill increases early detection of breast cancer, it may lead to more successful health outcomes for women.

C. Government Sector Impact:

The bill would have minimal operational impact on the Agency for Health Care Administration and the Florida Medicaid program. Required updates of rules to conform with the provisions of the bill can be covered within existing staff and resources. The bill would not have any fiscal impact on the agency to the extent that mammograms and

supplemental breast cancer screenings required in the bill are already covered by Florida Medicaid.[40]

The Division of State Group Insurance may incur an indeterminate negative fiscal impact to cover state employees for the additional coverage required in the bill.

VI. Technical Deficiencies:

Regarding the Florida Medicaid program coverage:

- The scope of coverage in the bill may have unintended consequences such as reducing coverage in some circumstances because the bill:
  - Narrowly defines "mammogram" which means, in part, an exam to detect "unsuspected" breast cancer and in an "asymptomatic" woman (lines 34-35).
  - Fails to specify that a mammogram must be medically necessary as required under federal law.
  - Limits the coverage to one mammogram and one supplemental breast cancer screening per year if certain conditions are met (lines 50-71), whereas current Medicaid recipients receive any medically necessary mammograms or supplemental breast cancer screenings.
  - Limits the age for which Medicaid recipients can receive coverage (line 53), whereas there is no age limit for current Medicaid recipients, which will expand coverage of regular screenings in most instances for women that are at least 25 years old but less than 40 years old, but could prevent women younger than 25 years of age from accessing coverage.
  - Limits the bases for which supplemental breast cancer screenings may be covered more than the medically necessary requirement provided under current federal and state law (lines 58-71).
  - The coverage does not specify in the bill that it is the minimum coverage provided under the Medicaid provisions.
- The basis for a supplemental breast cancer screening that provides on lines 70-71 "other reasons as determined by the woman's health care provider" should specify that the other reason must be a "medically necessary" reason.

The coverage provided in the bill for recipients 25 years of age or older (lines 53-54, 88-89, 147-148, and 203-204) is not consistent with the American College of Radiology (ACR) guidelines which provide:

a. For patients at average risk for breast cancer, annual screening mammography starting at age 40 is recommended.[41]
b. For patients at high risk for breast cancer, annual screening mammography may commence at age 30 (except as specified in limited cases, such as a history of chest radiation received between the ages of 10 and 30, who should begin screening 8 years after radiation therapy but not before age 25).[42]

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[40] Agency for Health Care Administration, *Senate Bill 1578 Bill Analysis*, (Mar. 20, 2025) (on file with the Senate Committee on Banking and Insurance)
[41] American College of Radiology (ACR), *ACR Practice Parameter for the Performance of Screening and Diagnostic Mammogramy*, available at: Full Document Preview (last visited April 17, 2025).
[42] *Id.*

Further, the 25 year old minimum age limit is not consistent with the Affordable Care Act (ACA) guidelines which recommends examination every 1 to 2 years for women 40 and older.[43] The list of increased risks of breast cancer (lines 62-71) or women at risk of breast cancer (100-110, 159-169, and 215-225) for which a supplemental breast cancer screening are covered are not consistent with the ACR guidelines high risk factors for which an annual screening is recommended to be commence at a younger age.[44]

With respect to a woman at risk of breast cancer, it is unclear how the risk basis of "family history of breast cancer" (line 104, 163, and 219) is different from the risk basis of "ancestry" (line 106, 165, and 221).

VII. Related Issues:

Federal authority is not required to implement the requirements of the bill because Florida Medicaid already covers the services prescribed in the bill.[45]

Rule 59G-4.240, F.A.C., Radiology and Nuclear Medicine Services Coverage Policy, would need to be amended to conform to the provisions of the bill.[46]

The effective date of July 1, 2025, in sections 2, 3, 4, and 5 does not coincide with the typical January 1 start of the plan year for commercial and state group plans.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.6418, 627.6613, and 641.31095.

The bill creates section 409.904 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.

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

[43] HealthCare.gov, *Preventive Care Benefits for Women*, available at: Preventive care benefits for women | HealthCare.gov (last visited April 17, 2025).
[44] American College of Radiology (ACR), *ACR Practice Parameter for the Performance of Screening and Diagnostic Mammogramy*, available at: Full Document Preview (last visited April 17, 2025).
[45] *Id.*
[46] *Id.*

By Senator Davis

5-00578-25 20251578__

A bill to be entitled

An act relating to coverage for mammograms and supplemental breast cancer screenings; creating s. 409.9064, F.S.; defining the terms "mammogram" and "supplemental breast cancer screening"; requiring the Agency for Health Care Administration to provide Medicaid coverage for annual mammograms and supplemental breast cancer screenings for certain women meeting specified criteria, subject to the availability of funds and any limitations or directions the Legislature provides in the General Appropriations Act; requiring the agency to seek federal approval, if needed, to implement specified provisions; amending ss. 627.6418, 627.6613, and 641.31095, F.S.; defining the term "supplemental breast cancer screening"; revising coverage for mammograms under certain individual accident and health insurance policies, certain group, blanket, and franchise accident and health insurance policies, and certain health maintenance contracts, respectively; requiring coverages for supplemental breast cancer screenings under such policies and contracts under certain circumstances; revising applicability; providing an effective date.

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

Section 1. Section 409.9064, Florida Statutes, is created to read:

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

5-00578-25 20251578__

409.9064 Coverage for mammograms and supplemental breast cancer screenings.—

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

(a) "Mammogram" means an image of a radiologic examination used to detect unsuspected breast cancer at an early stage in an asymptomatic woman and includes the X-ray picture of the breast captured using equipment dedicated specifically for mammography, including, but not limited to, the X-ray tube, filter, compression device, screens, film, and cassettes. The radiologic examination must include two views of each breast. The term also includes images from digital breast tomosynthesis and the professional interpretation of images from any mammography equipment but does not include any diagnostic mammography image.

(b) "Supplemental breast cancer screening" means a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating health care provider for breast cancer screening in accordance with applicable American College of Radiology guidelines, which examination includes, but is not limited to, magnetic resonance imaging, ultrasound, and molecular breast imaging.

(2) Subject to the availability of funds and subject to any limitations or directions provided in the General Appropriations Act, the agency shall provide coverage for the following every year for a Medicaid recipient who is a woman 25 years of age or older:

(a) One mammogram to detect the presence of breast cancer.

(b) One supplemental breast cancer screening to detect the presence of breast cancer if:

1. Based on the breast imaging reporting and data system

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

established by the American College of Radiology, the woman's mammogram demonstrates that the woman has dense breast tissue; or

2. The woman is at an increased risk of breast cancer due to any of the following:

a. A personal or family history of breast cancer.

b. A personal history of biopsy-proven benign breast disease.

c. Ancestry.

d. Genetic predisposition.

e. Not having given birth before the age of 30.

f. Other reasons as determined by the woman's health care provider.

(3) The agency shall seek federal approval, if needed, for the implementation of this section.

Section 2. Section 627.6418, Florida Statutes, is amended to read:

627.6418 Coverage for mammograms and supplemental breast cancer screenings.—

(1) As used in this section, the term "supplemental breast cancer screening" means a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating health care provider for breast cancer screening in accordance with applicable American College of Radiology guidelines, which examination includes, but is not limited to, magnetic resonance imaging, ultrasound, and molecular breast imaging.

(2) An accident or health insurance policy issued, amended, delivered, or renewed in this state on or after July 1, 2025,

must provide coverage for at least the following for any woman who is 25 years of age or older:

(a) One ~~A baseline~~ mammogram a year, including a digital breast tomosynthesis mammogram ~~for any woman who is 35 years of age or older, but younger than 40 years of age~~.

(b) ~~A mammogram every 2 years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendation.~~

~~(c) A mammogram every year for any woman who is 50 years of age or older.~~

~~(d)~~ One supplemental breast cancer screening ~~or more mammograms~~ a year, based upon a physician's recommendation, if the ~~for any~~ woman ~~who~~ is at risk for breast cancer because of dense breast tissue, as demonstrated by the woman's mammogram and based on the breast imaging reporting and data system established by the American College of Radiology; because of a personal or family history of breast cancer;~~,~~ because of ~~having~~ a personal history of biopsy-proven benign breast disease; because of ancestry; because of genetic predisposition;~~, because of having a mother, sister, or daughter who has or has had breast cancer, or~~ because the ~~a~~ woman has not given birth before the age of 30; or because of other reasons as determined by the woman's physician.

(3)~~(2)~~ ~~Except as provided in paragraph (1)(b), for mammograms done more frequently than every 2 years for women 40 years of age or older but younger than 50 years of age,~~ The coverage required by subsection (2) ~~(1)~~ applies~~, with or without a physician prescription,~~ if the insured obtains a mammogram and, if applicable, a supplemental breast cancer screening in an

office, facility, or health testing service that uses radiological equipment registered with the Department of Health for breast cancer screening. The coverage is subject to the deductible and coinsurance provisions applicable to outpatient visits~~,~~ and is also subject to all other terms and conditions applicable to other benefits. This section does not affect any requirements or prohibitions relating to who may perform, analyze, or interpret a mammogram or the persons to whom the results of a mammogram may be furnished or released.

(4)~~(3)~~ This section does not apply to disability income, specified disease, or hospital indemnity policies.

(5)~~(4)~~ Every insurer subject to the requirements of this section shall make available to the policyholder as part of the application, for an appropriate additional premium, the coverage required in this section without such coverage being subject to the deductible or coinsurance provisions of the policy.

Section 3. Section 627.6613, Florida Statutes, is amended to read:

627.6613 Coverage for mammograms and supplemental breast cancer screenings.—

(1) As used in this section, the term "supplemental breast cancer screening" means a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating physician for breast cancer screening in accordance with applicable American College of Radiology guidelines, which examination includes, but is not limited to, magnetic resonance imaging, ultrasound, and molecular breast imaging.

(2) A group, blanket, or franchise accident or health insurance policy issued, amended, delivered, or renewed in this

state on or after July 1, 2025, must provide coverage for at least the following for any woman who is 25 years of age or older:

(a) One ~~A baseline~~ mammogram a year, including a digital breast tomosynthesis mammogram ~~for any woman who is 35 years of age or older, but younger than 40 years of age~~.

(b) ~~A mammogram every 2 years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendation.~~

~~(c) A mammogram every year for any woman who is 50 years of age or older.~~

~~(d)~~ One supplemental breast cancer screening ~~or more mammograms~~ a year, based upon a physician's recommendation, if the ~~for any~~ woman ~~who~~ is at risk for breast cancer because of dense breast tissue as demonstrated by the woman's mammogram and based on the breast imaging reporting and data system established by the American College of Radiology; because of a personal or family history of breast cancer;~~,~~ because of ~~having~~ a personal history of biopsy-proven benign breast disease; because of ancestry; because of genetic predisposition;~~, because of having a mother, sister, or daughter who has or has had breast cancer, or~~ because the ~~a~~ woman has not given birth before the age of 30; or because of other reasons as determined by the woman's physician.

(3)~~(2) Except as provided in paragraph (1)(b), for mammograms done more frequently than every 2 years for women 40 years of age or older but younger than 50 years of age,~~ The coverage required by subsection (2) ~~(1)~~ applies~~, with or without a physician prescription,~~ if the insured obtains a mammogram

and, if applicable, a supplemental breast cancer screening in an office, facility, or health testing service that uses radiological equipment registered with the Department of Health for breast cancer screening. The coverage is subject to the deductible and coinsurance provisions applicable to outpatient visits~~,~~ and is also subject to all other terms and conditions applicable to other benefits. This section does not affect any requirements or prohibitions relating to who may perform, analyze, or interpret a mammogram or the persons to whom the results of a mammogram may be furnished or released.

(4)~~(3)~~ Every insurer referred to in subsection (2) ~~(1)~~ shall make available to the policyholder as part of the application, for an appropriate additional premium, the coverage required in this section without such coverage being subject to the deductible or coinsurance provisions of the policy.

Section 4. Section 641.31095, Florida Statutes, is amended to read:

641.31095 Coverage for mammograms and supplemental breast cancer screenings.—

(1) As used in this section, the term "supplemental breast cancer screening" means a clinically appropriate examination, in addition to a mammogram, deemed medically necessary by a treating physician for breast cancer screening in accordance with applicable American College of Radiology guidelines, which examination includes, but is not limited to, magnetic resonance imaging, ultrasound, and molecular breast imaging.

(2) Every health maintenance contract issued or renewed on or after July 1, 2025, must ~~January 1, 1996, shall~~ provide coverage for at least the following for any woman who is 25

years of age or older:

(a) One ~~A baseline~~ mammogram a year, including a digital breast tomosynthesis mammogram ~~for any woman who is 35 years of age or older, but younger than 40 years of age~~.

(b) ~~A mammogram every 2 years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendations.~~

~~(c) A mammogram every year for any woman who is 50 years of age or older.~~

~~(d)~~ One supplemental breast cancer screening ~~or more mammograms~~ a year, based upon a physician's recommendation, if the ~~for any~~ woman ~~who~~ is at risk for breast cancer because of dense breast tissue as demonstrated by the woman's mammogram and based on the breast imaging reporting and data system established by the American College of Radiology; because of a personal or family history of breast cancer;~~,~~ because of ~~having~~ a personal history of biopsy-proven benign breast disease; because of ancestry; because of genetic predisposition;~~, because of having a mother, sister, or daughter who has had breast cancer, or~~ because the ~~a~~ woman has not given birth before the age of 30; or because of other reasons as determined by the woman's physician.

(3)~~(2)~~ The coverage required by this section is subject to the deductible and copayment provisions applicable to outpatient visits~~,~~ and is also subject to all other terms and conditions applicable to other benefits. A health maintenance organization shall make available to the subscriber as part of the application, for an appropriate additional premium, the coverage required in this section without such coverage being subject to

any deductible or copayment provisions in the contract.

Section 5. This act shall take effect July 1, 2025.

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

April 22, 2025
Meeting Date

Fiscal Policy
Committee

SB 1578
Bill Number or Topic

N/A
Amendment Barcode (if applicable)

Name Tasha Carter, FL's Insurance Consumer Advocate Phone 850.413.5923

Address 200 E. Gaines Street
Street

Email tasha.carter@myfloridacfo.com

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:
The Office of the Insurance Consumer Advocate - DFS

☐ 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

4-22-25
Meeting Date

Fiscal Policy
Committee

1578
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara DeVane

Phone

Address

Email

Street

Tallahassee

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 NOW

☐ 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.

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.)

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

BILL:	CS/SB 1602
INTRODUCER:	Health Policy Committee and Senator Harrell
SUBJECT:	Health Care Patient Protection
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Fav/CS**
2.	Barr	McKnight	AHS	**Favorable**
3.	Looke	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1602 requires each hospital with an emergency department (ED) to develop and implement policies and procedures for pediatric patient care in the ED. Additionally, each such hospital ED must designate a pediatric emergency care coordinator and conduct the National Pediatric Readiness Assessment (NPRA) within a certain time frame.

The bill also requires the Agency for Health Care Administration to incorporate the needs of pediatric and neonatal patients in rules requiring an emergency management plan, to adopt rules that establish minimum standards for pediatric patient care in hospital EDs, and to collect the results of the NPRA and publish the overall assessment score for each hospital ED and provide a comparison to the national average score.

The bill has no fiscal impact on state expenditures or revenues. The bill will have an indeterminate, negative fiscal impact on hospitals with EDs. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Hospital Licensure

Hospitals are regulated by the Agency for Health Care Administration (AHCA) under ch. 395, F.S., and the general licensure provisions of part II, of ch. 408, F.S. In Florida, emergency departments (ED) are either located in a hospital or on separate premises of a licensed hospital. Any licensed hospital which has a dedicated ED may provide emergency services in a location separate from the hospital's main premises, known as a hospital-based off-campus emergency department.[1]

Current law requires each hospital with an ED to screen, examine, and evaluate a patient who presents to the ED to determine if an emergency medical condition exists and, if it does, provide care, treatment, or surgery to relieve or eliminate the emergency medical condition.[2] Each hospital with an ED must provide emergency services and care[3] 24 hours a day and must have at least one physician on-call and available within 30 minutes.[4]

Inventory of Hospital Emergency Services

Each hospital offering emergency services and care must report to the AHCA the services which are within the service capability of the hospital.[5] The AHCA is required to maintain an inventory of hospitals with emergency services, including a list of the services within the service capability of the hospital, to assist emergency medical services providers and the general public in locating appropriate emergency medical care.[6] If a hospital determines it is unable to provide a service on a 24 hour per day, 7 day per week, basis, either directly or indirectly through an arrangement with another hospital, the hospital must request a service exemption from the AHCA.[7]

Policies and Procedures

Each hospital offering emergency services and care is required to maintain written policies and procedures specifying the scope and conduct of their emergency services. The policies and procedures must be approved by the organized medical staff, reviewed at least annually, and must include:

- A process to designate a physician to serve as the director of the ED;

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[1] Section 395.002(13), F.S.
[2] Section 395.1041, F.S.
[3] Section 395.002(9), F.S., "emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility.
[4] Fla. Admin. Code R. 59A-3.255(6)(e)(2014).
[5] Section 395.1041(2), F.S.
[6] Medical services listed in the inventory include: anesthesia; burn; cardiology; cardiovascular surgery; colon & rectal surgery; emergency medicine; endocrinology; gastroenterology; general surgery; gynecology; hematology; hyperbaric medicine; internal medicine; nephrology; neurology; neurosurgery; obstetrics; ophthalmology; oral/maxilla-facial surgery; orthopedics; otolaryngology; plastic surgery; podiatry; psychiatry; pulmonary medicine; radiology; thoracic surgery; urology; and vascular surgery.
[7] Fla. Admin. Code R. 59A-3.255(4)(2014).

- A written description of the duties and responsibilities of all other health care personnel providing care within the ED;
- A planned formal training program on emergency access laws for all health care personnel working in the ED; and
- A control register to identify all persons seeking emergency care.[8]

Current law does not require EDs to have pediatric-specific policies and procedures.

Equipment and Supplies

Each hospital ED is required to provide diagnostic radiology services and clinical laboratory services and must ensure that an adequate supply of blood is available at all times. Hospitals EDs are also required to have certain equipment available for immediate use at all times, including:

- Oxygen and means of administration;
- Mechanical ventilatory assistance equipment, including airways, manual breathing bags, and ventilators;
- Cardiac defibrillators with synchronization capability;
- Respiratory and cardiac monitoring equipment;
- Thoracentises and closed thoracotomy sets;
- Tracheostomy or cricothyrotomy sets;
- Tourniquets;
- Vascular cutdown sets;
- Laryngoscopes and endotracheal tubes;
- Urinary catheters with closed volume urinary systems;
- Pleural and pericardial drainage sets;
- Minor surgical instruments;
- Splinting devices;
- Emergency obstetrical packs;
- Standard drugs as determined by the facility;
- Common poison antidotes;
- Syringes, needles, and surgical supplies;
- Parenteral fluids and infusion sets;
- Refrigerated storage for biologicals and other supplies; and
- Stable examination tables.[9]

Currently, there are no pediatric-specific equipment or supply standards for EDs.

Comprehensive Emergency Management Plans

All hospitals are required to develop and adopt a comprehensive emergency management plan for emergency care during an internal or external disaster or an emergency.[10] Each hospital must review, update, and submit its plans annually to the respective county office of emergency

[8] Fla. Admin. Code R. 59A-3.255(6)(e)(2014).
[9] Fla. Admin. Code R. 59A-3.255(6)(g)(2014).
[10] Section 395.1055(1)(c), F.S.

management. A hospital's comprehensive emergency management plan must include the following:

- Provisions for the management of staff, including the distribution and assignment of responsibilities and functions;
- Education and training of personnel in carrying out their responsibilities in accordance with the adopted plan;
- Information about how the hospital plans to implement specific procedures outlined in the plan;
- Precautionary measures, including voluntary cessation of hospital admissions, to be taken in preparation and response to warnings of inclement weather, or other potential emergency conditions;
- Provisions for the management of patients, including the discharge of patients in the event of an evacuation order;
- Provisions for coordinating with other hospitals;
- Provisions for the individual identification of patients, including the transfer of patient records;
- Provisions to ensure that relocated patients arrive at designated hospitals;
- Provisions to ensure that medication needs will be reviewed and advance medication for relocated patients will be forwarded to the appropriate hospitals;
- Provisions for essential care and services for patients who may be relocated to the facility during a disaster or an emergency, including staffing, supplies, and identification of patients;
- Provisions for the management of supplies, communications, power, emergency equipment, and security;
- Provisions for coordination with designated agencies including the Red Cross and the county emergency management office; and
- Plans for the recovery phase of the operation.[11]

Current law does not require hospitals to include any pediatric-specific provisions in their comprehensive emergency management plans.

Pediatric Care in Hospital Emergency Departments

Children represent approximately 25 percent of all ED visits in the U.S. each year.[12] According to a recent study conducted to evaluate the association between ED pediatric readiness and in-hospital mortality, pediatric patient deaths are 60 percent to 76 percent less likely to occur in an ED with high pediatric readiness. The study included 796,937 pediatric patient visits in 983 EDs over a six-year period (January 1, 2012, through December 31, 2017).

The study used the results of the 2013 National Pediatric Readiness Project Assessment to categorize each hospital ED in one of four levels of pediatric readiness (first quartile 0-58, second quartile 59-72, third quartile 73-87, and fourth quartile 88-100). Hospital EDs with an

[11] Fla. Admin. Code R. 59A-3.078(2014).
[12] Remick KE, Hewes HA, Ely M, et al. National Assessment of Pediatric Readiness of US Emergency Departments During the COVID-19 Pandemic. *JAMA Netw Open.* 2023. *available at* National Assessment of Pediatric Readiness of US Emergency Departments During the COVID-19 Pandemic | Pediatrics | JAMA Network Open | JAMA Network, (last visited Mar. 28, 2025).

Assessment score of 88-100 were categorized as having high pediatric readiness. The study also concluded that if all 983 EDs had high pediatric readiness, an estimated 1,442 pediatric deaths may have been prevented.[13]

General hospital EDs (nonchildren's hospitals) primarily treat adults and may not be prepared to treat children because of low pediatric patient volume.[14] More than 97 percent of EDs caring for children are general hospital EDs, accounting for 82 percent of pediatric ED visits. Most of these hospitals see less than 15 pediatric patients per day.[15] Therefore, according to a joint policy statement issued by the American Academy of pediatrics (AAP), the American College of Emergency Physicians (ACEP), and the Emergency Nurses Association (ENA), "it is imperative that all hospital EDs have the appropriate resources (medications, equipment, policies, and education) and staff to provide effective emergency care for children."[16]

The 2009 joint policy statement also included guidelines for care of children in the emergency department. In 2012, the Emergency Medical Services for Children (EMSC) Program, under the U.S. Department of Health and Human Services, used the guidelines to launch the National Pediatric Readiness Project, in partnership with the AAP, ACEP, and ENA.[17]

The National Pediatric Readiness Project

The National Pediatric Readiness Project (NPRP) is a quality improvement initiative offering state partnership grants to state governments and accredited schools of medicine to expand and improve emergency medical services for children in hospital EDs.[18] The NPRP measures the performance of hospital EDs based on the following four metrics and includes program goals for each.[19]

- Pediatric Readiness Recognition Programs – Program Goal: To increase the percent of hospitals with an ED recognized through a statewide, territorial, or regional standardized program that are able to stabilize and manage pediatric emergencies.
- Pediatric Emergency Care Coordinators – Program Goal: To increase the percent of hospitals with an ED that have a designated nurse, physician, or both who coordinates pediatric emergency care.

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[13] Newgard CD, Lin A, Malveau S, et al. *Emergency Department Pediatric Readiness and Short-term and Long-term Mortality Among Children Receiving Emergency Care*. JAMA Network (January, 2023) *available at* https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2800400 (last visited Mar. 28, 2025).
[14] *Id.*
[15] The National Pediatric Readiness Project, Pediatric Readiness Saves Lives, *available at* https://media.emscimprovement.center/documents/EMS220628_ReadinessByTheNumbers_220830_ZekNYVF.pdf (last visited Mar. 28, 2025).
[16] American Academy of Pediatrics, Committee on Pediatric Emergency Medicine; American College of Emergency Physicians, Pediatric Committee; Emergency Nurses Association, Pediatric Committee. Joint policy statement--guidelines for care of children in the emergency department (Oct. 2009), *available at* https://doi.org/10.1542/peds.2009-1807 (last visited Mar. 28, 2025).
[17] *Id.*
[18] The program is also used to improve emergency medical care for children in prehospital settings and to advance family partnerships and leadership in efforts to improve EMSC systems of care, *see* https://www.grants.gov/search-results-detail/340371 (last visited Mar. 28, 2025).
[19] EMSC Innovation and Improvement Center, Performance Measures, *available at* https://emscimprovement.center/programs/partnerships/performance-measures/ (last visited Mar. 28, 2025).

- Disaster Plan Resources – Program Goal: To increase the percent of hospitals with an ED that have a disaster plan that addresses the needs of children.
- Weigh and Record Children's Weight in Kilograms – Program Goal: To increase the percent of hospitals with an ED that weigh and record children in kilograms.

The NPRP particularly focuses on weighing and recording children's weight in kilograms to avoid medication errors. Product labeling for medications with weight-based dosing utilize the metric system. Converting from pounds to kilograms is an error-prone process and can double the number of dosing errors made. Pediatric and neonatal patients are at greater risk for adverse drug events because they are more vulnerable to the effects of an error.[20]

The National Pediatric Readiness Assessment

Emergency department performance is measured based on the NPRA,[21] a voluntary survey accessed via invitation from the NPRP. The NPRP has conducted two nationwide assessments. The first NPRA occurred in 2013 and the second was in 2021. According to current Program plans, the expectation is that the NPRA will occur every five years, so the next assessment will be in 2026.[22]

Not all hospitals choose to participate in the NPRA. Florida participation rates (58 percent) are below the national average (71 percent), and dropped from 2013 to 2021 (from 61 to 58 percent). Additionally, while over the national average, Florida hospital readiness scores dropped on average between 2013 (78) and 2021 (75).[23, 24]

Florida Emergency Medical Services for Children State Partnership Program

The Florida Emergency Medical Services for Children (EMSC) State Partnership Program[25] (program) is a quality improvement initiative administered by the University of Florida College of Medicine — Jacksonville, and is funded by a state partnership grant from the national EMSC

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[20] Emergency Nurses Association, *Weighing all Patients in Kilograms* (2020), *available a*t https://www.pedsnurses.org/assets/docs/Engage/Position-Statements/Weighing%20All%20Patients%20in%20Kilograms%20Final%20Web.pdf *see also* National Coordinating Council for Medication Error Reporting and Prevention, *Recommendations to Weigh Patients and Document Metric Weights to Ensure Accurate Medication Dosing* (Oct. 2018), *available at* https://www.nccmerp.org/recommendations-weigh-patients-and-document-metric-weights-ensure-accurate-medication-dosing-adopted (both last visited Mar. 28, 2025).

[21] National Pediatric Readiness Project, Pediatric Readiness Assessment, *available at* https://www.pedsready.org/home_docs/PedsReady%20Survey-OA%20Assessment.pdf (last visited Mar. 28, 2025).

[22] Emergency Medical Services for Children, National Pediatric Readiness Project Assessment, *available at* https://emscdatacenter.org/sp/pediatric-readiness/national-pediatric-readiness-project-nprp-assessment/ (last visited Mar. 28, 2025).

[23] Florida versus National Pediatric Readiness Project Results from 2013 Survey, *available at* https://www.floridahealth.gov/provider-and-partner-resources/emsc-program/_documents/fl-pediatricreadiness-summary091013.pdf (last visited Mar. 28, 2025).

[24] Florida Versus National Pediatric Readiness Project Results from 2021 Survey, *available at* https://emlrc.org/wp-content/uploads/National-Pediatric-Readiness-Assessment-2021-Results_07.19.2023_Final.pdf (last visited Mar. 28, 2025).

[25] Florida Emergency Medical Services for Children State Partnership Program (Florida PEDREADY), *available at* https://flemsc.emergency.med.jax.ufl.edu/ (last visited Mar. 28, 2025).

Program.[26] The purpose of the program is to expand and improve emergency medical services for children who need treatment for trauma or critical care by partnering with EDs, emergency medical service agencies, and disaster preparedness organizations to enhance pediatric readiness. The program provides outreach and information to hospital EDs to help improve their pediatric readiness by, among other things, increasing awareness of, and participation in, the NPRP Assessment.

III. Effect of Proposed Changes:

Section 1 amends s. 395.1012, F.S., to require each hospital with an emergency department (ED) to:

- Develop and implement policies and procedures for pediatric patient care in the ED which reflect evidence-based best practices relating to, at a minimum:
  - Triage.
  - Measuring and recording vital signs.
  - Weighing and recording weights in kilograms.
  - Calculating medication dosages.
  - Use of pediatric instruments.
- Conduct training at least annually on the policies and procedures developed under this subsection. The training must include, at a minimum:
  - The use of pediatric instruments, as applicable to each licensure type, using clinical simulation as defined in s. 464.003, F.S.
  - Drills that simulate emergency situations. Each ED must conduct drills at least annually.
- Designate a pediatric emergency care coordinator. The pediatric emergency care coordinator must be a physician or a physician assistant licensed under ch. 458 or ch. 459, F.S., a nurse licensed under ch. 464, F.S., or a paramedic licensed under ch. 401, F.S. The pediatric emergency care coordinator is responsible for implementation of and ensuring fidelity to the policies and procedures adopted as required above.
- Conduct the National Pediatric Readiness Assessment (NPRA) developed by the National Pediatric Readiness Project (NPRP), in accordance with timelines established by the NPRP. The bill also authorizes each hospital with an ED to conduct the NPRP's Open Assessment during a year in which the NPRA is not conducted.

Section 2 amends s. 395.1055, F.S., to require the Agency for Health Care Administration (AHCA) to:

- Incorporate the needs of pediatric and neonatal patients in rules requiring an emergency management plan for hospitals and ambulatory surgical centers; and
- Adopt rules, in consultation with the Florida Emergency Medical Services for Children State Partnership Program, that establish minimum standards for pediatric patient care in hospital EDs, including, but not limited to, availability and immediate access to pediatric specific equipment and supplies.

Section 3 amends s. 408.05, F.S., to require the AHCA to:

[26] EMSC Innovation and Improvement Center, EMSC State Partnership Grants Database, Florida – State Partnership, April 1, 2023 – March 31, 2027, *available at* https://emscimprovement.center/programs/grants/236/florida-state-partnership-20230401-20270331-emsc-state-partnership/ (last visited Mar. 28, 2025).

- Collect the results of the NPRA from the Florida Emergency Medical Services for Children State Partnership Program by December 31, 2026, and each December 31 during a year in which the NPRA is conducted; and
- By April 1, 2027, and each April 1 following a year in which the NPRA is conducted, publish the overall assessment score for each hospital ED and provide a comparison to the national average score when it becomes available. The bill specifies that only one overall assessment score per hospital, per year, may be collected and published and the comparison must be to the most recently published score.

Section 4 provides that the bill takes effect 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:

The bill will have an indeterminate, negative fiscal impact on hospitals related to incorporating additional requirements specific to pediatric readiness in the hospitals' emergency departments.[27]

[27]Agency for Health Care Administration, *Senate Bill 1602 Analysis* (Mar. 5, 2025) (on file with the Senate Appropriations Committee on Health and Human Services).

C. Government Sector Impact:

The bill requires the Agency for Health Care Administration to collect and publish online specific data collected from hospitals. These requirements will be managed within existing contracts and resources.[28]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 395.1012, 395.1055, and 408.05.

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 Health Policy on April 1, 2025:
The CS no longer requires emergency departments (ED) to submit results of the National Pediatric Readiness Assessment (NPRA) to the Agency for Health Care Administration (AHCA) and instead requires the AHCA to obtain the results from the Florida Emergency Medical Services for Children State Partnership Program. Additionally, the bill authorizes EDs to conduct the National Pediatric Readiness Programs' Open Assessment during years when the NPRA is not conducted and prohibits the AHCA from collecting and publishing more than one assessment score per year for comparison purposes.

B. Amendments:

None.

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

[28]Agency for Health Care Administration, *Senate Bill 1602 Analysis* (Mar. 5, 2025) (on file with the Senate Appropriations Committee on Health and Human Services).

By the Committee on Health Policy; and Senator Harrell

588-03191-25 20251602c1

A bill to be entitled

An act relating to health care patient protection; amending s. 395.1012, F.S.; requiring hospital emergency departments to develop and implement policies and procedures, conduct training, record weights in a certain manner, designate a pediatric emergency care coordinator, and conduct specified assessments; authorizing a hospital with an emergency department to conduct the National Pediatric Readiness Project's Open Assessment under certain circumstances; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt certain rules for comprehensive emergency management plans; requiring the agency, in consultation with the Florida Emergency Medical Services for Children State Partnership Program, to establish minimum standards for pediatric patient care in hospital emergency departments; amending s. 408.05, F.S.; requiring the agency to collect and publish the results of specified assessments submitted by hospitals by specified dates; providing requirements for the collection and publication of the hospitals' assessment scores; providing an effective date.

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

Section 1. Subsections (5) and (6) are added to section 395.1012, Florida Statutes, to read:

395.1012 Patient safety.—

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

588-03191-25 20251602c1

(5)(a) Each hospital with an emergency department must:

1. Develop and implement policies and procedures for pediatric patient care in the emergency department which reflect evidence-based best practices relating to, at a minimum:

a. Triage.

b. Measuring and recording vital signs.

c. Weighing and recording weights in kilograms.

d. Calculating medication dosages.

e. Use of pediatric instruments.

2. Conduct training at least annually on the policies and procedures developed under this subsection. The training must include, at a minimum:

a. The use of pediatric instruments, as applicable to each licensure type, using clinical simulation as defined in s. 464.003.

b. Drills that simulate emergency situations. Each emergency department must conduct drills at least annually.

(b) Each hospital emergency department must:

1. Designate a pediatric emergency care coordinator. The pediatric emergency care coordinator must be a physician or a physician assistant licensed under chapter 458 or chapter 459, a nurse licensed under chapter 464, or a paramedic licensed under chapter 401. The pediatric emergency care coordinator is responsible for implementation of and ensuring fidelity to the policies and procedures adopted under this subsection.

2. Conduct the National Pediatric Readiness Assessment developed by the National Pediatric Readiness Project, in accordance with timelines established by the National Pediatric Readiness Project.

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

(6) Each hospital with an emergency department may conduct the National Pediatric Readiness Project's Open Assessment during a year in which the National Pediatric Readiness Assessment is not conducted.

Section 2. Present subsections (4) through (19) of section 395.1055, Florida Statutes, are redesignated as subsections (5) through (20), respectively, a new subsection (4) is added to that section, and paragraph (c) of subsection (1) of that section is amended, to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the Division of Emergency Management. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, ~~and~~ responding to family inquiries, and the needs of pediatric and neonatal patients. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of

Health, the Agency for Health Care Administration, and the Division of Emergency Management. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(4) The agency, in consultation with the Florida Emergency Medical Services for Children State Partnership Program, shall adopt rules that establish minimum standards for pediatric patient care in hospital emergency departments, including, but not limited to, availability and immediate access to pediatric specific equipment and supplies.

Section 3. Paragraph (n) is added to subsection (3) of section 408.05, Florida Statutes, to read:

408.05 Florida Center for Health Information and Transparency.—

(3) HEALTH INFORMATION TRANSPARENCY.—In order to disseminate and facilitate the availability of comparable and uniform health information, the agency shall perform the following functions:

(n)1. Collect the overall assessment score of National Pediatric Readiness Assessments conducted by hospital emergency departments pursuant to s. 395.1012(5), from the Florida Emergency Medical Services for Children State Partnership Program by December 31, 2026, and by each December 31 during a year in which the National Pediatric Readiness Assessment is conducted thereafter.

2. By April 1, 2027, and each April 1 following a year in which the National Pediatric Readiness Assessment is conducted

thereafter, publish the overall assessment score for each hospital emergency department, and provide a comparison to the national average score when it becomes available.

3. Collect and publish no more than one overall assessment score per hospital, per year, of assessments conducted pursuant to s. 395.1012(6), and provide a comparison to the hospital emergency department's most recently published score pursuant to subparagraph 2.

Section 4. This act shall take effect July 1, 2025.

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

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:	CS/CS/SB 1604
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Martin
SUBJECT:	Corrections
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Wyant	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1604 amends multiple sections of law, including the prepayment of court costs, the statute of limitations on prisoners' lawsuits, location tracking for inmates and other persons, the parole qualifications committee, contractor-operated correctional facilities, minority representation requirements, and the Corrections Mental Health Act. Specifically, the bill:

- Amends s. 57.085, F.S., to specify that the deferral of prepayment of court costs and fees does not apply to challenges to prison disciplinary reports;
- Amends s. 95.11, F.S., to provide a statute of limitations of one year to all petitions, extraordinary writs, tort actions, or other actions which concern any condition of confinement of a prisoner;
- Creates s. 760.701, F.S., to restrict a prisoner from pursuing a civil action until all administrative remedies are fully exhausted and aligns with the Prison Litigation Reform Act to restrict a prisoner, or person on behalf of a prisoner, from filing a lawsuit relating to the conditions of confinement for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act;
- Amends s. 775.087, F.S., to require the court to impose consecutive sentences for any person who is convicted for committing an offense listed under s. 775.087(2)(a)1., F.S., in conjunction with any other felony offense, and to allow the court to impose consecutive sentences for any other felony that was committed in conjunction with the felony that must receive a mandatory minimum sentence under s. 775.087(3)(a)1, F.S.;

- Amends s. 934.425, F.S., to expand exceptions to the criminal offense for the installation or use of a tracking device to include certain Department of Corrections personnel, as defined in s. 943.10, F.S., certain Department of Juvenile Justice personnel, as defined in s. 985.03, F.S., and persons allowed to install, place, or use a tracking device or application pursuant to a court order;
- Amends and substantially rewords the Corrections Mental Health Act under ss. 945.41 – 945.49, F.S., to provide updated, clarifying, or technical language, as well as provide substantial changes to the procedure for placement and treatment of inmates, and creates s. 945.485, F.S., to provide legislative intent and procedures for inmates engaging in self-injurious behavior;
- Creates s. 945.6402, F.S., to establish inmate health care advance directives;
- Amends s. 947.02, F.S., to eliminate the use of a parole qualifications committee, to clarify that the members of the Florida Commission on Offender Review (FCOR) are to be directly appointed by the Governor and Cabinet, and removes the requirement for the FCOR membership to include representation from minority persons;
- Amends s. 957.04, F.S., to allow the DOC to exclude certain services from a contract for private correctional services and removes the requirement for each contract to include substantial minority participation;
- Amends 957.09, F.S., to remove language relating to the participation of minority business enterprises; and,
- Repeals 947.021, F.S., regarding expedited appointments, to be consistent with the elimination of the parole qualifications committee.

The bill may have an indeterminate fiscal impact on the DOC. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

The DOC is Florida's largest agency, and the third largest state prison system in the country. The DOC employs nearly 24,000 people, incarcerates over 88,000 inmates, and supervises more than 145,000 offenders in the community.[1]

Prison Litigation Reform Act

The Prison Litigation Reform Act (PLRA) placed several restrictions on a prisoner's ability to file civil rights lawsuits based on the conditions of confinement.[2] The federal law sought to

[1] Florida Department of Corrections, available at: https://www.fdc.myflorida.com/ (last visited March 22, 2025).
[2] A "condition of confinement" is any issue related to a prisoner's confinement. As the U.S. Supreme Court stated, "Indeed, the medical care a prisoner receives is just as much a 'condition' of his confinement as the food he is fed, the clothes he is issued, the temperature he is subjected to in his cell, and the protection he is afforded against other inmates." *Wilson v. Seiter*, 501 U.S. 294, 303 (1991); See also *Porter v. Nussle*, 534 U.S. 516,532 (2002) (finding that the term "prison conditions" "applies to all inmate suits about prison life, whether they involve general circumstances or particular episodes and whether they allege excessive force or some other wrong.")

reduce frivolous litigation, give correction officials the ability to remedy problems before litigation, and lighten the caseload for courts handling prisoner litigation.[3]

The bill creates s. 760.701, F.S., to align with the federal standard and procedure relating to the filing of lawsuits by prisoners pursuant to 42 U.S.C.A. § 1997e. Under section 1997e, a prisoner is required to exhaust all available administrative remedies before filing suit with respect to prison conditions under 42 U.S.C.A. § 1983.[4] The court is directed to dismiss any action brought with respect to prison conditions, if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.[5] The PLRA also restricts a prisoner from filing federal civil action for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act[6] (as defined in section 2246 of Title 18).[7]

In the case of *Siggers-El v. Barlow*, the plaintiff, a prisoner, requested for the defendant, a prison official, to authorize disbursements from his prison account to pay for a lawyer to review his appellate brief. The defendant refused to authorize the disbursement of funds until after a supervisor ordered the defendant to do so. After a series of conflicts over this matter, the defendant filled out a screen designating the prisoner for transfer to another facility. The defendant was aware that the transfer would prevent the Plaintiff from seeing his attorney, paying his attorney, and from seeing his emotionally-disabled daughter. The jury awarded $15,000 in mental or emotional damages, as well as $4,000 in economic damages and $200,000 in punitive damages.

When addressing whether mental or emotional damages were not recoverable because the PLRA prohibits the recovery of such damages in the absence of a physical injury, the Court found that the relevant portion of the PLRA, 42 U.S.C.A. § 1997e, is unconstitutional. "Application of § 1997e(e) to bar mental or emotional damages would effectively immunize officials from liability for severe constitutional violations, so long as no physical injury is established. Such immunity would be at odds with the fact that the statute allows plaintiffs to recover unlimited mental or emotional damages, so long as they prove more than *de minimis* physical injury. The Court finds the following hypothetical, set forth in Plaintiff's brief, to be persuasive:

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[3] FindLaw, *Prison Litigation Reform Act*, Samuel Strom, J.D. (2023), available at: https://www.findlaw.com/criminal/criminal-rights/prison-litigation-reform-act.html (last visited March 19, 2025).

[4] Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. 42 U.S.C.A. § 1983.

[5] 42 U.S.C.A. § 1997e(c)(1).

[6] The term "sexual act" means: contact between the penis and the vulva or the penis and the anus, and purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. 18 U.S.C.A. § 2246.

[7] 42 U.S.C.A. § 1997e(e).

> '[I]magine a sadistic prison guard who tortures inmates by carrying out fake executions-holding an unloaded gun to a prisoner's head and pulling the trigger, or staging a mock execution in a nearby cell, with shots and screams, and a body bag being taken out (within earshot and sight of the target prisoner). The emotional harm could be catastrophic but would be non-compensable. On the other hand, if a guard intentionally pushed a prisoner without cause, and broke his finger, all emotional damages proximately caused by the incident would be permitted.' "[8]

However, some courts, such as in the case of *Pagonis v. Raines*, upheld the PLRA and dismissed the plaintiff's claim for compensatory damages, having shown no prior physical injury.[9]

Limitations of Actions

Actions other than for recovery of real property are outlined within s. 95.11, F.S. Limitations of 20 years, five years, four years, two years, and one year are provided for a number of actions. With the exception for specified actions,[10] a petition for extraordinary writ, other than a petition challenging a criminal conviction, filed on or behalf of an inmate is subject to a one year limitation.[11] Further, with the exception for specified actions, an action brought by or on behalf of an inmate relating to the conditions of confinement are also limited to one year.[12]

Court Costs

When a prisoner is intervening in or initiating a judicial proceeding seeks to defer the prepayment of court costs and fees because of indigence, the prisoner must file an affidavit of indigence with the appropriate clerk of the court. The affidavit must contain specific information as to the prisoner's identity and the estate of such prisoner.[13]

When the clerk has found the prisoner to be indigent, the court must order the prisoner to make monthly payments of no less than 20 percent of the balance of his or her trust account as payment of court costs and fees. When a court orders such payment, the DOC or local detention facility places a lien on the prisoner's trust account for the full amount of the court costs and fees, and withdraw money maintained in that trust account and forward the money, when the balance exceeds $10, to the appropriate clerk of the court until the prisoner's court costs and fees are paid in full.[14]

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[8] *Siggers-El v. Barlow*, 433 F. Supp. 2d 811 (E.D. Mich. 2006)
[9] *Pagonis v. Raines*, No. 4:17-CV-01-DC-DF, 2018 WL 9240919 (W.D. Tex. Aug. 10, 2018), report and recommendation adopted, No. PE:17-CV-00001-DC, 2018 WL 9240916 (W.D. Tex. Sept. 10, 2018)
[10] Any court action challenging prisoner disciplinary proceedings conducted by the DOC pursuant to s. 944.28(2), F.S., must be commenced within 30 days after the final disposition of the prisoner disciplinary proceedings through the administrative grievance process. Any action challenging prisoner disciplinary proceedings must be barred by the court unless it is commenced within the 30 day time period. Section 95.11(9), F.S.
[11] Section 95.11(6)(f), F.S.
[12] Section 95.11(6)(g), F.S.
[13] Section 57.085(2), F.S.
[14] Section 57.085(5), F.S.

Sentencing

Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for specific crimes[15] and during the commission of the offense such person:

- Possessed a "firearm" or "destructive device," must be sentenced to a minimum 10 year term of imprisonment.[16]
- Discharged the firearm, must be sentenced to a minimum 20 year term of imprisonment.[17]
- Discharged the firearm which resulted in death or great bodily harm, must be sentenced to a minimum 25 year term of imprisonment, up to life.[18]

If the minimum mandatory terms of imprisonment imposed exceed the maximum sentence authorized by s. 775.082, F.S., s. 775.084, F.S., or the Criminal Punishment Code, then the sentence imposed by the court must include the mandatory minimum term of imprisonment as required by s. 775.087, F.S.[19]

It is the intent of the Legislature that offenders who possess, carry, display, use, threaten to use, or attempt to use a semiautomatic firearm and its high-capacity detachable box magazine or machine gun, be punished to the fullest extent of the law, and the minimum terms of imprisonment be imposed for each qualifying felony count for which the person is convicted. The court must impose any term of imprisonment provided consecutively to any other term of imprisonment imposed for any other felony offense.[20]

In *Williams v. State*, the defendant was convicted following a jury trial in the circuit court, of four counts of aggravated assault with a firearm, for which he received four consecutive mandatory minimum prison terms of 20 years each. The defendant appealed and brought forth the question of whether a trial court is required under s. 775.087(2)(d), F.S., to impose consecutive minimum terms of imprisonment for multiple offense when the offenses arise from a single criminal episode. The Supreme Court held, regarding the language in s. 775.057(2)(d), F.S., that "the court shall impose any term of imprisonment provided for in this subsection consecutively to any other term of imprisonment imposed for any other felony offense" does not require the court to sentence a defendant to consecutive sentences when the sentences arise from the same criminal episode.[21]

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[15] Murder; sexual battery; robbery; burglary; arson; aggravated battery; kidnapping; escape; aircraft piracy; aggravated child abuse; aggravated abuse of an elderly person or disabled person; unlawful throwing, placing, or discharging of a destructive device or bomb; carjacking; home-invasion robbery; aggravated stalking; trafficking in listed substances; possession of a firearm by a felon; or human trafficking. Section 775.087(2)(a)1., F.S.

[16] Section 775.087(2)(a)1., F.S., except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance must be sentenced to a minimum term of imprisonment of 3 years if such person possessed a firearm or destructive device during the commission of the offense.

[17] Section 775.087(2)(a)2., F.S.

[18] Section 775.087(2)(a)3., F.S.

[19] Section 775.087(2)(c), F.S.

[20] Section 775.087(2)(d), F.S.

[21] *Williams v. State*, 186 So. 3d 989 (Fla. 2016)

Tracking Devices

Tracking devices[22] and tracking applications[23] can be used to follow the location or movement of another person, potentially without that person's knowledge or consent. Some applications have legitimate uses but may be accessed by third parties without the user's consent. Other applications are developed and marketed as surveillance applications, commonly targeting potential customers interested in using the technology to track the movements and communication of another without consent.[24]

Unlawful Installation or Use of a Tracking Device or Application

Unless excepted, s. 934.425, F.S., it is a third degree felony[25] to knowingly:
- Install or place a tracking device or tracking application on another person's property without that person's consent; or
- Use a tracking device or tracking application to determine the location or movement of another person or another person's property without that person's consent.[26]

A person's consent to be tracked is presumed to be revoked if:
- The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other;[27] or
- The consenting person or the person to whom consent was given files an injunction for protection against the other person.[28]

The prohibition against installing a tracking device or tracking application does not apply to specified persons including a law enforcement officer, or any local, state, federal, or military law enforcement agency, that lawfully installs, places, or uses a tracking device or tracking application on another person's property as part of a criminal investigation;[29]

The Corrections Mental Health Act

Under the Corrections Mental Health Act, ss. 945.40 - 945.49, F.S., it is the intent of the Legislature for mentally ill inmates in the custody of the DOC to receive an evaluation and appropriate treatment for their mental illness through a continuum of services. The DOC must provide mental health services to inmates committed to the DOC and may contract with entities,

[22] "Tracking device" means any device whose primary purpose is to reveal its location or movement by the transmission of electronic signals. Section 934.425(1)(c), F.S.
[23] "Tracking application" means any software program whose primary purpose is to track or identify the location or movement of an individual. Section 934.425(1)(b), F.S.
[24] New York Times, *I Used Apple AirTags, Tiles and a GPS Tracker to Watch My Husband's Every Move*, Kashmir Hill, February 11, 2022, available at https://www.nytimes.com/2022/02/11/technology/airtags-gps-surveillance.html (last visited on March 20, 2025).
[25] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Section 775.082 and 775.083, F.S.
[26] Section 934.425(2), F.S.
[27] Section 934.425(3)(a), F.S.
[28] Section 934.425(3)(b), F.S., references the following injunctions for protection: s. 741.30, F.S., relating to domestic violence; s. 741.315, F.S., relating to foreign protection orders; s. 784.046, F.S., relating to repeat violence, sexual violence, or dating violence; s. 784.048, F.S., relating to stalking.
[29] Section 934.425(4)(a), F.S.

persons, or agencies qualified to provide such services.[30] Additionally, the DOC is required to work in cooperation with the Mental Health Program Office of the Department of Children and Families (DCF) to adopt rules necessary for administration of ss. 945.40 - 945.49, F.S.[31] Mental health treatment facilities are required to be secure, adequately equipped and staffed, and provide services in the least restrictive manner consistent with optimum improvement of the inmate's condition.[32]

The Corrections Mental Health Act provides key terminology necessary in determining criteria is met for crisis stabilization care[33] such as:

- "Mentally ill" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. However, for the purposes of transferring an inmate to a mental health treatment facility, the term does not include a developmental disability as defined in s. 393.063, F.S., simple intoxication, or conditions manifested only by antisocial behavior or substance abuse addiction. However, an individual who is developmentally disabled may also have a mental illness.[34]
- "In immediate need of care and treatment" means that an inmate is apparently mentally ill and is not able to be appropriately cared for in the institution where he or she is confined and that, but for being isolated in a more restrictive and secure housing environment, because of the apparent mental illness: the inmate is demonstrating a refusal to care for himself or herself and without immediate treatment intervention is likely to continue to refuse to care for himself or herself, and such refusal poses an immediate, real, and present threat of substantial harm to his or her well-being; or there is an immediate, real, and present threat that the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior involving causing, attempting, or threatening such harm; the inmate is unable to determine for himself or herself whether placement is necessary; and all available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.[35]
- "In need of care and treatment" means that an inmate has a mental illness for which inpatient services in a mental health treatment facility are necessary and that, but for being isolated in a more restrictive and secure housing environment, because of the mental illness: the inmate is demonstrating a refusal to care for himself or herself and without treatment is likely to continue to refuse to care for himself or herself, and such refusal poses a real and present threat of substantial harm to his or her well-being; or there is a substantial likelihood that in the near future the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm; The

[30] Section 945.41(1), F.S.
[31] Section 945.49(2), F.S.
[32] Section 945.41(2), F.S.
[33] "Crisis Stabilization Care" means a level of care that is less restrictive and intense than care provided in a mental health treatment facility, that includes a broad range of evaluation and treatment services provided within a highly structured setting or locked residential setting, and that is intended for inmates who are experiencing acute emotional distress and who cannot be adequately evaluated and treated in a transitional care unit and is devoted principally toward rapid stabilization of acute symptoms and conditions. Section 945.42(2), F.S.
[34] Section 945.42(9), F.S.
[35] Section 945.42(5), F.S.

inmate is unable to determine for himself or herself whether placement is necessary; and all available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.[36]

- "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis stabilization care, and is characterized by the provision of traditional mental health treatments such as group and individual therapy, activity therapy, recreational therapy, and psychotropic medications in the context of a structured residential setting. Transitional mental health care is indicated for a person with chronic or residual symptomatology who does not require crisis stabilization care or acute psychiatric care, but whose impairment in functioning nevertheless renders him or her incapable of adjusting satisfactorily within the general inmate population.[37]

Correctional officers employed by a mental health treatment facility must receive specialized training above and beyond basic certification.

An inmate receiving mental health treatment must be subject to the same standards applied to other inmates in the department, including, but not limited to, consideration for parole, release by reason of gain-time allowances, and release by expiration of sentence.[38]

Procedure for Placement

If an inmate is deemed mentally ill and in need of care and treatment, he or she may be placed in a mental health treatment facility after notice and hearing, and upon recommendation of the warden. The procedure for placement in a mental health treatment facility is as follows:[39]

- The warden files a petition with the court in the county where the inmate is housed. The petition must include the warden's recommendation supported by the expert opinion of a psychiatrist and the second opinion of a psychiatrist or psychological professional.
- A copy of the petition must be served to the inmate, accompanied by a written notice that an inmate may apply to have an attorney appointed if the inmate cannot afford one. The attorney must have access to the inmate and any records that are relevant to the representation of the inmate.
- The hearing must be held in the same county and one of the inmate's physicians at the facility must appear as a witness at the hearing.
- If the inmate is found mentally ill and in need of care, the court must order the inmate be placed in a mental health treatment facility or, if the inmate is at a mental health treatment facility, that he or she be retained there. The court must authorize the facility to retain the inmate for up to six months. If continued placement is necessary, the warden shall apply to the Division of Administrative Hearings for an order authorizing continued placement.

The current procedure for a hearing on the placement of an inmate in a mental health treatment facility provides:[40]

[36] Section 945.42(6), F.S.
[37] Section 945.42(13), F.S.
[38] Section 945.49, F.S.
[39] Section 945.43(2), F.S.
[40] Section 945.43(3), F.S.

- The court must serve notice on the warden of the facility where the inmate is confined and serve the allegedly mentally ill inmate. The notice must specify the date, time, and place of the hearing; the basis for the allegation of mental illness; and the names of the examining experts. The hearing shall be held within 5 days, and the court may appoint a general or special magistrate to preside. One of the experts whose opinion supported the petition for placement must be present at the hearing.
- If, at the hearing, the court finds that the inmate is mentally ill and in need of care and treatment, the court must order that he or she be placed in a mental health treatment facility. The court must provide a copy of the order and all supporting documentation relating to the inmate's condition to the warden of the treatment facility. If the court finds that the inmate is not mentally ill, the petition for placement is dismissed.

The court may waive the presence of the inmate at the hearing if it is in the best interests of the inmate and the inmate's counsel does not object. The department may transport the inmate to the location of the hearing if it is not conducted at the facility or electronically.[41] The warden of an institution in which a mental health treatment facility is located may refuse to place any inmate in that treatment facility who is not accompanied by adequate court orders and documentation, as required in these sections.[42]

Procedure for Emergency Placement

An inmate may be placed in a mental health treatment facility on an emergency basis if he or she is mentally ill and in immediate need of care and treatment. If such care and treatment cannot be provided at the institution where the inmate is confined, he or she may be placed immediately in a mental health treatment facility accompanied by the recommendation of the warden of the institution where the inmate is confined. The recommendation must state the need for the emergency placement and include a written opinion of a physician verifying the need. Upon placement, the inmate shall be evaluated, if the inmate is determined to be in need of treatment or care, the warden initiates proceedings for placement.[43]

Procedure for Continued Placement

An inmate may be retained in a mental health treatment facility if he or she is mentally ill and continues to be in need of care and treatment. The procedure for continued placement is as follows:

- Prior to expiration of the period in which the inmate is being housed in a mental health treatment facility, the warden must file a petition with the Division of Administrative Hearings accompanied by a statement from the inmate's physician justifying the petition and providing a summary of the inmate's treatment and the individualized plan for the inmate.[44]

[41] Section 945.43(3)(a), F.S.
[42] Section 945.43(4), F.S.
[43] Section 945.44, F.S.
[44] Section 945.45(2)(a), F.S.

- Notification is mailed to the inmate, along with a waiver-of-hearing form and the completed petition, requesting the inmate's signature. The waiver-of-hearing form shall require express and informed consent and shall state the inmate is entitled to be represented by an attorney.[45]
- The hearing is an administrative hearing and conducted in accordance with ch. 120, F.S.,[46] except that an order entered by the administrative law judge is final and subject to judicial review. An administrative law judge shall be assigned by the Division of Administrative Hearings.[47]
- If the administrative law judge finds the inmate no longer meets the criteria for placement, the inmate will be transferred out of the mental health treatment facility.[48]
- If the inmate waives the hearing or if the administrative law judge finds the inmate is in need of continued placement, the administrative law judge will order continued placement for a period not to exceed one year. This procedure shall be repeated prior to the expiration of each additional one year period.[49]

The administrative law judge may appoint a private pro bono attorney in the circuit in which the treatment facility is located to represent the inmate.[50] The presence of the inmate at the hearing may be waived if such waiver is consistent with the best interest of the inmate and the inmate's counsel does not object.[51]

Involuntary Placement with Respect to Scheduled Release

If an inmate who is receiving mental health treatment is scheduled for release through expiration of sentence or any other means, but continues to be mentally ill and in need of care and treatment, the warden is authorized to initiate procedures for involuntary placement 60 days prior to release.[52] Additionally, the warden may initiate procedures for involuntary examination for any inmate who has a mental illness and meets the criteria under s. 394.463(1), F.S.[53,54]

The DOC may transport an individual who is being released from its custody to a receiving or treatment facility for involuntary examination or placement. Transport must be made to a facility specified by the DCF, or the nearest receiving facility if not specified.[55]

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[45] If the inmate does not sign the petition, or if the inmate does not sign a waiver within 15 days, the administrative law judge must notice a hearing with regard to the inmate involved in accordance with ss. 120.569 and 120.57(1), F.S. Section 945.45(2)(b), F.S.
[46] Chapter 120, F.S., provides procedure for all administrative hearings.
[47] Section 945.45(3)(a), F.S.
[48] Section 945.45(3)(d), F.S.
[49] Section 945.45(3)(e), F.S.
[50] Section 945.45(3)(b), F.S.
[51] Section 945.45(3)(c), F.S.
[52] Section 945.46(1), F.S.
[53] The Florida Mental Health Act finds a person may be ordered for involuntary inpatient placement for treatment if he or she has a mental illness and because of that illness has either refused voluntary placement or is unable to determine whether inpatient placement is necessary and is incapable for surviving alone or with the help of willing friends or family and is likely to suffer from neglect, refuse to take care of themselves, or there is substantial likelihood that in the near future he or she will inflict serious bodily harm on self or others.
[54] Section 945.46(2), F.S.
[55] Section 945.46(3), F.S.

Discharge of an Inmate from Mental Health Treatment

An inmate must be discharged from mental health treatment under the following conditions:[56]

- The inmate is no longer in need of care and treatment, he or she may be transferred out of the mental health treatment facility and provided with appropriate mental health services; or
- If the inmate's sentence expires during his or her treatment, but he or she is no longer in need of care as an inpatient, the inmate may be released with a recommendation for outpatient treatment.

At any time that an inmate who has received mental health treatment becomes eligible for release under supervision or upon end of sentence, a record of the inmate's mental health treatment may be provided to the FCOR and to the DCF upon request.[57]

Involuntary Treatment

An inmate in a mental health treatment facility has the right to receive treatment that is suited to his or her needs and that is provided in a humane psychological environment. Such treatment must be administered skillfully, safely, and humanely with respect for the inmate's dignity and personal integrity. An inmate must be asked to give his or her express and informed written consent for such treatment.[58]

If an inmate has refused to give express and informed consent for treatment, the warden of the mental health treatment facility must petition the circuit court serving the county in which the facility is located for an order authorizing the treatment of the inmate. The inmate must be provided a copy of the petition along with the proposed treatment, basis for treatment, names of examining experts, and the date, time, and location of the hearing.[59]

The hearing on the petition for involuntary treatment must be held within five days after the petition is filed. The inmate may have an attorney represent him or her, or if indigent, the court must appoint the office of the public defender. The inmate may testify or not, may cross-examine witnesses testifying on behalf of the facility, and may present his or her own witnesses. The inmate's presence may be waived. One of the inmate's physicians whose opinion supported the petition shall appear as a witness.[60]

The court must determine by *clear and convincing evidence* whether the inmate is mentally ill, whether such treatment is essential to the care of the inmate, and whether the treatment is experimental or presents an unreasonable risk of serious, hazardous, or irreversible side effects. The court must consider at least the following:[61]

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[56] Section 945.47(1), F.S.
[57] Section 945.47(2), F.S.
[58] The "right to express and informed consent" as listed in s. 945.48, F.S., means to consent voluntarily given in writing after conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment; common side effects of the treatment, if any; the expected duration of the treatment; and the alternative treatment available. The explanation shall enable the inmate to make a knowing and willful decision without any element of fraud, deceit, or duress or any other form of constraint or coercion. Section 945.48(2), F.S.
[59] Section 945.48(3), F.S.
[60] Section 945.48(4)(a), F.S.
[61] Section 945.48(4)(b), F.S.

- The inmate's expressed preference regarding treatment;
- The probability of adverse side effects;
- The prognosis for the inmate without treatment; and
- The prognosis for the inmate with treatment.

An order authorizing involuntary treatment authorizes treatment for a period not to exceed 90 days following the date of the order. If the inmate is still in need of treatment, the warden must petition the court for an order authorizing the continuation of treatment for another 90-day period. This process is repeated until the inmate provides express and informed consent or is no longer in need of treatment.[62]

Emergency Treatment

In an emergency situation in which there is immediate danger to the health and safety of an inmate or other inmates, emergency treatment may be provided at a mental health treatment facility upon the written order of a physician for a period not to exceed 48 hours.

If, after the 48-hour period, the inmate has not given express and informed consent to the treatment initially refused, the warden must petition the circuit court within 48 hours, excluding weekends and legal holidays, for an order authorizing the continued treatment of the inmate.

In the interim, treatment may be continued upon the written order of a physician who has determined that the emergency situation continues to present a danger to the safety of the inmate or others. If an inmate must be isolated for mental health purposes, that decision must be reviewed within 72 hours by a different psychological professional or a physician other than the one making the original placement.[63]

Additionally, when the consent of an inmate cannot be obtained, the warden of a mental health treatment facility, or his or her designated representative, with the concurrence of the inmate's attending physician, may authorize emergency surgical or nonpsychiatric medical treatment if deemed lifesaving or there is a situation threating serious bodily harm to the inmate.[64]

Health Care Advance Directives

Health care advance directives as defined in ch. 765, F.S., do not directly address inmates in custody of the DOC.

Contractor-Operated Correctional Facilities

A contract entered into for the operation of contractor-operated correctional facilities, formerly known as private prisons, must maximize the cost savings[65] of such facilities and:

- Is not exempt from ch. 287, F.S., including the competitive solicitation requirements.

[62] Section 945.48(4)(c), F.S.
[63] Section 945.48(5), F.S.
[64] Section 945.48(6), F.S.
[65] The department may not enter into a contract or series of contracts unless the DOC determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Section 957.07, F.S.

- Be executed with the contractor most qualified.
- Indemnify the state and the DOC against any and all liability.
- Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract.
- Require the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards and the requirements of all applicable court orders and state law.
- Establish operations standards for correctional facilities subject to the contract.
- Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the DOC in comparable facilities.
- Require the selection and appointment of a full-time contract monitor, appointed and supervised by the DOC.
- Be for a period of three years and may be renewed for successive two-year periods thereafter.[66]

Florida Commission on Offender Review (FCOR)

The FCOR makes a variety of determinations regarding parole and other releases, and reviews releasees' supervision status every two years. In both parole and conditional medical release hearings, testimony and pertinent information may be provided by a representative of an inmate, an inmate's family, by victims of the offense, and the victim's family. During hearings, the commission conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The commission makes final determinations with regard to revocation of post release supervision, where a releasee may have violated conditions of their release.[67]

The FCOR consists of three commissioners[68] appointed by the Governor and Cabinet from a list of eligible applicants submitted by the parole qualifications committee. Each appointment must be certified to the Senate for confirmation. The membership of the commission must include representation from minority persons.[69,70] Commissioners serve a term of six years, and no person is eligible to be appointed for more than two consecutive six year terms.[71]

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[66] Section 957.04(1)(a)-(i), F.S.
[67] Florida Commission on Offender Review, *Organization*, available at: https://www.fcor.state.fl.us/overview.shtml (last visited March 20, 2025).
[68] The Florida Commission on Offender Review was created to consist of six members who are residents of the state. Effective July 1, 1996, the membership of the commission shall consist of three members. Section 947.01, F.S.
[69] "Minority person" means a lawful, permanent resident of Florida who is: (a) an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; (b) a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; (c) an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asian, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; (d) a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; and (e) an American woman. Section 288.703(4), F.S.
[70] Section 947.02(1), F.S.
[71] Section 947.03, F.S.

The parole qualifications committee consists of five persons who are appointed by the Governor and Cabinet. The committee provides for the advertisement and the receiving of applications for any position or positions.[72] The committee is to submit a list of three eligible applicants which may include an incumbent commissioner. Upon receiving a list of eligible persons from the committee, the Governor and Cabinet may reject the list. If so, the committee must reinitiate the application and examination procedure.[73]

Whenever the Legislature decreases the membership of the FCOR, all terms of office expire. Under such circumstances, the Governor and Cabinet must expedite the appointment of commissioners. For expediated appointments, the commissioners will be directly appointed by the Governor and Cabinet. The commission must include representation from minority persons.[74]

III. Effect of Proposed Changes:

The bill amends multiple sections of law regarding prepayment court costs and the statute of limitations on prisoners' lawsuits, location tracking for inmates and other persons, the parole qualifications committee, contractor-operated correctional facilities, minority representation requirements, and the Corrections Mental Health Act.

Litigation and Fees

Section 57.085, F.S., is amended to specify that the deferral of prepayment of court costs and fees does not apply to challenges to prison disciplinary reports.

The bill amends s. 95.11, F.S., to provide a statute of limitations of one year to all petitions, extraordinary writs, tort actions, or other actions which concern any condition of confinement of a prisoner. Any petition, writ, or action brought pursuant to s. 95.11(6)(f), F.S., must commence within one year after the time the incident, conduct, or conditions occurred or within one year after the time the incident, conduct, or conditions were discovered, or should have been discovered.

The bill creates s. 760.701, F.S., to restrict a prisoner from pursuing a civil action until all administrative remedies are fully exhausted. Additionally, the bill directs the court to dismiss any action by a prisoner if the court finds the action is frivolous, malicious, or fails to state a claim upon which relief can be granted or seeks monetary relief from a defendant who is immune from such relief.

Further, the bill prohibits a prisoner, or person on behalf of a prisoner, from filing a lawsuit, or any state tort action, relating to the conditions of confinement for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act. The bill provides any action concerning the condition of confinement is subjected to a one-year time limit.

[72] Section 947.02(2), F.S.
[73] Section 947.02(4), F.S.
[74] Section 947.021, F.S.

Sentencing

The bill amends s. 775.087, F.S., to require a court to impose consecutive sentences for any person who is convicted of committing an offense listed under the 10-20-Life statute, in conjunction with any other felony offense. Additionally, the bill allows for a court to impose a consecutive sentence for any other felony that was committed in conjunction with the felony that must receive a mandatory minimum.

Tracking

The bill amends s. 934.425, F.S., to expand exceptions to the criminal offense for the installation or use of a tracking device to allow:

- A law enforcement officer as defined in s. 943.10, F.S., or any local, state, federal, or military law enforcement agency, to lawfully install, place, or use a tracking device or application on another person while acting in the course or scope of his or her employment. Current law allows law enforcement officers to install tracking devices as part of a criminal investigation.
- A correctional officer, correctional probation officer or any other officer or support personnel as defined in s. 943.10, F.S., to install, place, or use a tracking device or tracking application on a person within their care, custody, or control as part of his or her employment.
- A juvenile probation officer, an authorized agent or designee, or delinquency program staff as defined in s. 985.03, F.S., to install, place, or use a tracking device or tracking application on a person within their care, custody, or control as part of his or her employment.
- A person to install, place, or use a tracking device or application pursuant to a court order.

Corrections Mental Health Act

The bill amends and substantially rewords the Corrections Mental Health Act under ss. 945.41 – 945.49, F.S., to provide updated, clarifying, or technical language, as well as provide substantial changes to the procedure for placement and treatment of inmates.

The bill amends s. 945.41, F.S., to revise legislative intent and authorize the DOC to purchase treatment materials and equipment, and contract with entities, persons, or agencies qualified to provide mental health treatment and services to support inmate rehabilitation.

Inmates in the custody of the DOC must be offered the opportunity to participate in the development of a written individualized treatment plan. The bill requires that inmates who have mental illnesses that require intensive mental health inpatient treatment or services be offered an inpatient setting designated for that purpose, and inmates who require intensive hospitalization to be transferred to a DOC mental health treatment facility. Inmates must be offered the least restrictive appropriate available treatment and services based on their assessed needs and best interests.

A mentally competent inmate must give his or her express and informed consent[75] for mental health treatment. The bill requires that before such consent is given, details of treatment must be explained in plain language to the inmate and that any consent given for treatment may be revoked orally or in writing before or during the treatment by the inmate or a person legally authorized to make those health care decisions.

Inmates who are incompetent to consent must receive treatment deemed necessary for their appropriate care and for the safety of the inmate or others.

The bill authorizes nonpsychiatric, emergency surgical treatment or routine medical treatment for an inmate placed in a mental health treatment facility when the express and informed consent cannot be obtained, or the inmate is incompetent to consent to treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

The bill amends s. 945.42, F.S., to define the terms "express and informed consent,"[76] "gravely disabled,"[77] "incompetent to consent to treatment,"[78] "involuntary examination,"[79] "likelihood of serious harm,"[80] and "treatment,"[81] and removes the definition and procedure for inmates that are "in immediate need of care and treatment."

Involuntary Examination

The bill substantially rewords s. 945.43, F.S., to provide a process for involuntary examination. An inmate's treating clinician may refer the inmate to a mental health facility for an involuntary examination if there is reason to believe the inmate has a mental illness and is in need of care and

[75] The following is required to be explained in plain language: the proposed treatment, purpose of the treatment, the common risks, benefits, and side effects of treatment and specific dosage of medication if applicable, alternative treatment modalities, the approximate length of treatment, the potential effects of stopping treatment, and how treatment will be monitored.
[76] "Express and informed consent" means consent voluntarily given in writing, by a competent inmate, after sufficient explanation and disclosure of the subject matter involved, to enable the inmate to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.
[77] "Gravely disabled" means a condition in which an inmate, as a result of a diagnosed mental illness is either in danger of serious physical harm resulting from the inmates failure to provide for his or her essential physical needs of food, clothing, hygiene, health, or safety without the assistance of others, or experiencing a substantial deterioration in behavioral functioning evidenced by the inmate's unremitting decline in volitional control over his or her actions.
[78] "Incompetent to consent to treatment" means a state in which an inmate's judgement is so affected by mental illness that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical or mental health treatment and services. The term only refers to an inmate's inability to provide express and informed consent for medical and mental health treatment and services.
[79] "Involuntary examination" means a psychiatric examination performed at a mental health treatment facility to determine whether an inmate should be placed in the mental health treatment facility for inpatient mental health treatment and services.
[80] "Likelihood of serious harm" means the following: a substantial risk that the inmate will inflict serious physical harm upon his or her own person, as evidenced by threats or attempts to commit suicide or the actual infliction of serious physical harm on self; a substantial risk that the inmate will inflict physical harm upon another person, as evidenced by behavior which has caused such harm or which places any person in reasonable fear of sustaining such harm; or a reasonable degree of medical certainty that the inmate will suffer serious physical or mental harm as evidenced by the inmate's recent behavior demonstrating an inability to refrain from engaging in self-harm behavior.
[81] "Treatment" means psychotropic medication prescribed by a medical practitioner licensed pursuant to ch. 458 or 459, F.S., including those laboratory tests and related medical procedures that are essential for the safe and effective administration of psychotropic medication and psychological interventions and services such as group and individual psychotherapy, activity therapy, recreational therapy, and music therapy.

treatment. Upon arrival, the inmate must be examined by a psychiatrist and a second psychiatrist or psychological professional to determine whether the inmate is in need of care and treatment. If there is a need for treatment, the psychiatrist will propose a recommended course of treatment and the warden will initiate proceedings for placement and for involuntary treatment as specified in s. 945.44, F.S.

The involuntary examination and initiation of court proceedings must be completed within 10 calendar days after arrival and may remain in the mental health treatment facility pending a hearing after the timely filing of a petition as described in s. 945.44, F.S. Pending necessary treatment may be provided, as described in s. 945.44, F.S.

If the inmate is not in need of care and treatment, the inmate must be transferred out of the mental health treatment facility and provided with appropriate mental health services.

Placement and Treatment of an Inmate in a Mental Health Treatment Facility

The bill substantially rewords s. 945.44, F.S., to provide the criteria and hearing procedures for petitions relating to the placement and treatment of an inmate in a mental health treatment facility. This bill authorizes the DOC to place an inmate in a mental health treatment facility if he or she is mentally ill and is in need of care and treatment. An inmate may receive involuntary mental health treatment that is deemed to be essential for the appropriate care and safety of the inmate or others if the inmate is either gravely disabled or presents a likelihood of serious harm.

An inmate may be placed and involuntarily treated in a mental health treatment facility after notice and hearing. The procedure for petitions for placement and treatment are provided in the bill.

The bill provides that the court must find by clear and convincing evidence that the inmate is mentally ill and in need of care and treatment in order to place the inmate in a mental health treatment facility. The bill provides the court must make additional specified findings to administer treatment.

The bill authorizes status hearings and the continuation of placement until an inmate is no longer in need of care and treatment. The bill authorizes the court to dismiss the petition and transfer the inmate out of the mental health treatment facility if the criteria for placement and treatment are not satisfied.

The bill repeals s. 945.45, F.S., relating to the continued placement of inmates in mental health facilities. Language pertaining to continued placement is described in s. 945.44, F.S., under the bill.

Initiation of Involuntary Placement Proceedings with Inmates Scheduled for Release

The bill amends s. 945.46, F.S., to provide the process for involuntary placement when an inmate continues to be mentally ill and in need of care and treatment but is scheduled for release.

The warden must file a petition for involuntary inpatient placement for inmates scheduled to be released in the court in the county where the inmate is located. Upon filing, the clerk must

provide copies of the petition to the DCF, the inmate, the state attorney and the public defender. The bill adds language to ensure a fee may not be charged for the filing of the petition.

The bill requires within one court working day after the filing of the petition for a public defender to be appointed, unless the inmate is otherwise represented. The state attorney for the circuit in which the inmate is located will represent the state in these proceedings rather than the warden. The bill provides the proceedings are governed by ch. 394, F.S.

The court may order that the hearing be conducted by electronic means, at the facility in person, or at another location.

The bill amends s. 945.47, F.S., to specify that at any time an inmate who has received mental health treatment while in the custody of the DOC becomes eligible for release, a record of the treatment may be provided to the FCOR and the DCF *for the purpose of arranging post release aftercare placement and to prospective recipient inpatient health care or residential facilities* upon request.

Emergency Treatment Orders and Use of Force

The bill substantially rewords s. 945.48, F.S., to authorize the DOC to involuntary administer psychotropic medication to an inmate on an emergency basis without following the procedure outlined in s. 945.43, F.S. Psychotropic medication may be administered only when the medication constitutes an appropriate treatment for a mental illness and its symptoms and alternative treatments are not available or indicated, or would not be effective.

An emergency exists when the inmate with a mental illness presents an immediate threat of:
- Bodily harm to self or others; or
- Extreme deterioration in behavior functioning secondary to the mental illness.

The bill authorizes the administration of psychotropic medication not to exceed 72 hours, after which the treating physician must refer the inmate for an involuntary examination in accordance with ss. 945.43 and 945.44, F.S. The warden must transfer the inmate to a mental health treatment facility within 48 hours, excluding weekends and legal holidays.

The DOC may use force when and to the extent that it reasonably appears necessary to effectuate the treatment, effectuate clinically necessary hygiene of an inmate, for the application of physical restraint, or pursuant to a valid court order.

Management and Treatment of Self-Injurious Behaviors

The bill creates s. 945.485, F.S., to provide procedures for when an inmate is engaging in active or ongoing self-injurious behavior and has refused to provide express and informed consent.

If an inmate is determined incompetent to consent to treatment, the inmate's treating physician is required to proceed as set forth in s. 945.6042, F.S, created under this bill. The bill provides proceedings for when an inmate is competent, refusing necessary surgical or medical treatment, and engaging in active or ongoing self-injurious behavior that presents a threat to the safety of the DOC staff, other inmates or the security, internal order, or discipline of the institution.

If the inmate is competent, refusing necessary surgical or medical treatment, and is engaging in active or ongoing self-injurious behavior that presents a threat, the warden must petition the court for an order compelling the inmate to submit to emergency surgical intervention or other medical services to the extent necessary to remedy the threat. An inmate must be provided with a copy of the petition and other specified information. The inmate is entitled to representation, and the court may appoint the public defender or private counsel to represent the inmate. The hearing must be held as expeditiously as possible, but no later than five calendar days after filing.

The bill provides considerations for the court and requires the court to determine whether the warden has established by clear and convincing evidence that the state interest is sufficient to outweigh the inmate's right to refuse treatment.

Inmate Health Care Advance Directives

The bill creates s. 945.6402, F.S., to provide the DOC must offer inmates an opportunity to sign an advance health care directive. The bill provides definitions for "health care facility,"[82] "incapacity,"[83] "informed consent,"[84] "inmate,"[85] "ombudsman,"[86] "proxy,"[87] and "proxy review team."[88]

The bill provides procedure relating to the capacity of an inmate. An inmate's treating physician must evaluate the inmate's capacity and enter the evaluation in the inmate's medical record if the inmate lacks capacity. A second opinion is required if the evaluating physician has a question as to whether the inmate lacks capacity, and both evaluations must be entered in the medical record. Incapacity cannot be inferred from an inmate's involuntary hospitalization for mental illness or from his or her intellectual disability.

If the inmate is found to be incapacitated and has a designated health care surrogate in accordance with ch. 765, F.S., the surrogate must be notified. If the inmate has not designated a health care surrogate, the facility must appoint a proxy to make health care decisions.

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[82] "Health care facility" has the same meaning as in s. 765.101, F.S., and includes any correctional institution or facility where health care is provided.
[83] "Incapacity" or "Incompetent" means an inmate is physically or mentally unable to communicate a willful and knowing health care decision.
[84] "Informed consent" means consent voluntarily given by an inmate after a sufficient explanation and disclosure of the subject matter involved to enable the inmate to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures, and to make a knowing health care decision without coercion or undue influence.
[85] "Inmate" means any person committed to the custody of the DOC.
[86] "Ombudsman" means an individual designated and specifically trained by the department to identify conditions that may pose a threat to the rights, health, safety, and welfare of inmates in a health care facility and who may be appointed to serve as a proxy for an inmate who is physically or mentally unable to communicate a willful and knowing health care decision.
[87] "Proxy" means a competent adult who has not been expressly designated to make health care decisions for a particular incapacitated inmate, but who, nevertheless, is authorized pursuant to s. 765.401, F.S., to make health care decisions for such inmate.
[88] "Proxy review team" means a team of at least five members, appointed by the Assistant Secretary for Health Services. The team is composed of, at a minimum, one physician licensed pursuant to ch. 458 or ch. 459, F.S., one psychologist licensed pursuant to ch. 490, F.S., one nurse licensed pursuant to ch. 464, F.S., and one department chaplain.

The bill requires the DOC to provide each inmate written information concerning advance directives and necessary forms to execute an advance directive, and document such in the inmate's medical records. An advance directive may be amended or revoked at any time by a competent inmate through various means such as written and spoken communication.

If the inmate has not designated a health care surrogate, health care decisions may be made for the inmate by any individuals specified in the priority order provided in s. 765.401(1)(a)-(g), F.S.,[89] as a proxy. If there are no individuals available, willing, or competent, the warden must notify the Assistant Secretary for Health Services or designee to appoint a DOC ombudsman to serve as a proxy until the inmate regains capacity or is no longer incarcerated in the custody of the DOC. The proxy must make any health care decision based on informed consent and that the proxy reasonable believes the inmate would have made that decision. If there is no indication of what decision the inmate would make, the proxy may consider the inmate's best interests.

The bill authorizes the use of force to administer medical treatment only by or under the clinical supervision of a physician or his or her designee and only to carry out a health care decision made. The bill also provides immunity from liability for a DOC health care provider, ombudsman, or other employees who act under the direction of a health care provider.

The bill amends s. 945.49, F.S., to remove the requirement for the DOC to work in cooperation with the Mental Health Program Office of the DCF to adopt rules necessary to administer sections under the Corrections Mental Health Act.

Additional Requirements

The bill amends s. 947.02, F.S., to eliminate the use of a parole qualification committee. The members of the FCOR are to be directly appointed by the Governor and Cabinet. The bill also removes the requirement for the membership of the FCOR to include representation from minority persons. Section 947.12 F.S. is amended to conform with the elimination of a parole qualifications committee, and s. 947.021, F.S. is repealed.

The bill amends s. 957.04, F.S., to allow the DOC to exclude certain services from a contract for private correctional services and retain the responsibility for the delivery of such services whenever the DOC finds it to be in the best interest of the state. Additionally, the requirement for each contract to include substantial minority participation is removed.

The bill amends s. 957.09, F.S., to remove language relating to the participation of minority business enterprises.

The bill takes effect July 1, 2025.

[89] A judicially appointed guardian; spouse; adult child of the patient or a majority of adult children; a parent; the adult sibling or a majority of the adult siblings; an adult relative who has exhibited special care and concern and has maintained regular contact and is familiar with the patients activities, health, and religious or moral beliefs; or a close friend is authorized under this section to make health care decisions.

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:

Some courts have found parts of the PLRA to be unconstitutional. This language may be subjected to litigation.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the DOC due to an increase in mental health services and treatment as well as transporting inmates to facilities to meet those needs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 57.085, 95.11, 775.087, 934.425, 945.41, 945.42. 945.43, 945.44, 945.46, 945.47, 945.48, 945.49, 947.02, 947.12, 957.04, 957.09.

This bill creates the following sections of the Florida Statutes: 760.701, 945.485, 945.6402.

This bill repeals sections 945.45 and 947.021 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 Appropriations Committee on Criminal and Civil Justice on April 15, 2025:
This committee substitute:

- Adds an exception to allow a law enforcement officer to install, place, or use a tracking device or application on another person while acting in the course or scope of his or her employment.
- Removes the section of the bill relating to methods of execution.
- Revises the 10/20/Life statute to require the court to impose terms of imprisonment consecutively if the offender is convicted of multiple felony offenses that would require the imposition of a minimum term of imprisonment. The court may impose a consecutive sentence for any other felony that was committed in conjunction with the felony that must receive a mandatory minimum sentence.

CS by Criminal Justice on March 25, 2025:
This committee substitute:

- Allows for a petition, writ, or other action to be filed within one year from the time the incident was discovered or should have been discovered.
- Clarifies methods of execution used may not be deemed unconstitutional nor cruel and unusual.
- Allows for a correctional officer, correctional probation officer, or a juvenile probation officer to lawfully install, place, or use a tracking device or application on a person within their care, custody, or control as part of employment and provides the exception to allow a person to install, place, or use a tracking device or application pursuant to a court order.
- Restructures the language regarding criteria for involuntary placement or treatment but maintains the same policy.
- Repeals s. 947.021, F.S., regarding expedited appointments and adds the necessary language to s. 947.02, F.S. The statute for expedited appointments is no longer applicable with the removal of the parole qualifications committee.

B. Amendments:

None.

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

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

604-03627-25 20251604c2

A bill to be entitled

An act relating to corrections; amending s. 57.085, F.S.; revising provisions relating to deferral of prepayment of court costs and fees for indigent prisoners for actions involving challenges to prison disciplinary reports; amending s. 95.11, F.S.; providing for a 1-year period of limitation for bringing certain actions relating to the condition of confinement of prisoners; creating s. 760.701, F.S.; defining the term "prisoner"; requiring exhaustion of administrative remedies before certain actions concerning confinement of prisoners may be brought; providing for dismissal of certain actions involving prisoner confinement in certain circumstances; requiring a showing of physical injury or the commission of a certain act as a condition precedent for bringing certain actions relating to prisoner confinement; specifying a time limitation period for bringing an action concerning any condition of confinement; amending s. 775.087, F.S.; requiring a court to impose consecutive terms of imprisonment if the offender is convicted of multiple specified felony offenses; authorizing a court to impose consecutive terms of imprisonment if the offender commits certain offenses in conjunction with another felony offense; making technical changes; amending s. 934.425, F.S.; exempting certain persons working for the Department of Corrections or the Department of Juvenile Justice, and persons authorized pursuant to a court order, from

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provisions regulating the use of tracking devices or tracking applications; amending s. 945.41, F.S.; revising legislative intent; revising provisions relating to mental health treatment for inmates; requiring that an inmate give his or her express and informed consent to such treatment; specifying information an inmate must receive regarding treatment; authorizing the warden to authorize certain emergency medical treatment under the direction of the inmate's attending physician under certain circumstances; amending s. 945.42, F.S.; revising and providing definitions; amending s. 945.43, F.S.; revising provisions concerning involuntary examinations; amending s. 945.44, F.S.; revising provisions concerning involuntary placement and treatment of an inmate in a mental health treatment facility; repealing s. 945.45, F.S., relating to continued placement of inmates in mental health treatment facilities; amending s. 945.46, F.S.; providing requirements for filing petitions for involuntary inpatient placement for certain inmates; authorizing the court to order alternative means and venues for certain hearings; requiring, rather than authorizing, inmates to be transported to the nearest receiving facility in certain circumstances; amending s. 945.47, F.S.; specifying purposes for which an inmate's mental health treatment records may be provided to the Florida Commission on Offender Review and the Department of Children and Families;

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authorizing such records to be provided to certain facilities upon request; amending s. 945.48, F.S.; substantially revising provisions relating to emergency treatment orders and use of force and providing requirements for such orders and use of force; providing requirements for emergency and psychotropic medications and use of force; creating s. 945.485, F.S.; providing legislative findings; providing requirements for management of and treatment for an inmate's self-injurious behaviors; requiring facility wardens to consult with an inmate's treating physician in certain circumstances and make certain determinations; providing for petitions to compel an inmate to submit to medical treatment in certain circumstances; providing construction; amending s. 945.49, F.S.; deleting a requirement that the Department of Corrections adopt certain rules in cooperation with the Mental Health Program Office of the Department of Children and Families; creating s. 945.6402, F.S.; providing definitions; providing legislative findings and intent; providing requirements for inmate capacity, health care advance directives, and proxies; authorizing the use of force on incapacitated inmates in certain circumstances; providing immunity from liability for certain persons in certain circumstances; amending s. 947.02, F.S.; revising the manner in which the membership of the Florida Commission on Offender Review is appointed; repealing s. 947.021, F.S., relating to expedited

appointments of the Florida Commission on Offender Review; amending s. 947.12, F.S.; conforming provisions to changes made by the act; amending s. 957.04, F.S.; revising requirements for contracting for certain services; amending s. 957.09, F.S.; deleting a provision relating to minority business enterprises; amending s. 20.32, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (10) of section 57.085, Florida Statutes, is amended to read:

57.085 Deferral of prepayment of court costs and fees for indigent prisoners.—

(10) With the exception of challenges to prison disciplinary reports, this section does not apply to a criminal proceeding or a collateral criminal proceeding.

Section 2. Paragraph (b) of subsection (2) and paragraphs (f) and (g) of subsection (6) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be

governed by the applicable provisions of paragraph (6)(e), s. 255.05(10), s. 337.18(1), or s. 713.23(1)(e), and except for an action for a deficiency judgment governed by paragraph (6)(g) ~~(6)(h)~~.

(6) WITHIN ONE YEAR.—

(f) Except for actions described in subsection (9), or a petition challenging a criminal conviction, all petitions; extraordinary writs; tort actions, including those under s. 768.28(14); or other actions which concern any condition of confinement of a prisoner ~~a petition for extraordinary writ, other than a petition challenging a criminal conviction,~~ filed by or on behalf of a prisoner as defined in s. 57.085. Any petition, writ, or action brought under this paragraph must be commenced within 1 year after the time the incident, conduct, or conditions occurred or within 1 year after the time the incident, conduct, or conditions were discovered, or should have been discovered.

~~(g) Except for actions described in subsection (9), an action brought by or on behalf of a prisoner, as defined in s. 57.085, relating to the conditions of the prisoner's confinement.~~

Section 3. Section 760.701, Florida Statutes, is created to read:

760.701 Lawsuits by prisoners.—

(1) For the purposes of this section, the term "prisoner" means any person incarcerated or detained in any jail, prison, or other correctional facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation,

pretrial release, or a diversionary program.

(2) An action may not be brought by or on behalf of a prisoner relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any other state or federal law, until the administrative remedies available are fully exhausted.

(3) The court shall on its own motion or on the motion of a party dismiss any action brought relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any other state or federal law, by a prisoner if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. The court shall review any such action pursuant to s. 57.085(6).

(4) An action may not be brought in state court by or on behalf of a prisoner relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any state tort action, for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act as defined in 18 U.S.C. s. 2246(2).

(5) The time for bringing an action that concerns any condition of confinement of a prisoner shall be the limitations period as described in s. 95.11(6)(f).

Section 4. Present paragraph (e) of subsection (3) of section 775.087, Florida Statutes, is redesignated as paragraph (f), paragraph (e) is added to subsection (2) and a new paragraph (e) is added to subsection (3) of that section, and paragraphs (a) and (d) of subsection (2) and paragraphs (a) and (d) of subsection (3) of that section are amended, to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for:

a. Murder;

b. Sexual battery;

c. Robbery;

d. Burglary;

e. Arson;

f. Aggravated battery;

g. Kidnapping;

h. Escape;

i. Aircraft piracy;

j. Aggravated child abuse;

k. Aggravated abuse of an elderly person or disabled adult;

l. Unlawful throwing, placing, or discharging of a destructive device or bomb;

m. Carjacking;

n. Home-invasion robbery;

o. Aggravated stalking;

p. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in

Phenethylamines, or other violation of s. 893.135(1);

q. Possession of a firearm by a felon; or

r. Human trafficking,

and during the commission of the offense, such person actually possessed a "firearm" or "destructive device" as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 years, except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance shall be sentenced to a minimum term of imprisonment of 3 years if such person possessed a "firearm" or "destructive device" during the commission of the offense. However, if an offender who is convicted of the offense of possession of a firearm by a felon has a previous conviction of committing or attempting to commit a felony listed in s. 775.084(1)(b)1. and actually possessed a firearm or destructive device during the commission of the prior felony, the offender shall be sentenced to a minimum term of imprisonment of 10 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-subparagraph 1.r., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as those terms are defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-subparagraph 1.r., regardless of whether the use of a weapon is

an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as those terms are defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

(d) It is the intent of the Legislature that offenders who actually possess, carry, display, use, threaten to use, or attempt to use firearms or destructive devices be punished to the fullest extent of the law. The court shall impose~~, and~~ the minimum term ~~terms~~ of imprisonment required under paragraph (a) ~~imposed pursuant to this subsection shall be imposed~~ for each qualifying felony offense ~~count~~ for which the person is convicted. If the offender is convicted of multiple felony offenses for which paragraph (a) requires the imposition of a minimum term of imprisonment, the court must ~~shall~~ impose any such terms ~~term~~ of imprisonment ~~provided for in this subsection~~ consecutively ~~to any other term of imprisonment imposed for any other felony offense~~.

(e) If an offender commits a felony listed in subparagraph (a)1. in conjunction with any other felony offense not listed in subparagraph (a)1., the court may impose any term of imprisonment provided for in paragraph (a) consecutively to any other term of imprisonment imposed for any other felony offense not listed in subparagraph (a)1.

(3)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a

firearm is an element of the felony, and the conviction was for:

a. Murder;

b. Sexual battery;

c. Robbery;

d. Burglary;

e. Arson;

f. Aggravated battery;

g. Kidnapping;

h. Escape;

i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;

j. Aircraft piracy;

k. Aggravated child abuse;

l. Aggravated abuse of an elderly person or disabled adult;

m. Unlawful throwing, placing, or discharging of a destructive device or bomb;

n. Carjacking;

o. Home-invasion robbery;

p. Aggravated stalking;

q. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1); or

r. Human trafficking,

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph 1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine or a "machine gun" as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph 1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine or a "machine gun" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

(d) It is the intent of the Legislature that offenders who possess, carry, display, use, threaten to use, or attempt to use a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001 be punished to the fullest extent of the law. The court shall impose~~, and~~ the minimum term ~~terms~~ of imprisonment required under paragraph (a) ~~imposed pursuant to this subsection shall be imposed~~ for

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each qualifying felony offense ~~count~~ for which the person is convicted. If the offender is convicted of multiple felony offenses for which paragraph (a) requires the imposition of a minimum term of imprisonment, the court must ~~shall~~ impose any such terms ~~term~~ of imprisonment ~~provided for in this subsection~~ consecutively ~~to any other term of imprisonment imposed for any other felony offense~~.

(e) If an offender commits a felony listed in subparagraph (a)1. in conjunction with any other felony offense not listed in subparagraph (a)1., the court may impose any term of imprisonment provided for in paragraph (a) consecutively to any other term of imprisonment imposed for any other felony offense not listed in subparagraph (a)1.

Section 5. Present paragraphs (b) through (e) of subsection (4) of section 934.425, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, and new paragraphs (b) through (e) are added to that subsection, to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

(4) This section does not apply to:

(b) A law enforcement officer as defined in s. 943.10, or any local, state, federal, or military law enforcement agency, who lawfully installs, places, or uses a tracking device or application on another person while acting in the course or scope of his or her employment.

(c) A correctional officer, a correctional probation officer, or any other officer or support personnel, as those terms are defined in s. 943.10, of the Department of Corrections who lawfully installs, places, or uses a tracking device or

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tracking application on a person in his or her care, custody, or control and in the course and scope of his or her employment.

(d) A juvenile probation officer, an authorized agent or designee, or delinquency program staff, as those terms are defined in s. 985.03, of the Department of Juvenile Justice who lawfully installs, places, or uses a tracking device or tracking application on a person in his or her care, custody, or control and in the course and scope of his or her employment.

(e) A person authorized to install, place, or use a tracking device or tracking application pursuant to a court order.

Section 6. Section 945.41, Florida Statutes, is amended to read:

945.41 Mental health treatment for inmates; legislative intent of ss. 945.40-945.49.—

(1) INTENT.—It is the intent of the Legislature that:

(a) ~~mentally ill~~ Inmates in the custody of the department who have a mental illness ~~of Corrections~~ receive an evaluation and appropriate treatment for their mental illness through a continuum of outpatient and inpatient mental health treatment and services.

(b) The department is authorized to purchase treatment materials and equipment to support inmate rehabilitation; to ameliorate disabling mental symptoms associated with impairment in behavioral functioning, sensory and motor skills, and impulse control; and to improve adaptive coping skills consistent with the department's jurisdiction as described in s. 945.025.

(c) Sections 945.40-945.49 do not supplement, amend, or change the responsibilities of the Department of Children and

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Families pursuant to chapter 916, the Forensic Client Services Act, which governs forensic services for persons who are incompetent to proceed as defined in s. 916.106.

(2) INDIVIDUAL DIGNITY AND TREATMENT.—

(a) An inmate in the custody of the department shall be offered treatment that is suited to his or her needs as determined by health care staff.

(b) The department shall provide mental health treatment and services to inmates and may contract with any entities, persons, or agencies qualified to provide such treatment and services.

(c) Inmates receiving mental health treatment and services shall be offered the opportunity to participate in the development of a written individualized treatment plan and be provided a copy of such plan before its implementation. ~~It is further the intent of the Legislature that:~~

(d) ~~(1)~~ Inmates ~~in the custody of the department~~ who have mental illnesses that require ~~hospitalization and~~ intensive mental health ~~psychiatric~~ inpatient treatment and services or care shall be offered ~~receive~~ appropriate treatment or care in an inpatient setting ~~Department of Corrections mental health treatment facilities~~ designated for that purpose. Inmates who have mental illnesses that require intensive hospitalization-level mental health inpatient treatment and services shall be transferred to a department mental health treatment facility designated for that purpose ~~The Department of Corrections shall provide mental health services to inmates committed to it and may contract with any entities, persons, or agencies qualified to provide such services~~.

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(e) ~~(2)~~ Mental health treatment facilities shall be secure and adequately equipped and staffed for the provision of mental health treatment and services. Inmates shall be offered the least restrictive appropriate available treatment and services based on their assessed needs and best interests and consistent with improvement of their condition for facilitation of appropriate adjustment within the correctional environment ~~services and that, to the extent possible, such services be provided in the least restrictive manner consistent with optimum improvement of the inmate's condition~~.

(3) EXPRESS AND INFORMED CONSENT.—

(a) A mentally competent inmate offered mental health treatment within the department shall give his or her express and informed consent for such treatment. Before giving such consent, the following information shall be provided and explained in plain language to the inmate:

1. The proposed treatment.

2. The purpose of the treatment.

3. The common risks, benefits, and side effects of the treatment and the specific dosage range for a medication, if applicable.

4. Alternative treatment modalities.

5. The approximate length of treatment.

6. The potential effects of stopping treatment.

7. How treatment will be monitored.

8. That any consent given for treatment may be revoked orally or in writing before or during the treatment period by the inmate or by a person legally authorized to make health care decisions on behalf of the inmate.

(b) Inmates who are determined to be incompetent to consent to treatment shall receive treatment deemed to be necessary for their appropriate care and for the safety of the inmate or others in accordance with the procedures established in ss. 945.40-945.49.

(4) ~~(3)~~ PAROLE.—Inmates who are transferred to any facility for the purpose of mental health treatment and services shall be given consideration for parole and be eligible for release by reason of gain-time allowances as provided in s. 944.291 and release by expiration of sentence, consistent with guidelines established for that purpose by the department.

(5) ~~(4)~~ YOUTHFUL OFFENDERS.—Any inmate sentenced as a youthful offender, or designated as a youthful offender by the department under chapter 958, who is transferred pursuant to this act to a mental health treatment facility shall be separated from other inmates, if necessary, as determined by the warden of the mental health treatment facility.

(6) ~~(5)~~ TREATMENT FACILITIES.—The department may designate mental health treatment facilities for adult, youthful, and female offenders or may contract with other appropriate entities, persons, or agencies for such services.

(7) EMERGENCY MEDICAL TREATMENT.—Notwithstanding any other provision of this section, when the express and informed consent of an inmate placed in a mental health treatment facility in accordance with s. 945.44 cannot be obtained or the inmate is incompetent to consent to treatment, the warden of a mental health treatment facility, or his or her designated representative, under the direction of the inmate's attending physician, may authorize nonpsychiatric, emergency surgical

treatment or other routine medical treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

Section 7. Section 945.42, Florida Statutes, is amended to read:

945.42 Definitions; ss. 945.40-945.49.—As used in ss. 945.40-945.49, the following terms shall have the meanings ascribed to them, unless the context shall clearly indicate otherwise:

(1) "Court" means the circuit court.

(2) "Crisis stabilization care" means an inpatient ~~a~~ level of care that is less restrictive and intensive ~~intense~~ than care provided in a mental health treatment facility, that includes a broad range of evaluation and treatment and services provided within a secure and highly structured residential setting ~~or locked residential setting~~, and that is intended for inmates who are experiencing acute psychological ~~emotional~~ distress and who cannot be adequately evaluated and treated in a transitional care unit or infirmary isolation management room. Such treatment and services are ~~is also~~ more intense than treatment and services provided in a transitional care unit and are ~~is~~ devoted principally toward rapid stabilization of acute symptoms and conditions.

(3) "Department" means the Department of Corrections.

(4) "Express and informed consent" means consent voluntarily given in writing by a competent inmate, after sufficient explanation and disclosure of the subject matter involved, to enable the inmate to make a knowing and willful decision without any element of force, fraud, deceit, duress, or

other form of constraint or coercion.

(5) "Gravely disabled" means a condition in which an inmate, as a result of a diagnosed mental illness, is:

(a) In danger of serious physical harm resulting from the inmate's failure to provide for his or her essential physical needs of food, clothing, hygiene, health, or safety without the assistance of others; or

(b) Experiencing a substantial deterioration in behavioral functioning evidenced by the inmate's unremitting decline in volitional control over his or her actions.

(6) "Incompetent to consent to treatment" means a state in which an inmate's judgment is so affected by mental illness that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical or mental health treatment and services. The term is distinguished from the term incompetent to proceed, as defined in s. 916.106, and refers only to an inmate's inability to provide express and informed consent for medical or mental health treatment and services.

~~(4) "Director" means the Director for Mental Health Services of the Department of Corrections or his or her designee.~~

~~(5) "In immediate need of care and treatment" means that an inmate is apparently mentally ill and is not able to be appropriately cared for in the institution where he or she is confined and that, but for being isolated in a more restrictive and secure housing environment, because of the apparent mental illness:~~

~~(a)1. The inmate is demonstrating a refusal to care for~~

~~himself or herself and without immediate treatment intervention is likely to continue to refuse to care for himself or herself, and such refusal poses an immediate, real, and present threat of substantial harm to his or her well-being; or~~

~~2. There is an immediate, real, and present threat that the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior involving causing, attempting, or threatening such harm;~~

~~(b) The inmate is unable to determine for himself or herself whether placement is necessary; and~~

~~(c) All available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.~~

(7)~~(6)~~ "In need of care and treatment" means that an inmate has a mental illness for which inpatient services in a mental health treatment facility are necessary and ~~that, but for being isolated in a more restrictive and secure housing environment,~~ because of the mental illness:

(a) But for being isolated in a more restrictive and secure housing environment:

1. The inmate is demonstrating a refusal to care for himself or herself and without treatment is likely to continue to refuse to care for himself or herself, and such refusal poses a real and present threat of substantial harm to his or her well-being; or

2. There is a substantial likelihood that in the near future the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm.~~;~~

(b) The inmate is incompetent to consent to treatment and is unable or is refusing to provide express and informed consent to treatment.

(c)~~(b)~~ The inmate is unable to determine for himself or herself whether placement is necessary.~~; and~~

(d)~~(c)~~ All available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.

(8)~~(7)~~ "Inmate" means any person committed to the custody of the Department of Corrections.

(9) "Involuntary examination" means a psychiatric examination performed at a mental health treatment facility to determine whether an inmate should be placed in the mental health treatment facility for inpatient mental health treatment and services.

(10) "Likelihood of serious harm" means:

(a) A substantial risk that the inmate will inflict serious physical harm upon his or her own person, as evidenced by threats or attempts to commit suicide or the actual infliction of serious physical harm on self;

(b) A substantial risk that the inmate will inflict physical harm upon another person, as evidenced by behavior which has caused such harm or which places any person in reasonable fear of sustaining such harm; or

(c) A reasonable degree of medical certainty that the inmate will suffer serious physical or mental harm, as evidenced by the inmate's recent behavior demonstrating an inability to refrain from engaging in self-harm behavior.

(11)~~(8)~~ "Mental health treatment facility" means any extended treatment or hospitalization-level unit within the corrections system which the Assistant Secretary for Health Services of the department specifically designates by rule to provide acute mental health ~~psychiatric~~ care and which may include involuntary treatment and therapeutic intervention in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care. The term does not include a forensic facility as defined in s. 916.106.

(12)~~(9)~~ "Mental illness" or "mentally ill" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. However, for the purposes of transferring an inmate to a mental health treatment facility, the term does not include a developmental disability as defined in s. 393.063, simple intoxication, or conditions manifested only by antisocial behavior or substance abuse addiction. However, an individual who is developmentally disabled may also have a mental illness.

(13)~~(10)~~ "Psychiatrist" means a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated nervous and mental disorders for a period of not less than 3 years inclusive of psychiatric residency.

(14)~~(11)~~ "Psychological professional" means a behavioral practitioner who has an approved doctoral degree in psychology as defined in s. 490.003(3)(b) ~~s. 490.003(3)~~ and is employed by

the department or who is licensed as a psychologist pursuant to chapter 490.

(15)~~(12)~~ "Secretary" means the Secretary of Corrections.

(16)~~(13)~~ "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis stabilization care, and is characterized by the provision of traditional mental health treatment and services, ~~treatments~~ such as group and individual therapy, activity therapy, recreational therapy, and psychotropic medications in the context of a secure, structured residential setting. Transitional mental health care is indicated for an inmate ~~a person~~ with chronic or residual symptomatology who does not require crisis stabilization care or acute mental health ~~psychiatric~~ care, but whose impairment in functioning nevertheless renders him or her incapable of adjusting satisfactorily within the general inmate population.

(17) "Treatment" means psychotropic medications prescribed by a medical practitioner licensed pursuant to chapter 458 or chapter 459, including those laboratory tests and related medical procedures that are essential for the safe and effective administration of a psychotropic medication and psychological interventions and services, such as group and individual psychotherapy, activity therapy, recreational therapy, and music therapy. The term does not include forensic services for inmate defendants who are incompetent to proceed as defined in s. 916.106.

(18)~~(14)~~ "Warden" means the warden of a state corrections facility or his or her designee.

Section 8. Section 945.43, Florida Statutes, is amended to

read:

(Substantial rewording of section. See s. 945.43, F.S., for present text.)

945.43 Involuntary examination.—

(1) If there is reason to believe that an inmate has a mental illness and the inmate is in need of care and treatment, the inmate's treating clinician may refer the inmate to a mental health treatment facility for an involuntary examination. Upon referral, the warden of the facility where the inmate is housed shall transfer the inmate to a mental health treatment facility.

(2) Upon arrival to the mental health treatment facility, the inmate shall be examined by a psychiatrist and a second psychiatrist or psychological professional to determine whether the inmate is in need of care and treatment.

(3) If, after the examination, the inmate is determined to be in need of care and treatment, the psychiatrist shall propose a recommended course of treatment that is essential to the care of the inmate, and the warden shall initiate proceedings for placement of the inmate in the mental health treatment facility and for involuntary treatment of the inmate as specified in s. 945.44. If the inmate is not in need of care and treatment, he or she shall be transferred out of the mental health treatment facility and provided with appropriate mental health services.

(4) The involuntary examination and initiation of court proceedings for the placement and applicable involuntary treatment of the inmate in the mental health treatment facility shall be completed within 10 calendar days after arrival.

(5) The inmate may remain in the mental health treatment facility pending a hearing after the timely filing of a petition

as described in s. 945.44. Pending a hearing, necessary emergency treatment may be provided in the mental health treatment facility upon the written order of a physician as provided in s. 945.48.

Section 9. Section 945.44, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.44, F.S., for present text.)

945.44 Placement and treatment of an inmate in a mental health treatment facility.—

(1) CRITERIA FOR INVOLUNTARY PLACEMENT OR TREATMENT.—

(a) An inmate may be placed in a mental health treatment facility if he or she is mentally ill and is in need of care and treatment.

(b) An inmate may receive involuntary treatment for which the inmate is unable or has refused to provide express and informed consent, if all of the following apply:

1. The inmate is mentally ill;

2. The treatment is essential to the care of the inmate;

3. The treatment is not experimental and does not present an unreasonable risk of serious, hazardous, or irreversible side effects;

4. The inmate is gravely disabled or poses a likelihood of serious harm; and

5. The inmate is incompetent to consent to treatment.

(2) HEARING PROCEDURES FOR PETITIONS FOR PLACEMENT AND TREATMENT.—

(a) An inmate may be placed and involuntarily treated in a mental health treatment facility after notice and hearing upon

the recommendation of the warden of the facility where the inmate is confined. The warden of the institution where the mental health treatment facility is located shall petition the circuit court serving the county for an order authorizing the placement and treatment of the inmate. The petition must be supported by the expert opinion of at least one of the inmate's treating psychiatrists.

(b) The inmate shall be provided with a copy of the petition along with the proposed treatment, the basis for the proposed treatment, the names of the examining experts, and the date, time, and location of the hearing. After considering the public safety and security concerns presented by transporting the inmate or in conducting onsite hearings, the court may order that the hearing be conducted by electronic means or in person at the facility or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the facility, the department is authorized to transport the inmate to the location of the hearing.

(c) The inmate may have an attorney represent him or her at the hearing, and, if the inmate is indigent, the court shall appoint the office of the public defender or private counsel pursuant to s. 27.40(1) to represent the inmate at the hearing. An attorney representing the inmate shall have access to the inmate and any records, including medical or mental health records, which are relevant to the representation of the inmate.

(d) The hearing on the petition for involuntary placement and treatment shall be held as expeditiously as possible after the petition is filed, but no later than 14 calendar days after filing. The court may appoint a general or special magistrate to

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preside over the hearing. The inmate may testify or not, as he or she chooses, may cross-examine witnesses testifying on behalf of the facility, and may present his or her own witnesses.

(e) The court may waive the presence of the inmate at the hearing if the waiver is consistent with the best interests of the inmate and the inmate's counsel does not object. One of the inmate's physicians whose opinion supported the petition shall appear as a witness at the hearing.

(3) ORDERS FOR INVOLUNTARY PLACEMENT AND TREATMENT.—

(a) If the court finds by clear and convincing evidence that the inmate meets the criteria specified in paragraph (1)(a), the court must order that the inmate be involuntarily placed in the mental health treatment facility for a period not to exceed 6 months.

(b) If the court finds by clear and convincing evidence that the inmate meets the criteria specified in paragraph (1)(b), the court may order that the inmate be involuntarily treated for a period not to exceed 6 months, concurrent with an order for placement in the mental health treatment facility. In determining whether to order involuntary treatment under this paragraph, the court must consider the inmate's expressed preference regarding treatment, if the inmate is able to express a preference; the probability of adverse side effects; the prognosis for the inmate without treatment; the prognosis for the inmate with treatment; and any other factors the court deems relevant.

(4) STATUS HEARINGS AND CONTINUING JURISDICTION.—An order authorizing involuntary placement and treatment must allow such placement and treatment for a period not to exceed 6 months

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following the date of the order. Unless the court is notified in writing that the inmate has been discharged from the mental health treatment facility because he or she is no longer in need of care and treatment, has been transferred to another institution of the department, or has been released from the department's custody, the warden shall, before the expiration of the initial order, file a notice with the court to set a status hearing for an order authorizing the continuation of placement and treatment for another period not to exceed 6 months. This procedure shall be repeated until the inmate is no longer in need of care and treatment. Placement and treatment may be continued pending a hearing after the timely filing of any petition.

(5) COPIES OF ORDERS.—The court shall provide a copy of its order authorizing placement and treatment along with all supporting documentation relating to the inmate's condition to the warden of the mental health treatment facility.

(6) DISMISSAL OF PETITIONS.—If the court finds that criteria for placement and treatment are not satisfied, it shall dismiss the petition and the inmate shall be transferred out of the mental health treatment facility and provided with appropriate mental health services.

Section 10. Section 945.45, Florida Statutes, is repealed.

Section 11. Present subsection (3) of section 945.46, Florida Statutes, is renumbered as subsection (5) and amended, and a new subsection (3) and subsection (4) are added to that section, to read:

945.46 Initiation of involuntary placement proceedings with respect to a mentally ill inmate scheduled for release.—

(3) The warden shall file, in the court in the county where the inmate is located, petitions for involuntary inpatient placement for inmates scheduled to be released. Upon filing, the clerk of the court shall provide copies to the Department of Children and Families, the inmate, and the state attorney and public defender of the judicial circuit in which the inmate is located. A fee may not be charged for the filing of a petition under chapter 394. Within 1 court working day after the filing of a petition for involuntary inpatient placement, the court shall appoint the public defender to represent the inmate who is the subject of the petition, unless the inmate is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of such appointment. Any attorney representing the inmate shall have access to the inmate, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the inmate, regardless of the source of payment to the attorney. The state attorney for the circuit in which the inmate is located shall represent the state, rather than the petitioning warden, as the real party in interest in the proceeding. The remainder of the proceedings shall be governed by chapter 394.

(4) After considering the public safety and security concerns presented by transporting a mentally ill inmate or in conducting an onsite hearing, the court may order that the hearing be conducted by electronic means, at the facility in person, or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the facility, the department is authorized to transport the inmate to the location of the hearing.

(5)~~(3)~~ The department may transport an individual who is being released from its custody to a receiving or mental health treatment facility for involuntary examination or placement. Such transport shall be made to a facility that is specified by the Department of Children and Families as able to meet the specific needs of the individual. If the Department of Children and Families does not specify a facility, transport shall ~~may~~ be made to the nearest receiving facility.

Section 12. Section 945.47, Florida Statutes, is amended to read:

945.47 Discharge of inmate from mental health treatment.—

(1) An inmate who has been placed in a mental health treatment facility ~~transferred~~ for the purpose of mental health treatment shall be discharged from treatment by the warden under the following conditions:

(a) If the inmate is no longer in need of care and treatment, as defined in s. 945.42, he or she may be transferred out of the mental health treatment facility and provided with appropriate mental health services; or

(b) If the inmate's sentence expires during his or her treatment, but he or she is no longer in need of care and treatment as an inpatient, the inmate may be released with a recommendation for outpatient treatment, pursuant to ~~the provisions of~~ ss. 945.40-945.49.

(2) At any time that an inmate who has received mental health treatment while in the custody of the department becomes eligible for release under supervision or upon end of sentence, a record of the inmate's mental health treatment may be provided to the Florida Commission on Offender Review, ~~and~~ to the

Department of Children and Families to arrange postrelease aftercare placement, and to prospective recipient inpatient health care or residential facilities upon request. The record shall include, at a minimum, a summary of the inmate's diagnosis, length of stay in treatment, clinical history, prognosis, prescribed medication, treatment plan, and recommendations for aftercare services.

Section 13. Section 945.48, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.48, F.S., for present text.)

945.48 Emergency treatment orders and use of force.—

(1) EMERGENCY MEDICATION.—The department is authorized to involuntarily administer psychotropic medication to an inmate on an emergency basis without following the procedure outlined in s. 945.43 only as specified in this section. An emergency treatment order for psychotropic medication may be provided to the inmate upon the written order of a physician licensed pursuant to chapter 458 or chapter 459 in an emergency not exceeding 72 hours, excluding weekends and legal holidays. An emergency exists when an inmate with a mental illness presents an immediate threat of:

(a) Bodily harm to self or others; or

(b) Extreme deterioration in behavioral functioning secondary to the mental illness.

(2) PSYCHOTROPIC MEDICATION.—Psychotropic medication may be administered only when the medication constitutes an appropriate treatment for a mental illness and its symptoms and alternative treatments are not available or indicated, or would not be

effective. If after the 72-hour period the inmate has not given express and informed consent to the medication initially refused, the inmate's treating physician shall refer the inmate to a mental health treatment facility for an involuntary examination in accordance with the procedures described in s. 945.43. Upon such referral, the warden shall, within 48 hours, excluding weekends and legal holidays, transfer the inmate to a mental health treatment facility. Upon transfer of the inmate for an involuntary examination, the emergency treatment order may be continued upon the written order of a physician as long as the physician has determined that the emergency continues to present a danger to the safety of the inmate or others and the criteria described in this subsection are satisfied. If psychotropic medication is still recommended after the emergency, it may only be administered after following the procedures outlined in s. 945.44.

(3) USE OF FORCE.—An employee or agent of the department is authorized to apply physical force upon an inmate when and to the extent that it reasonably appears necessary to effectuate the treatment of an inmate as described in this section, for the application of psychiatric restraint, to effectuate clinically necessary hygiene, or pursuant to a valid court order issued under s. 945.44 or s. 945.485. The requirements of s. 944.35 shall be followed when using force to effectuate such treatment, apply such restraint, or effectuate such hygiene.

Section 14. Section 945.485, Florida Statutes, is created to read:

945.485 Management and treatment for self-injurious behaviors.—

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

(1) The Legislature finds that nonsuicidal self-injurious behaviors in correctional institutions, or acts intended to cause bodily harm but not death, have increased in the correctional environment. Self-injurious behavior may include nonsuicidal self-injury or self-mutilation, such as cutting, reopening wounds, and ingesting or inserting foreign objects or dangerous instruments into the body. These behaviors pose a significant threat to inmates, staff, and, in many cases, the safe and secure operation of the correctional institution. In addition, self-injurious behaviors, coupled with the inmate's repeated refusals to provide express and informed consent for medical treatment and care, are a significant challenge for correctional medical and mental health professionals, resulting in higher costs for medical services, and may result in inadvertent mortality in the incarcerated population.

(2) In accordance with s. 945.6402, the Legislature finds that an inmate retains the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment or life-saving medical procedures. However, the inmate's right to privacy and decisionmaking regarding medical treatment may be outweighed by compelling state interests.

(3) When an inmate is engaging in active or ongoing self-injurious behavior and has refused to provide express and informed consent for treatment related to the self-injurious behavior, the warden of the facility where the inmate is housed shall consult with the inmate's treating physician regarding the inmate's medical and mental health status, current medical and mental health treatment needs, and competency to provide express

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and informed consent for treatment. The warden shall also determine whether the inmate's self-injurious behavior presents a danger to the safety of department staff or other inmates or the security, internal order, or discipline of the institution.

(a) If the inmate's treating physician determines that the inmate has a mental illness and is incompetent to consent to treatment, the physician shall proceed in accordance with s. 945.6402 for any necessary surgical or medical services. If the inmate is in need of care and treatment as defined in s. 945.42, the inmate shall be referred to a mental health treatment facility for an involuntary examination in accordance with s. 945.44.

(b) If the inmate is competent, refusing necessary surgical or medical treatment, and engaging in active or ongoing self-injurious behavior that presents a threat to the safety of department staff or other inmates or the security, internal order, or discipline of the institution, the warden shall follow the procedure set forth in subsection (4).

(4)(a) The warden, or his or her designated representative, shall, on behalf of the state, petition the circuit court of the county in which the inmate is residing or the county in which the inmate is hospitalized for an order compelling the inmate to submit to emergency surgical intervention or other medical services to the extent necessary to remedy the threat to the safety of staff or other inmates or the security, internal order, or discipline of the institution. The petition must be supported by the expert opinion of at least one of the inmate's treating physicians and may be supported by other staff as necessary.

(b) The inmate shall be provided with a copy of the petition along with the proposed intervention, the basis for the proposed intervention, the names of the testifying experts and witnesses, and the date, time, and location of the hearing. After considering the medical status of the inmate, public safety, and security concerns presented by transporting the inmate, the court may order that the hearing be conducted by electronic means or in person at the institution or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the institution, the department is authorized to transport the inmate to the location of the hearing.

(c) The inmate may have an attorney represent him or her at the hearing, and, if the inmate is indigent, the court shall appoint the office of the public defender or private counsel pursuant to s. 27.40(1) to represent the inmate at the hearing. An attorney representing the inmate shall have access to the inmate and any records, including medical or mental health records, which are relevant to the representation of the inmate.

(d) The hearing on the petition shall be held as expeditiously as possible after the petition is filed, but no later than 5 calendar days after filing. The court may appoint a general or special magistrate to preside. The inmate may testify or not, as he or she chooses, may cross-examine witnesses testifying on behalf of the institution, and may present his or her own witnesses.

(e) The court may waive the presence of the inmate at the hearing if the waiver is consistent with the best interests of the inmate and the inmate's counsel does not object.

(f) The court shall determine whether the warden has established, by clear and convincing evidence, a compelling state interest sufficient to outweigh the inmate's right to refuse treatment. The court shall consider all of the following:

1. Preservation of the life of the inmate.

2. Prevention of suicide.

3. Protection of innocent third parties.

4. Maintenance of the ethical integrity of the medical profession.

5. Preservation of the security, internal order, or discipline of the institution.

6. Rehabilitation of the inmate.

7. Any other compelling state interest.

(g) If the court determines that there are compelling state interests sufficient to override the inmate's right to refuse treatment, the court shall enter an order authorizing emergency surgical intervention or other medical services, narrowly tailored and in the least intrusive manner possible, only as necessary to remedy the threat to the safety of third parties or the security, internal order, or discipline of the institution. Emergency surgical intervention or other medical services authorized by the court may be carried out at the institution or at a licensed hospital, as applicable.

(5) This section does not repeal by implication any provision of s. 766.103, the Florida Medical Consent Law, or s. 768.13, the Good Samaritan Act. For all purposes, the Florida Medical Consent Law and the Good Samaritan Act shall be considered alternatives to this section.

Section 15. Subsection (2) of section 945.49, Florida

Statutes, is amended to read:

945.49 Operation and administration.—

(2) RULES.—The department~~, in cooperation with the Mental Health Program Office of the Department of Children and Families,~~ shall adopt rules necessary for administration of ss. 945.40-945.49 in accordance with chapter 120.

Section 16. Section 945.6402, Florida Statutes, is created to read:

945.6402 Inmate health care advance directives.—

(1) DEFINITIONS.—The terms used in this section have the same meanings as in s. 765.101 unless otherwise specified in this section. For purposes of this section, the term:

(a) "Health care facility" has the same meaning as in s. 765.101 and includes any correctional institution or facility where health care is provided.

(b) "Incapacity" or "incompetent" means an inmate is physically or mentally unable to communicate a willful and knowing health care decision.

(c) "Informed consent" means consent voluntarily given by an inmate after a sufficient explanation and disclosure of the subject matter involved to enable the inmate to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures, and to make a knowing health care decision without coercion or undue influence.

(d) "Inmate" means any person committed to the custody of the department.

(e) "Ombudsman" means an individual designated and

specifically trained by the department to identify conditions that may pose a threat to the rights, health, safety, and welfare of inmates in a health care facility and who may be appointed to serve as a proxy for an inmate who is physically or mentally unable to communicate a willful and knowing health care decision.

(f) "Proxy" means a competent adult who has not been expressly designated to make health care decisions for a particular incapacitated inmate, but who, nevertheless, is authorized pursuant to s. 765.401 and as specified in this section to make health care decisions for such inmate.

(g) "Proxy review team" means a team of at least five members, appointed by the Assistant Secretary for Health Services. The team shall be composed of, at a minimum, one physician licensed pursuant to chapter 458 or chapter 459, one psychologist licensed pursuant to chapter 490, one nurse licensed pursuant to chapter 464, and one department chaplain.

(2) LEGISLATIVE FINDINGS AND INTENT.-

(a) In accordance with chapter 765, the Legislature finds that an inmate retains the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment. In accordance with chapter 765, this right is subject to certain institutional interests, including the protection of human life, the preservation of ethical standards in the medical profession, and, for inmates committed to the custody of the department, the security and good order of the institutional setting.

(b) To ensure that such right is not lost or diminished by

virtue of later physical or mental incapacity, the Legislature intends that the procedures specified in chapter 765, and as modified in this section for the institutional health care setting, apply to incarcerated inmates. These procedures should be less expensive and less restrictive than guardianship and allow an inmate to plan for incapacity by executing a document or orally designating another person to direct the course of his or her health care or receive his or her health information, or both, upon his or her incapacity. These procedures permit a previously incapacitated inmate to exercise his or her full right to make health care decisions as soon as the capacity to make such decisions has been regained.

(c) In order to ensure that the rights and intentions of an inmate are respected when the inmate is not able to participate actively in decisions concerning himself or herself, and to encourage communication between the inmate, his or her family, and his or her treating physicians, the Legislature declares that the laws of this state recognize the right of a competent incarcerated adult to make an advance directive instructing his or her physicians to provide, withhold, or withdraw life-prolonging procedures or to designate another person to make the health care decision for him or her in the event that such incarcerated person should become incapacitated and unable to personally direct his or her health care. It is further the intent of the Legislature that the department provide the opportunity for inmates to make advance directives as specified in this section.

(d) The Legislature further recognizes that incarcerated inmates may not avail themselves of the opportunity to make an

advance directive or, because of incarceration, may not have a surrogate, as defined in s. 765.101, willing, able, or reasonably available to make health care decisions on their behalf. Additionally, because of incarceration, the individuals designated in s. 765.401 who are eligible to serve as an appointed proxy may not be reasonably available, willing, or competent to make health care decisions for the inmate in the event of incapacity. Thus, it is the intent of the Legislature that the department have an efficient process that is less expensive and less restrictive than guardianship for the appointment of a proxy to allow for the expedient delivery of necessary health care to an incarcerated inmate.

(e) This section does not supersede the process for inmate involuntary mental health treatment specified in ss. 945.40-945.49.

(3) CAPACITY OF INMATE; PROCEDURE.—

(a) An inmate is presumed to be capable of making health care decisions for himself or herself unless he or she is determined to be incapacitated. When an inmate has decisionmaking capacity, the inmate's wishes are controlling. Each physician or health care provider must clearly communicate the treatment plan and any change to the treatment plan before implementation of the plan or any change to the plan. Incapacity may not be inferred from an inmate's involuntary hospitalization for mental illness or from his or her intellectual disability.

(b) If an inmate's capacity to make health care decisions for himself or herself or provide informed consent is in question, the inmate's treating physician at the health care facility where the inmate is located shall evaluate the inmate's

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capacity and, if the evaluating physician concludes that the inmate lacks capacity, enter that evaluation in the inmate's medical record. If the evaluating physician has a question as to whether the inmate lacks capacity, another physician shall also evaluate the inmate's capacity, and if the second physician finds that the inmate lacks the capacity to make health care decisions for himself or herself or provide informed consent, both physicians' evaluations shall be entered in the inmate's medical record.

(c) If the inmate is found to be incapacitated and has designated a health care surrogate in accordance with chapter 765, the institution's or facility's health care staff shall notify the surrogate and proceed as specified in chapter 765. If the incapacitated inmate has not designated a health care surrogate, the health care facility shall appoint a proxy to make health care decisions for the inmate as specified in this section.

(d) A determination made pursuant to this section that an inmate lacks the capacity to make health care decisions for himself or herself may not be construed as a finding that an inmate lacks capacity for any other purpose.

(4) HEALTH CARE ADVANCE DIRECTIVE; PROCEDURE.—

(a) In accordance with chapter 765, the department shall offer inmates the opportunity to execute an advance directive as defined in s. 765.101.

(b) The department shall provide to each inmate written information concerning advance directives and necessary forms to allow inmates to execute an advance directive. The department and its health care providers shall document in the inmate's

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medical records whether the inmate has executed an advance directive. Neither the department nor its health care providers may require an inmate to execute an advance directive using the department's forms. The inmate's advance directive shall travel with the inmate within the department as part of the inmate's medical record.

(c) An advance directive may be amended or revoked at any time by a competent inmate by means of:

1. A signed, dated writing of intent to amend or revoke;

2. The physical cancellation or destruction of the advance directive by the inmate or by another person in the inmate's presence and at the inmate's direction;

3. An oral expression of intent to amend or revoke; or

4. A subsequently executed advance directive that is materially different from a previously executed advance directive.

(5) PROXY.—

(a) If an incapacitated inmate has not executed an advance directive or designated a health care surrogate in accordance with the procedures specified in chapter 765, or the designated health care surrogate is no longer available to make health care decisions, health care decisions may be made for the inmate by any of the individuals specified in the priority order provided in s. 765.401(1)(a)-(g) as proxy. Documentation of the efforts to locate a proxy from the classes specified in s. 765.401(1)(a)-(g) shall be recorded in the inmate's medical file.

(b) If there are no individuals as specified in s. 765.401(1)(a)-(g) available, willing, or competent to act on

behalf of the inmate, and the inmate is housed in a correctional institution or facility where health care is provided in a nonhospital setting, the warden of the institution where the inmate is housed, or the warden's designee, shall consult with the Assistant Secretary for Health Services or his or her designee, who shall appoint a department ombudsman to serve as the proxy. This appointment terminates when the inmate regains capacity or is no longer incarcerated in the custody of the department. In accordance with chapter 765 and as provided in this section, decisions to withhold or withdraw life-prolonging procedures will be reviewed by the department's proxy review team for compliance with chapter 765 and the requirements of this section.

(c) The ombudsman appointed to serve as the proxy is authorized to request the assistance of the treating physician and, upon request, a second physician not involved in the inmate's care to assist the proxy in evaluating the inmate's treatment.

(d) In accordance with chapter 765, any health care decision made by any appointed proxy under this section must be based on the proxy's informed consent and on the decision that the proxy reasonably believes the inmate would have made under the circumstances. If there is no indication of what decision the inmate would have made, the proxy may consider the inmate's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.

(e) Before exercising the incapacitated inmate's rights to select or decline health care, the proxy must comply with ss.

765.205 and 765.305, except that any proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the inmate would have made had he or she been competent or, if there is no indication of what decision the inmate would have made, that the decision is in the inmate's best interest.

(f) Notwithstanding s. 456.057 and pursuant to s. 945.10 and 45 C.F.R. part 164, subpart E, relevant protected health information and mental health and medical records of an incapacitated inmate may be disclosed to a proxy appointed to make health care decisions for an inmate.

(6) USE OF FORCE.—In addition to s. 944.35(1), an employee of the department may apply reasonable physical force upon an incapacitated inmate to administer medical treatment only by or under the clinical supervision of a physician or his or her designee and only to carry out a health care decision made in accordance with this section and chapter 765.

(7) IMMUNITY FROM LIABILITY.—A department health care provider, ombudsman, or other employee who acts under the direction of a health care provider as authorized in this section or chapter 765 is not subject to criminal prosecution or civil liability and may not be deemed to have engaged in unprofessional conduct as a result of carrying out a health care decision made in accordance with this section or chapter 765 on an inmate's behalf.

Section 17. Section 947.02, Florida Statutes, is amended to read:

947.02 Florida Commission on Offender Review; members,

appointment.—

(1) ~~Except as provided in s. 947.021,~~ The members of the ~~Florida~~ commission ~~on Offender Review~~ shall be directly appointed by the Governor and Cabinet ~~from a list of eligible applicants submitted by a parole qualifications committee~~. The appointments of members of the commission shall be certified to the Senate by the Governor and Cabinet for confirmation~~, and the membership of the commission shall include representation from minority persons as defined in s. 288.703~~.

(2) If the Legislature decreases the membership of the commission, all commission member terms of office shall expire and new members of the commission must be appointed in accordance with subsection (1). Members appointed to the commission may be selected from incumbents ~~A parole qualifications committee shall consist of five persons who are appointed by the Governor and Cabinet. One member shall be designated as chair by the Governor and Cabinet. The committee shall provide for statewide advertisement and the receiving of applications for any position or positions on the commission and shall devise a plan for the determination of the qualifications of the applicants by investigations and comprehensive evaluations, including, but not limited to, investigation and evaluation of the character, habits, and philosophy of each applicant. Each parole qualifications committee shall exist for 2 years. If additional vacancies on the commission occur during this 2-year period, the committee may advertise and accept additional applications; however, all previously submitted applications shall be considered along with the new applications according to the previously established plan for the evaluation~~

~~of the qualifications of applicants~~.

~~(3) Within 90 days before an anticipated vacancy by expiration of term pursuant to s. 947.03 or upon any other vacancy, the Governor and Cabinet shall appoint a parole qualifications committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the commission seat, including the application of an incumbent commissioner if he or she applies, according to subsection (2). The committee shall submit a list of three eligible applicants, which may include the incumbent if the committee so decides, without recommendation, to the Governor and Cabinet for appointment to the commission. In the case of an unexpired term, the appointment must be for the remainder of the unexpired term and until a successor is appointed and qualified. If more than one seat is vacant, the committee shall submit a list of eligible applicants, without recommendation, containing a number of names equal to three times the number of vacant seats; however, the names submitted may not be distinguished by seat, and each submitted applicant shall be considered eligible for each vacancy.~~

~~(4) Upon receiving a list of eligible persons from the parole qualifications committee, the Governor and Cabinet may reject the list. If the list is rejected, the committee shall reinitiate the application and examination procedure according to subsection (2).~~

~~(5) Section 120.525 and chapters 119 and 286 apply to all activities and proceedings of a parole qualifications committee.~~

Section 18. Section 947.021, Florida Statutes, is repealed.

Section 19. Subsection (2) of section 947.12, Florida

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Statutes, is amended to read:

947.12 Members, employees, expenses.—

~~(2) The members of the examining board created in s. 947.02 shall each be paid per diem and travel expenses pursuant to s. 112.061 when traveling in the performance of their duties.~~

Section 20. Paragraph (g) of subsection (1) and subsection (5) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of contractor-operated correctional facilities shall maximize the cost savings of such facilities and:

(g) Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the department in comparable facilities. The work and education programs must be designed to reduce recidivism, and include opportunities to participate in such work programs as authorized pursuant to s. 946.523. However, with respect to the dental, medical, psychological, and dietary services, the department is authorized to exclude any or all of these services from a contract for private correctional services entered into under this chapter and retain responsibility for the delivery of those services, if the department finds it to be in the best interests of the state.

~~(5) Each contract entered into by the department must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the department considers necessary and appropriate for carrying out the purposes of this~~

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~~chapter.~~

Section 21. Subsection (3) of section 957.09, Florida Statutes, is amended to read:

957.09 Applicability of chapter to other provisions of law.—

~~(3) The provisions of law governing the participation of minority business enterprises are applicable to this chapter.~~

Section 22. Subsection (2) of section 20.32, Florida Statutes, is amended to read:

20.32 Florida Commission on Offender Review.—

(2) All powers, duties, and functions relating to the appointment of the Florida Commission on Offender Review as provided in s. 947.02 ~~or s. 947.021~~ shall be exercised and performed by the Governor and Cabinet. ~~Except as provided in s. 947.021,~~ Each appointment shall be made from among the first three eligible persons on the list of the persons eligible for said position.

Section 23. This act shall take effect July 1, 2025.

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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.)

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

BILL:	SB 1672
INTRODUCER:	Senator Truenow
SUBJECT:	Labor Pool Act
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	**Favorable**
2.	McMillan	Siples	FP	**Pre-meeting**
3.			RC	

I. Summary:

SB 1672 repeals Florida's Labor Pool Act.

The bill takes effect July 1, 2025.

II. Present Situation:

Labor Pool Act

Part II of ch. 448, F.S., also known as the Labor Pool Act (Act),[1] provides for the health, safety, and well-being of day laborers throughout the state and outlines uniform standards of conduct and practice for labor pools. The Act defines "labor pool" as a business entity that operates a labor hall[2] by one or more of the following methods:[3]

- Contracting with third-party users to supply day laborers on a temporary basis;
- Hiring, employing, recruiting, or contracting with workers to fulfill contracts for temporary labor; or
- Fulfilling any contracts for day labor in accordance with the Labor Pool Act, even if the entity also conducts other business.

[1] Ch. 95-332, Laws of Fla.

[2] Section 448.22(3), F.S., defines a "labor hall" as a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user.

[3] Section 448.22(1), F.S. The act also specifically excludes certain businesses from its provisions: businesses registered as farm labor contractors; employee leasing companies; temporary help services that solely provide white collar employees, secretarial employees, clerical employees, or skilled laborers; labor union hiring halls; or labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use. *See* s. 448.23, F.S.

Exceptions

The Labor Pool Act does not apply to the following types of businesses:[4]

- Business entities duly registered as farm labor contractors pursuant to part III of ch. 450, F.S;
- Employee leasing companies,[5] as defined in s. 468.520, F.S.;
- Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;
- Labor union hiring halls; or
- Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.

Prohibitions

The Act prohibits labor pools from:[6]

- Charging a day laborer:[7]
  - For safety equipment, clothing, accessories, or any other items required by the nature of the work;
  - More than a reasonable amount to transport a worker to or from the designated worksite; or
  - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite.[8]
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.[9]

Requirements

The Act requires labor pools to:

- If operating a labor hall, provide the following facilities for a worker waiting at the hall for a job assignment:[10]
  - Restroom facilities;
  - Drinking water; and
  - Sufficient seating.
- Select one of the following methods to pay a day laborer for work performed:[11]
  - Cash;

[4] Section 448.23, F.S.
[5] "Employee Leasing Company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.
[6] Section 448.24(1), F.S.
[7] "Day labor" means temporary labor or employment that is occasional or irregular for which the worker is employed for not longer than the time period required to complete the temporary assignment for which the individual worker was hired, although an individual may be eligible for additional temporary assignments when available. *See* s. 448.22(2), F.S.
[8] Section 448.24(4), F.S.
[9] Section 448.24(6), F.S.
[10] Section 448.24(5), F.S.
[11] Section 448.24(2), F.S.

  - Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
  - Payroll debit card; or
  - Electronic fund transfer.
- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.[12]
- If selecting to pay a day laborer by payroll debit card:[13]
  - Offer the day laborer the option to elect payment by electronic fund transfer; and
  - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.[14]
- Comply with the Workers' Compensation Law in ch. 440, F.S.[15]
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.[16]
- Furnish each worker with a written itemized statement showing in detail each wage deduction.
- Give each worker an annual earnings statement summary.[17]

Remedies

Under the Act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool. In any such lawsuit, the worker is required to give the labor pool a reasonable opportunity to cure the alleged violation within 60 days. Workers are authorized to recover actual and consequential damages, or $1,000, whichever is greater, for each violation, and costs. The legal remedy:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.[18]

The Fair Labor Standards Act and Minimum Wage

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.[19] In 1938, the FLSA established a minimum wage of $.25 an hour. The current federal minimum wage rate is $7.25 an hour, which went into effect July 24, 2009. The FLSA applies to employment within any state in the U.S., the District of Columbia, or any territory or possession of the U.S.[20]

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[12] *Id.*
[13] *Id.*
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] Section 448.25, F.S.
[19] 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.
[20] Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview*, *available at* https://crsreports.congress.gov/product/pdf/R/R42713, (last visited Mar. 28, 2025). (The main FLSA provisions and accompanying Department of Labor (DOL) regulations constitute what is commonly known as federal wage and hour laws and federal child labor law.).

The FLSA covers most private and public sector employees. However, certain employers and employees are exempt from coverage, including individuals with disabilities, youth workers, tipped workers, and executive, administrative, and professional workers. The FLSA covers businesses if the business has annual sales of at least $500,000.[21] It also covers certain individual employees if such employee is engaged in interstate commerce.

The FLSA provides that if states enact worker protections, including minimum wage rates, that are more protective of employees than what is provided by the FLSA, the state law applies.[22] Consequently, no state law may weaken the worker protections in the FLSA. However, state laws that impose greater worker protections will supersede those in the FLSA.[23]

Thirty states plus Washington DC, Guam, Puerto Rico, and the Virgin Islands provide a minimum wage greater than the federal minimum wage. Thirteen states provide a minimum wage that is equal to the federal minimum wage. Five states have not adopted a minimum wage and two states have a minimum wage that is below the federal minimum wage.[24] For those seven states, the federal minimum wage applies, but only to those workers covered by the FLSA.

On November 3, 2020, citizens voted to amend the Florida Constitution to gradually increase the state minimum wage each year, starting at $10.00 per hour and rising until it reaches $15.00 per hour on September 30, 2026.[25] Currently, the Florida minimum wage is $13.00 per hour.[26] Pursuant to the amendment, on September 30, 2027, and each following year on that date, Florida's Department of Commerce must increase the minimum wage using a specified inflation calculation.[27]

The US Department of Labor, Wage and Hour Division provides the following information regarding the application of the minimum wage, overtime pay and recordkeeping requirements of the FLSA to low-wage employees earning wages by the day, commonly known as day laborers:

- **Minimum Wage:** FLSA covered employers must pay day laborers at least the applicable minimum wage for all hours worked regardless of whether the worker is paid by the hour, the day, or at a piece rate. The minimum wage for covered nonexempt employees is $7.25 an hour effective July 24, 2009. (Certain State rates may be higher.)
- **Hours Worked:** Employers must pay day laborers for all work performed whether or not the employer approves the work in advance. In general, "hours worked" includes all time an

[21] The size of an enterprise is measured by its "annual sales or business done." Annual sales or business done includes all business activities that can be measured in dollars. Thus, retailers are covered by the FLSA if their annual sales are at least $500,000. Owners of rental properties are covered if they collect at least $500,000 annually in rent. 29 C.F.R.§§779.258-779.259.
[22] 29 U.S.C. §218.
[23] Congressional Research Service, CRS Report R42713, The Fair Labor Standards Act (FLSA): An Overview, Updated March 8, 2023, *available at* https://crsreports.congress.gov/product/pdf/R/R42713, (last visited Mar. 28, 2025).
[24] U.S. Department of Labor, *Consolidated Minimum Wage Table*, *available at* https://www.dol.gov/agencies/whd/mw-consolidated (last visited Mar. 28, 2025).
[25] See Fla. Const. art. X, § 24.
[26] U.S. DEPT. OF LABOR, State Minimum Wage Laws, *available at* https://www.dol.gov/agencies/whd/minimum-wage/state (last visited Mar. 28, 2025).
[27] Fla. Const. art. X, § 24.

employee must be on duty, or at the place of work. Normally, time spent in training, traveling from site to site during the day and doing repair work must be paid.

- **Overtime:** Normally, employers must pay time and one-half of the worker's regular rate of pay after 40 hours of work in a 7-day workweek.
- **Recordkeeping:** Records must be kept by employers of all wages paid and of all hours worked, regardless of where the work is performed. Workers should keep a record of their employer's name, address, phone number, the hours they worked, and any payments received.[28]

III. Effect of Proposed Changes:

The bill repeals Florida's Labor Pool Act, which governs the day labor industry in Florida.

The bill makes conforming changes in ss. 443.101 and 448.111, F.S.

The bill takes effect 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.

[28] United States Department of Labor Wage and Hour Division, *Digital Reference Guide to the Fair Labor Standards Act, available at* https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/Digital_Reference_Guide_FLSA.pdf (last visited Mar. 28, 2025).

B. Private Sector Impact:

There may be a reduction in litigation expenses for labor pools due to the removal of the prohibitions and remedies for violations under the Labor Pool Act.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 443.101, 448.111.

This bill repeals the following sections of the Florida Statutes: 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, 448.26.

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.

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

By Senator Truenow

13-01806-25 20251672__

A bill to be entitled

An act relating to the Labor Pool Act; repealing ss. 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, F.S., relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively; amending ss. 443.101 and 448.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, Florida Statutes, are repealed.

Section 2. Subsection (10) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

(a) As used in this subsection, the term:

1. "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects~~, and includes a labor pool as defined in s. 448.22~~. The term also includes a firm created by

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13-01806-25 20251672__

an entity licensed under s. 125.012(6), which hires employees assigned by a union for the purpose of supplementing or supporting the workforce of the temporary help firm's clients. The term does not include employee leasing companies regulated under part XI of chapter 468.

2. "Temporary employee" means an employee assigned to work for the clients of a temporary help firm. ~~The term also includes a day laborer performing day labor, as defined in s. 448.22, who is employed by a labor pool as defined in s. 448.22.~~

3. "Leased employee" means an employee assigned to work for the clients of an employee leasing company regulated under part XI of chapter 468.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each assignment, regardless of the duration of the assignment, and that reemployment assistance benefits may be denied for failure to report. ~~For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business~~

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~~day and that the temporary employee must report for reassignment the next business day. The notice must be given by means of a notice printed on the paycheck, written notice included in the pay envelope, or other written notification at the conclusion of the current assignment.~~

Section 3. Subsection (2) of section 448.111, Florida Statutes, is amended to read:

448.111 Evidentiary standards for actions of a business during an emergency.—

(2) Notwithstanding any other law, the following actions of a business, if taken during a public health emergency declared by the State Health Officer under s. 381.00315 or a state of emergency declared by the Governor under s. 252.36, may not be used as evidence in a civil cause of action brought under s. 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s. 448.110, ~~s. 448.25,~~ chapter 532, or s. 717.115, or in a civil cause of action, as provided for under general law, to recover lost wages, salary, employment benefits, or other compensation, because an individual has not been properly classified as an employee:

(a) Providing financial assistance to previously engaged individuals who are unable to work because of health and safety concerns.

(b) Directly providing benefits that are related to the health and safety of engaged individuals, including medical or cleaning supplies, personal protective equipment, health checks, or medical testing.

(c) Providing training or information related to the health and safety of engaged individuals or the public.

(d) Taking any action, including action required or suggested by any federal, state, or local law, ordinance, order, or directive which is intended to protect public health and safety.

Section 4. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/22/25
Meeting Date

Fiscal
Committee

SB1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Todd Provost

Phone 407-717-9409

Address 12625 Bay Breeze Ct
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Email tprovost69@yahoo.com

Clermont FL 34711
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-22-25
Meeting Date

Fiscal
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Kenny

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Email jken6060@yahoo.com

Indialantic FL 32903
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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04.22.25
Meeting Date

Fiscal Policy
Committee

SB1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laura Munoz

Phone 305 680 6640

Address
Street

Email

Lake Worth FL 33460
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:
FLSP

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/22/25
Meeting Date

Fiscal Policy
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Letitia Harmon

Phone

Address
Street

Email

Jacksonville FL 32256
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 Rising

☐ 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

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:	CS/SB 1782
INTRODUCER:	Transportation Committee and Senator Pizzo
SUBJECT:	Dangerous Excessive Speeding
DATE:	April 21, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Favorable**
3.	Shutes	Siples	FP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1782 creates the offense of dangerous excessive speeding. The bill provides that a person commits dangerous excessive speeding if he or she operates a motor vehicle in the following manner:

- Exceeds the posted speed limit by 50 miles per hour (mph) or more;
- Operates a motor vehicle at 100 mph or more while passing another vehicle or changing lanes; or
- Operates a motor vehicle on any street or roadway other than a limited access highway while exceeding the posted speed limit by 35 mph or more.

The offense of dangerous excessive speeding is punishable as follows: upon a first conviction, by up to 90 days in jail or by a fine of $500, or by both a fine and jail sentence; upon a second or subsequent conviction, by up to six months in jail or by a fine of $1,000, or by both a fine and jail sentence. A person convicted of a second or subsequent violation of dangerous excessive speeding within five years after the date of a prior conviction for such an offense may have his or her driving privilege revoked for at least 180 days but no more than one year.

The bill provides any driver who is cited for exceeding the speed limit in excess of 50 mph must appear before a designated official at a mandatory hearing.

The bill has an indeterminate fiscal impact on local and state governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Speed As a Factor in Crashes and Injuries

According to the Institute for Highway Safety,[1] speed has a major impact on the number of crashes and the severity of injuries they cause. It influences the risk of crashes and crash injuries in four basic ways:

- It increases the distance a vehicle travels from the time a driver detects an emergency to the time the driver reacts.
- It increases the distance needed to stop a vehicle once the driver starts to brake.
- It increases the risk that an evasive steering maneuver will result in loss of control.
- It increases crash energy disproportionately. For example, when impact speed increases from 40 to 60 mph (a 50 percent increase), the energy that needs to be managed increases by 125 percent. This additional energy needs to be absorbed and dissipated, challenging the vehicle structure and increasing the likelihood of severe injuries.[2]

In a high-speed crash, a passenger vehicle is subjected to forces so severe that the vehicle structure cannot withstand the stress and maintain survival space in the occupant compartment. Likewise, as crash speeds get very high, restraint systems such as airbags and safety belts cannot keep the forces on occupants below severe injury levels.[3]

Speed-Related Infractions

Current state law generally prohibits a person from driving a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, with regard to the existing actual and potential hazards.[4] A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation. The fines (not including applicable court costs and fees) for unlawful speed under this provision are based on the miles per hour (mph) over which the vehicle exceeded the speed limit. The fines range from a warning for excess speed from one to five mph, to increasing penalties up to $250 for excess speed 30 mph and above.[5]

In addition, a person who exceeds the posted speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads must also be cited for a moving violation as an additional offense,[6] subjecting a violator to the same range of fines.

Other speed-related violations may result in enhanced penalties. For example:

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[1] *See* IIHS-HLDI, available at https://www.iihs.org/ (last visited April 11, 2025). The IIHS is "a nonprofit scientific and educational organization dedicated to making roads and vehicles safer for everyone."
[2] IIHS, *Dangers of Speed*, available at https://www.iihs.org/topics/speed#overview (last visited April 11, 2025).
[3] *Id.*
[4] Section 316.183(1), F.S.
[5] Section 318.18(3)(b), F.S.
[6] Section 316.1926, F.S. *See* ss. 316.183(2), 316.187, and 316.189, F.S., for the established and authorized speed limits.

- A violation for exceeding the speed limit by up to five mph in a legally posted school zone results in a $50 fine; and
- A person exceeding the speed limit in a school zone or designated school crossing must pay a fine double the amount listed in the range of fines.[7]

Reckless Driving

Current law provides that any person who drives a vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Current law also provides that fleeing a law enforcement officer in a motor vehicle is an action that constitutes reckless driving, regardless of whether it is in willful or wanton disregard for the safety of persons or property.[8]

Any driver convicted of reckless driving may be punished as follows:
- First conviction: Imprisonment for a period of up to 90 days, a fine ranging from a minimum of $25 to a maximum of $500, or by both.
- Second or subsequent conviction: Imprisonment for a period of up to six months, a fine ranging from a minimum of $50 to a maximum of $1,000, or both.[9]

A conviction for reckless driving generally cannot be based on evidence of excessive speed alone.[10] However, in limited cases, appellate courts in Florida have suggested "grossly excessive" speeding may alone be sufficient for a conviction.[11] A conviction for reckless driving will typically be upheld where speed is coupled with other factors (improper passing, ignoring traffic control devices, impaired driving, etc.) indicating a willful or wanton disregard for the safety of others.

Mandatory Hearing

Current law requires persons who commit certain traffic infractions to appear before a designated official at the time and location of a scheduled hearing.[12] Specifically, any person cited for any traffic infraction listed below must appear before a designated official for a hearing:
- Any infraction which results in a crash that causes the death of another;
- Any infraction which results in a crash that causes serious bodily injury[13] of another;
- Any infraction of passing a school bus on the side of the bus where children enter or exit the bus while the bus is displaying a stop signal;[14]
- Any infraction related to unsecured loads;[15] or

[7] Section 318.18(3)(c), F.S.
[8] Section 316.192(1), F.S.
[9] Section 316.192(2), F.S.
[10] *Luzardo v. State*, 147 So. 3d 1083, 1085 (Fla. 3d DCA 2014), *Hamilton v. State*, 439 So. 2d 238 (Fla. 2d DCA 1983).
[11] *Rubinger v. State*, 98 So. 3d 659, 662 (Fla. 4th DCA 2012).
[12] Section 318.19, F.S.
[13] Section 316.1933(1)(b), F.S., defines the term "serious bodily injury" to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
[14] Section 316.172(1)(b), F.S.
[15] Sections 316.520(1) and (2), F.S.

- Specified infractions involving exceeding the speed limit by 30 mph or more.[16,17]

III. Effect of Proposed Changes:

The bill creates s. 316.1922, F.S., to provide that a person commits dangerous excessive speeding if he or she operates a motor vehicle in the following manner:

- Exceeds the posted speed limit by 50 mph or more;
- Operates a motor vehicle at 100 mph or more while passing another vehicle or changing lanes; or
- Operates a motor vehicle on any street or roadway other than a limited access highway while exceeding the posted speed limit by 35 mph or more.

The bill also creates the following penalties for dangerous excessive speeding:

- First Conviction: Imprisonment for up to 90 days or a fine of $500, or both.
- Second or Subsequent Conviction: Imprisonment for up to six months or a fine of $1,000, or both. A person who is convicted of a second or subsequent violation that occurs within five years after the date of the prior conviction may have his or her license privilege revoked for at least 180 days, but not more than one year.

The bill amends s. 318.14, F.S., to provide an exception to the requirement that a law enforcement officer must indicate the applicable civil penalty on a traffic citation for infractions related to exceeding the speed limit by 30 mph or more, or 50 mph or more.

The bill amends s. 318.19, F.S., to provide that any driver who commits an infraction for exceeding the speed limit in excess of 50 mph under s. 316.1926(2), F.S., must appear before a designated official at a mandatory hearing.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[16] Sections 316.183(2), s. 316.187, or s. 316.189, F.S.
[17] Section 318.19, F.S.

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 may have an indeterminate positive fiscal impact on state revenues due to the increase in fines associated with persons committing the criminal offense outlined in the bill.

DHSMV has indicated that there will be indeterminate programming costs relating to updating its systems and procedures associated with the new offense of dangerous excessive speeding.

The bill may have an indeterminate fiscal impact on local governments related to jail beds by creating a new criminal offense for dangerous excessive speeding. The bill may have indeterminate positive fiscal impact if such entities benefit from the increased fines provided for in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 316.1922 of the Florida Statutes.

This bill amends sections 318.14 and 318.19 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.)

CS by Transportation on April 1, 2025:
The committee substitute removes the provisions in the bill relating to reckless driving and creates a criminal offense for dangerous excessive speeding. A person commits the offense of dangerous excessive speeding if they:

- Exceed the speed limit by 50 mph or more;
- Operate a motor vehicle at 100 mph or more, while passing another vehicle or changing lanes; or
- Operate a motor vehicle on any street or roadway other than a limited access highway while exceeding the posted speed limit by 35 mph or more.

B. Amendments:

None.

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

By the Committee on Transportation; and Senator Pizzo

596-03166-25 20251782c1

A bill to be entitled

An act relating to dangerous excessive speeding; creating s. 316.1922, F.S.; specifying conduct that constitutes dangerous excessive speeding; providing criminal penalties; authorizing the revocation of a person's driving privilege for a specified period upon a second or subsequent conviction of dangerous excessive speeding; amending s. 318.14, F.S.; providing exceptions to the requirement that an officer indicate the applicable civil penalty on a specified traffic citation; amending s. 318.19, F.S.; requiring a person cited for certain infractions to appear at a scheduled hearing; providing an effective date.

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

Section 1. Section 316.1922, Florida Statutes, is created to read:

316.1922 Dangerous excessive speeding.—

(1) A person commits dangerous excessive speeding if he or she operates a motor vehicle:

(a) In excess of the speed limit by 50 miles per hour or more;

(b) At 100 miles per hour or more while passing another vehicle or changing lanes; or

(c) On any street or roadway other than a limited access highway while exceeding the speed limit by 35 miles per hour or more.

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596-03166-25 20251782c1

(2) A person convicted of dangerous excessive speeding shall be punished:

(a) Upon a first conviction, by imprisonment for a period of up to 90 days or by a fine of $500, or both.

(b) Upon a second or subsequent conviction, by imprisonment for up to 6 months or by a fine of $1,000, or both. A person convicted of a second or subsequent violation of subsection (1) which occurs within 5 years after the date of a prior conviction for a violation of subsection (1) may have his or her driving privilege revoked for at least 180 days but no more than 1 year.

Section 2. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in ss. 316.1001(2), 316.0083, 316.173, and 316.1896, any person cited for a violation requiring a mandatory hearing listed in s. 318.19 or any other criminal traffic violation listed in chapter 316 must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing. The officer ~~and~~ must indicate the applicable civil penalty established in s. 318.18, except for infractions under s. 316.1926(2) or s. 318.19(5). For all other infractions under this section, except for infractions under s. 316.1001, the officer must certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited. This certification is prima facie evidence that the person cited was served with the citation.

Section 3. Section 318.19, Florida Statutes, is amended to

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read:

318.19 Infractions requiring a mandatory hearing.—A ~~Any~~ person cited for any infraction ~~the infractions~~ listed in this section does ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

(1) Any infraction which results in a crash that causes the death of another;

(2) Any infraction which results in a crash that causes "serious bodily injury" of another as defined in s. 316.1933(1);

(3) Any infraction of s. 316.172(1)(b);

(4) Any infraction of s. 316.520(1) or (2); ~~or~~

(5) Any infraction of s. 316.183(2), s. 316.187, or s. 316.189 of exceeding the speed limit by 30 miles per hour ~~mph~~ or more; or

(6) Any infraction of s. 316.1926(2).

Section 4. This act shall take effect July 1, 2025.

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

April 22 2025
Meeting Date

Fiscal Policy
Committee

1782
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

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Street

Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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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4/22/25
Meeting Date

Fiscal Policy
Committee

1782
Bill Number or Topic

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. 2020-2022JointRules.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
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4/22/25
Meeting Date

Fiscal
Committee

SB 1782
Bill Number or Topic

Amendment Barcode (if applicable)

Name Abby Hilley Phone 321-229-7054

Address on file Email abby.hilley@ocso.com
Street

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: Orange County Sheriff's Office

☐ 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

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:	CS/CS/SB 1804
INTRODUCER:	Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice Committee; and Senator Martin
SUBJECT:	Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation
DATE:	April 23, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Favorable**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Cellon	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1804 amends 787.06, F.S., to create a new crime of Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation. A person 18 years or older who knowingly initiates, organizes, plans, finances, directs, manages, or supervises a venture that has subjected a child less than 12 years of age, or a person who is mentally defective[1] or mentally incapacitated,[2] commits Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation.

The crime is a capital felony which can result in the death penalty or a sentence of life without the possibility of parole.[3] The bill creates s. 921.147, F.S. which provides death penalty procedures specifically applicable to the new crime.

The bill amends the following Florida Statutes to clarify the effect by the bill on those statutes: ss. 92.565, 456.51, 775.0877, 775.21, 787.01, 787.02, 921.137, 921.141, 943.0435, 944.606, 944.607, 948.32, and 960.065, F.S.

[1] "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. Section 794.011(1)(c), F.S.

[2] "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. Section 794.011(1)(d), F.S.

[3] Sections 775.082 and 921.1427, F.S.

The bill reenacts numerous statutes to incorporate changes made to the sex predator and sex offender registry statutes.

The bill may have a positive insignificant fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Correction and may increase workload for the state court system. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2025.

II. Present Situation:

"Human trafficking" is defined in s. 787.06(2)(d), F.S., as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.

Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

- For commercial sexual activity who does so by the transfer or transport of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age from outside this state to within this state commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life.
- For commercial sexual activity in which any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), F.S., is involved commits a life felony, punishable as provided in s. 775.082(3)(a)6., F.S., s. 775.083, F.S., or s. 775.084, F.S. For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized.
- Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking commits a life felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.
- Any person who, for the purpose of committing or facilitating an offense under this section, permanently brands, or directs to be branded, a victim of an offense under this section commits a second degree felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S. For purposes of this subsection, the term "permanently branded" means a mark on the individual's body that, if it can be removed or repaired at all, can only be removed or repaired by surgical means, laser treatment, or other medical procedure.

Capital Felonies for Sexual Battery Cases and the Eighth Amendment

Section 794.011(2)(a), F.S., states that a person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less

than 12 years of age commits a *capital felony*, punishable as provided in ss. 775.082, and 921.141, F.S.[4]

Section 794.011(8)(c), F.S., provides that a person who is in a position of familial or custodial authority who engages in any act with a person less than 12 years of age which constitutes sexual battery, or in an attempt to commit sexual battery injures the sexual organs of such person commits a *capital or life felony*, punishable as provided in ss. 775.082 and 921.141, F.S.[5]

Sexual battery means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.[6]

No one has been executed for a non-murder offense in this country since 1964, although two people were convicted in Louisiana of capital sexual battery of a child and sentenced to death. One of those individuals, Patrick Kennedy, appealed his case to the U.S. Supreme Court, which struck down Louisiana's law.[7] Five other states have laws allowing the death penalty for sexual battery against a minor, though no one has been sentenced to death in those states.[8]

Historically, capital sexual battery has been punishable by up to a penalty of death in Florida. Although the crimes found in ss. 794.011(2)(a) and (8)(c), F.S., are categorized as capital crimes, life imprisonment without the possibility of parole is the current maximum sentence for these crimes under the applicable case law. This is largely due to a string of court cases from the seventies and early eighties ruling on the constitutionality of the death penalty as applied by the states.[9]

In 1977, the U.S. Supreme Court decided *Coker v. Georgia*, a case involving a death sentence for the sexual battery of an adult female.[10] Relying heavily on the *Gregg v. Georgia*[11] decision from

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[4] Section 775.082, F.S., provides that a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141, F.S., results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole. Section 921.141, F.S., provides that upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082, F.S.

[5] *Id.*; and *see* s. 775.082(3), F.S., setting forth the sentence for a life felony, in general, as: for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

[6] Section 794.011(1)(j), F.S.

[7] Death Penalty Information Center, Death Penalty for Offenses Other than Murder, available at https://deathpenaltyinfo.org/facts-and-research/crimes-punishable-by-death/death-penalty-for-offenses-other-than-murder (last visited March 28, 2025); Death Penalty Information Center, Kennedy v. Louisiana Resource Page, available at https://deathpenaltyinfo.org/facts-and-research/united-states-supreme-court/significant-supreme-court-opinions/kennedy-v-louisiana-resource-page (last visited March 28, 2025).

[8] Those states are Montana, South Carolina, Oklahoma, Georgia, and Texas. Death Penalty Information Center, Kennedy v. Louisiana Resource Page, available at https://deathpenaltyinfo.org/facts-and-research/united-states-supreme-court/significant-supreme-court-opinions/kennedy-v-louisiana-resource-page (last visited March 28, 2025).

[9] *Gibson v. State*, 721 So.2d 363 (Fla. 2nd DCA, 1998).

[10] *Coker v. Georgia*, 433 U.S. 584, (1977).

[11] *Gregg v. Georgia*, 428 U.S. 153 (1976), (finding that the Georgia death penalty scheme satisfied the requirements of the Eighth Amendment when imposed for the crime of murder. In a footnote, the *Gregg* court specified: "We do not address here the question whether the taking of the criminal's life is a proportionate sanction where no victim has been deprived of life for

the prior term of court, the *Coker* court explained that the Eighth Amendment[12] bars excessive punishment in relation to the offense committed. Therefore, a particular punishment can be excessive if it "is grossly out of proportion to the severity of the crime."[13]

In applying an Eighth Amendment analysis, the *Coker* court said that "judgment should be informed by objective factors to the maximum possible extent...attention must be given to the public attitudes concerning a particular sentence history and precedent, legislative attitudes, and the response of juries reflected in their sentencing decisions."[14] After performing such a review,[15] the court found that "in the light of the legislative decisions in almost all of the States and in most of the countries around the world, it would be difficult to support a claim that the death penalty for rape is an indispensable part of the States' criminal justice system."[16] The court held that a death sentence is disproportionate punishment for the rape of an adult woman, and is therefore cruel and unusual punishment within the meaning of the Eighth Amendment.[17]

In 1981, the Florida Supreme Court, in *Buford v. State*,[18] held that a death sentence for sexual battery by an adult upon a child, is constitutionally prohibited.[19] The court stated that "[t]he reasoning of the justices in *Coker v. Georgia* compels us to hold that a sentence of death is grossly disproportionate and excessive punishment for the crime of sexual assault and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment."[20]

Three years after *Buford*, the Florida Supreme Court recognized in *Rusaw v. State* that while the death penalty as punishment for the capital crime of sexual battery of a child is not a constitutional sentence, "[t]he legislature, by setting sexual battery of a child apart from other sexual batteries, has obviously found that crime to be of special concern. Just because death is no longer a possible punishment for the crime described in s. 794.011(2), F.S., does not mean that the alternative penalty suffers from any defect." [21]

In 2008, the U.S. Supreme Court, in *Kennedy v. Louisiana*, a child sexual battery case for which the defendant was sentenced to death, also began its Eighth Amendment analysis by examining existing statutes and legislation, and statistics on executions for child sexual battery.[22]

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example, when capital punishment is imposed for rape, kidnapping, or armed robbery that does not result in the death of any human being." at footnote 35).

[12] The Eighth Amendment to the U.S. Constitution states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. CONST. Amend VIII.

[13] *Coker v. Georgia*, 433 U.S. 584, 592 (1977).

[14] *Coker v. Georgia*, 433 U.S. 584, 592 (1977).

[15] *Coker v. Georgia*, 433 U.S. 584, 593-597 (1977).

[16] *Id*.

[17] "We have the abiding conviction that the death penalty, which 'is unique in its severity and irrevocability,'... is an excessive penalty for the rapist who, as such, does not take human life." *Coker v. Georgia*, 433 U.S. 584, 97 S.Ct. 286, 153 L.Ed.2d 982 (1977); [internal citation: *Gregg v. Georgia*, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976)].

[18] *Buford v. State*, 403 So.2d 943 (Fla.1981), *cert. denied*, 454 U.S. 1163, 102 S.Ct. 1037, 71 L.Ed.2d 319 (1982).

[19] *Id*.

[20] *Id*.

[21] *Rusaw v. State*, 451 So.2d 469 (Fla. 1984), referring to life imprisonment without the possibility of parole, ss. 775.082 and 921.141, F.S.

[22] The state court in *Kennedy* explained that since 1993, four more States—Oklahoma, South Carolina, Montana, and Georgia—had capitalized the crime of child rape, and at least eight States had authorized capital punishment for other nonhomicide crimes. By its count, 14 of the then–38 States permitting capital punishment, plus the Federal Government,

Like the *Coker* court, the *Kennedy* court found that there is a national consensus against the death penalty for child sexual battery.[23] This finding led the court to conclude that the death penalty is not a proportional punishment for the sexual battery of a child.[24]

Case Law and Subsequent Statutory Changes Regarding Death Penalty Sentencing Procedure

The Sixth Amendment of the U.S. Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury. . . ."[25] This right, in conjunction with the Due Process Clause, requires that each element of a crime be proved to a jury beyond a reasonable doubt.[26]

The U.S. Supreme Court in *Ring v. Arizona*, applied this right to Arizona's capital sentencing scheme, which required a judge to determine the presence of aggravating and mitigating factors and to only sentence a defendant to death if the judge found at least one aggravating factor.[27] The Court struck down the Arizona sentencing scheme, finding it to be a violation of the Sixth Amendment because it permitted sentencing judges, without a jury, to find aggravating circumstances justifying imposition of the death penalty.[28]

In 2016, the U.S. Supreme Court issued the *Hurst v. Florida* opinion finding that Florida's death penalty sentencing process was unconstitutional because "the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death."[29] Thereafter, the Legislature amended ss. 921.141 and 921.142, F.S., to incorporate the following statutory changes:

- The jury is required to identify each aggravating factor found to exist by a unanimous jury vote in order for a defendant to be eligible for a sentence of death;
- The jury is required to determine whether the aggravating factors outweigh the mitigating circumstances in reaching its sentencing recommendation;
- If at least ten of the twelve members of the jury determine that the defendant should be sentenced to death, the jury's recommendation is a sentence of death;
- The jury is required to recommend a sentence of life imprisonment without the possibility of parole if fewer than ten jurors determined that the defendant should be sentenced to death;

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allowed the death penalty for nonhomicide crimes and FIVE allowed the death penalty for the crime of child rape. *Kennedy v. Louisiana*, 554 U.S. 407, 418 (2008).

[23] After reviewing the authorities informed by contemporary norms, including the history of the death penalty for this and other nonhomicide crimes, current state statutes and new enactments, and the number of executions since 1964, we conclude there is a national consensus against capital punishment for the crime of child rape. *Kennedy v. Louisiana*, 554 U.S. 407, 434 (2008).

[24] *Kennedy v. Louisiana*, 554 U.S. 407, 422 (2008).

[25] U.S. CONST. Amend. VI.

[26] *United States v. Gaudin*, 515 U.S. 506, 510 (1995).

[27] *Ring v. Arizona*, 536 U.S. 584, 592 (2002).

[28] *Id*. at 609.

[29] *Hurst v. Florida*, 577 U.S. 92 (2016). The *Hurst v. Florida* decision was based on the Sixth Amendment and the 2002 U.S. Supreme Court decision in *Ring v. Arizona*, which held that juries rather than judges acting alone must make crucial *factual* determinations that subject a convicted murderer to the death penalty. *Ring v. Arizona*, 536 U.S. 584 (2002).

- The judge is permitted to impose a sentence of life imprisonment without the possibility of parole when the jury recommends a sentence of death; and
- The judge is no longer permitted to "override" the jury's recommendation of a sentence of life imprisonment by imposing a sentence of death.[30]

Also in 2016, *Hurst v. State,* on remand from the U.S. Supreme Court, was decided by the Florida Supreme Court. In addition to finding that the prior 2016 statutory amendments to the death penalty sentencing provisions were constitutional, the court also held that "in order for the trial court to impose a sentence of death, the jury's recommended sentence of death must be unanimous."[31]

After the *Hurst v. State* decision in 2016, the Legislature again amended ss. 921.141 and 921.142, F.S., this time to require a unanimous vote of the jury for a sentencing recommendation of death.[32]

Subsequent to the Legislature's 2016 amendments to the death penalty sentencing proceedings, in an effort to comply with both *Hurst v. Florida*[33] and *Hurst v. State,*[34] the Florida Supreme Court receded from its *Hurst v. State* opinion, eliminating the need for most of the statutory changes made in 2016.[35]

In *Poole v. State,* the Florida Supreme Court opined that the *Hurst v. State* court had gone beyond where the U.S. Supreme Court required in order to bring Florida's death penalty proceedings into compliance with constitutional standards.[36]

The *Poole* court left intact only the requirement that a unanimous jury find a statutory aggravating circumstance by a reasonable doubt standard of proof.[37] This particular part of Florida's death penalty sentencing proceeding is necessary, as the *Poole* court explained, because there are two components to the death penalty sentencing decision-making process: the *eligibility decision* which is the trier of fact's responsibility, and the *selection decision* which is the sentencing judge's responsibility.[38]

As to the eligibility decision, the U.S. Supreme Court has required that the death penalty be reserved for only a subset of those who commit murder. "To render a defendant *eligible* for the death penalty in a homicide case, [the Supreme Court has] indicated that the *trier of fact* must convict the defendant of murder and find one 'aggravating circumstance' (or its equivalent) at either the guilt or penalty phase."[39]

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[30] Chapter 2016-13, L.O.F. (2016).
[31] *Hurst v. State*, 202 So.3d 40, 44, (Fla. 2016), *cert. den.*, 137 S.Ct. 2161 (2017).
[32] Chapter 2017-1, L.O.F. (2017).
[33] *Hurst v. Florida*, 577 U.S. 92 (2016).
[34] *Hurst v. State*, 202 So.3d 40 (Fla. 2016), interpreting and applying *Hurst v. Florida*, 577 U.S. 92 (2016).
[35] *Poole v. State,* 297 So. 3d 487 (Fla. 2020), receding from *Hurst v. State*, 202 So.3d 40 (Fla. 2016).
[36] *Poole v. State,* 297 So. 3d 487 (Fla. 2020).
[37] *Poole v. State,* 297 So. 3d 487 (Fla. 2020).
[38] *Poole v. State,* 297 So. 3d 487, 501 (Fla. 2020).
[39] *Poole v. State,* 297 So. 3d 487, 501 (Fla. 2020), quoting *Tuilaepa v. California*, 512 U.S. 967, 971-972 (U.S. 1994) (emphasis added).

The selection decision involves determining "whether a defendant eligible for the death penalty should in fact receive that sentence."[40] The selection decision is a subjective determination to be made by the court. It is not a "fact" or "element" of the offense for the fact-finder to decide.[41]

According to the *Poole* court, the *Hurst v. State* court misinterpreted the *Hurst v. Florida* decision on this key point: the *Hurst v. Florida* decision is about death penalty *eligibility*.

Post-*Poole* if a jury unanimously finds at least one aggravating circumstance exists in a murder case, the defendant is death-eligible.

According to *Poole*, the *Hurst v. State* court had a "mistaken view" of what constitutes an *element* of an offense which is a *fact* that a jury must determine exists beyond a reasonable doubt for a defendant to be death eligible. *Hurst v. State*, therefore, mistakenly decided that the Sixth Amendment right to trial by a jury required:

- Unanimous jury findings as to all of the aggravating factors that were proven beyond a reasonable doubt;
- That the aggravating factors are sufficient[42] to impose a death sentence;
- That the aggravating factors outweigh the mitigating factors;[43] and
- A unanimous jury recommendation of a sentence of death.[44]

In sum, the *Poole* court rejected the *Hurst v. State* court's view of a capital jury's role that goes beyond the "fact-finding" required to determine whether a defendant is death eligible.[45]

Florida's Current Death Penalty Statutes

In 2023, the Legislature again amended the death penalty procedure in homicide cases to clarify the judge's and the jury's role. Specifically, ss. 921.14 and 921.142, F.S., were amended to:

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[40] *Id*.

[41] *Poole v. State*, 297 So. 3d 487, 504 (Fla. 2020).

[42] [F]or purposes of complying with s. 921.141(3)(a), F.S., "sufficient aggravating circumstances" means "one or more." *See Miller v. State*, 42 So. 3d 204, 219 (Fla. 2010) ("sufficient aggravating circumstances" means "one or more such circumstances." For purposes of complying with s. 921.141(3)(a), F.S., "sufficient aggravating circumstances" means "one or more." *See Miller v. State*, 42 So. 3d 204, 219 (Fla. 2010) ("sufficient aggravating circumstances" means "one or more such circumstances"). *Poole v. State*, 297 So. 3d 487, 502 (Fla. 2020).

[43] "The role of the s. 921.141(3)(b), F.S., selection finding is to give the defendant an opportunity for mercy if it is justified by the relevant mitigating circumstances and by the facts surrounding his crime." *Poole v. State*, 297 So. 3d 487, 503 (Fla. 2020). See also *Rogers v. State*, 285 So.3d 872, 886 (Fla. 2019).

[44] *Hurst v. Florida* does not require a unanimous jury recommendation—or any jury recommendation—before a death sentence can be imposed. The Supreme Court in *Spaziano* "upheld the constitutionality under the Sixth Amendment of a Florida judge imposing a death sentence even in the face of a jury recommendation of life—a jury override. It necessarily follows that the Sixth Amendment, as interpreted in *Spaziano*, does not require any jury recommendation of death, much less a unanimous one. And as we have also explained, the Court in *Hurst v. Florida* overruled *Spaziano* only to the extent it allows a judge, rather than a jury, to find a necessary aggravating circumstance." *See Hurst v. Florida*, 136 S. Ct. at 624. See also *Spaziano v. Florida*, 468 U.S. 447 at 464-65, (1984) holding that the Eighth Amendment does not require a jury's favorable recommendation before a death penalty can be imposed. *Poole v. State*, 297 So. 3d 487, 505 (Fla. 2020).

[45] "This Court clearly erred in *Hurst v. State* by requiring that the jury make any finding beyond the section 921.141(3)(a) eligibility finding of one or more statutory aggravating circumstances. Neither *Hurst v. Florida*, nor the Sixth or Eighth Amendment, nor the Florida Constitution mandates that the jury make the s. 941.121(3)(b), F.S., selection finding or that the jury recommend a sentence of death."

- Delete the requirement of a unanimous jury recommendation for the imposition of the death penalty replacing it with a recommendation of at least eight jurors recommending the death penalty.
- Provide that if fewer than eight jurors vote to recommend the death penalty, the jury's sentencing recommendation must be for life without the possibility of parole and the court is bound by that recommendation.
- Provide that if the jury recommends a sentence of death, the court may impose the recommended sentence of death, or a sentence of life imprisonment without the possibility of parole.
- Specify that the death penalty may only be imposed if the jury unanimously finds at least one aggravating factor beyond a reasonable doubt.
- Require that the court enter a written order whether the sentence is for death or for life without the possibility of parole and the court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.[46]

In an additional 2023 amendment to the death penalty procedure, s. 921.1425, F.S., was created, which provides for a death sentence or life imprisonment without the possibility of parole for the crime of sexual battery by an adult upon a child under the age of 12, or the attempt to commit the crime, and the adult injures the child's sexual organs.[47] The procedure in s. 921.1425, F.S., as it differs from s. 921.141, (2013), F.S., is that the jury must unanimously find at least two aggravating factors for the defendant to receive the death penalty.

On December 14, 2023, Lake County, prosecutors announced they would seek the first death sentence for a man accused of committing sexual battery of a minor under the age of 12. A statement from the office of State Attorney William Gladson said the decision reflects the "severity of the crime and its impact on the community." In February 2024, the defendant pled guilty and was sentenced to life in prison without the possibility of parole.[48]

III. Effect of Proposed Changes:

Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation

The bill amends 787.06, F.S., to create a new crime of Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation. A person 18 years or older who knowingly initiates, organizes, plans, finances, directs, manages, or supervises a venture that has subjected a child less than 12 years of age, or a person who is mentally defective[49] or mentally incapacitated,[50] commits Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation.

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[46] Sections 921.141 and 921.142, F.S.

[47] Other states have introduced similar legislation since the Florida law was changed. Death Penalty Information Center, Death Penalty for Child Sexual Abuse that Does Not Result in Death, available at Death Penalty for Child Sexual Abuse that Does Not Result in Death | Death Penalty Information Center, (last visited March 27, 2025).

[48] *Id.*

[49] "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. Section 794.011(1)(c), F.S.

[50] "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. Section 794.011(1)(d), F.S.

The bill defines "sexual exploitation" as any violation of s.794.011. F.S. (sexual battery).[51] excluding a violation of s. 794.011(10), F.S.

If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

Death Penalty Procedure

The crime is a capital felony which can result in the death penalty or a sentence of life without the possibility of parole.[52] The bill creates s. 921.1427, F.S., to provide the procedure that must be followed to determine a sentence of death or life imprisonment, for the crime of Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation.

Sentencing Proceeding is Separate from the Trial

The bill requires the court to conduct a separate sentencing proceeding upon the conviction or adjudication of guilt of a defendant of a capital felony under s. 787.06(5), F.S., to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082, F.S.

The proceeding must be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in ch. 913, F.S., to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleads guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant.

Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, subsection (2) of s. 941.1427, F.S., may not be construed to authorize the introduction of any evidence secured in violation of the United States Constitution or the State Constitution. The state and the defendant or the defendant's counsel must be permitted to present arguments for or against a sentence of death.

If a defendant has not waived his or her right to a sentencing proceeding by a jury, the jury will hear all of the evidence presented regarding aggravating factors and mitigating circumstances. The jury must deliberate and determine if the state has proven, beyond a reasonable doubt, the existence of at least two aggravating factors.

[51] "Sexual battery" means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. Section 794.011(1)(j), F.S.
[52] Sections 775.082 and 921.1427, F.S.

If the defendant waives his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least two aggravating factors have been proven to exist beyond a reasonable doubt.

Aggravating Factors and Mitigating Circumstances

Aggravating factors are limited to the following:

- The capital felony was committed by a person who was previously convicted of a felony violation of s. 794.011, F.S., and was under a sentence of imprisonment or was placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence.
- The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21, F.S., or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a sexual offender who is required to register pursuant to s. 943.0435, F.S., or a person previously required to register as a sexual offender who had such requirement removed.
- The defendant knowingly created a great risk of death to one or more persons such that participation in the offense constituted reckless indifference or disregard for human life.
- The defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person in committing the offense or in furtherance of the offense.
- The capital felony was committed for pecuniary gain.
- The capital felony was especially heinous, atrocious, or cruel.
- The victim of the capital felony was particularly vulnerable due to age or disability, or because the defendant was in a position of familial or custodial authority in relation to the victim.
- The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30, F.S., or s. 784.046, F.S., or a foreign protection order accorded full faith and credit
- pursuant to s. 741.315, F.S., and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.
- The victim of the capital felony sustained serious bodily injury.

Mitigating circumstances are the following:

- The defendant has no significant history of prior criminal activity.
- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.

- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.
- The defendant could not have reasonably foreseen that her or his conduct in the course of the commission of the offense would cause or would create a grave risk of death to one or more persons.
- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

Once the prosecution has provided evidence of the existence of two or more aggravating factors, the prosecution may introduce, and subsequently argue, victim impact evidence to the jury. Such evidence must be designed to demonstrate the victim's uniqueness as an individual human being and the physical and psychological harm to the victim. Characterizations and opinions about the crime, the defendant, and the appropriate sentence may not be permitted as a part of victim impact evidence.

Sentencing Jury Findings and Sentencing Recommendation

The jury must return findings identifying each aggravating factor found to exist. A finding that an aggravating factor exists must be unanimous. If the jury:

- Does not unanimously find at least two aggravating factors, the defendant is ineligible for a sentence of death.
- Unanimously finds at least two aggravating factors, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant must be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
    - Whether sufficient aggravating factors exist.
    - Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
    - Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.

If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of life imprisonment without the possibility of parole.

If the jury has recommended a sentence of:

- Life imprisonment without the possibility of parole, the court must impose the recommended sentence of life imprisonment without the possibility of parole.
- Death, the court may impose the recommended sentence of death or a sentence of life imprisonment without the possibility of parole. The court may impose a sentence of death only if the jury unanimously found at least two aggravating factors to have been proven beyond a reasonable doubt.

Sentencing Order

Regardless of the sentence, the court must enter a written sentencing order considering the records of the trial and the sentencing proceedings, and addressing:

- The aggravating factors found to exist;
- The mitigating circumstances reasonably established by the evidence;
- Whether there are sufficient aggravating factors to warrant the death penalty; and
- Whether the aggravating factors outweigh the mitigating circumstances reasonably established by the evidence.

The court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.

If the court does not issue its sentencing order requiring a sentence of death within 30 days after the rendition of the judgment and sentence, the court must impose a sentence of life imprisonment without the possibility of parole in accordance with s. 775.082, F.S.

Post- Sentencing Case Review

The judgment of conviction and sentence of death shall be subject to automatic review by the Florida Supreme Court and disposition rendered within two years after the filing of a notice of appeal. Such review by the Florida Supreme Court must have priority over all other cases and must be heard in accordance with rules adopted by the Florida Supreme Court.

Notwithstanding s. 775.082(2), F.S., s. 775.15, F.S., or any other provision of law, a sentence of death must be imposed under this section notwithstanding existing case law that holds such a sentence to be unconstitutional under the United States Constitution or the State Constitution. In any case for which the Florida Supreme Court or the United States Supreme Court reviews a sentence of death imposed pursuant to this section, and in making such a review reconsiders the prior holdings in *Buford v. State* and *Kennedy v. Louisiana*, and determines a sentence of death remains unconstitutional, the court having jurisdiction over the person previously sentenced to death must cause such person to be brought before the court, and the court must sentence such person to life imprisonment without the possibility of parole as provided in s. 775.082(1), F.S.

The bill specifies that s. 921.141, F.S., does not apply to a person convicted or adjudicated guilty of a Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation offense under s. 787.06(5), F.S.

The bill amends s. 924.07, F.S., to create an appellate opportunity for the State if the sentence in a case of Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation resulted from the circuit court's failure to comply with sentencing procedures under s. 921.1427, F.S., including by:

- Striking the State's notice of intent to seek the death penalty;
- Refusing to impanel a capital jury; or
- Otherwise granting relief that prevents the State from seeking the death penalty.

The bill amends s. 921.137(4), F.S., to add a reference to newly created s. 921.1427, F.S., which provides procedures for sentencing a person who gives notice of his or her intention to raise

intellectual disability as a bar to the death sentence. Section 921.137, F.S., prohibits the imposition of the death penalty upon an intellectually disabled defendant.

Newly created s. 921.1427, F.S., applies to any capital felony under s. 787.06(5), F.S., that is committed on or after October 1, 2025.

Application of Section 787.06(5), F.S., the Crime of Human Trafficking of Vulnerable Persons for Sexual Exploitation, in Other Statutes

Section 92.565, F.S., provides that a defendant's confession of committing certain crimes of sexual abuse is admissible during trial. The crime of Human Trafficking of Vulnerable Persons for Sexual Exploitation is added to the list of offenses to which s. 92.565, F.S., applies.

Section 456.51, F.S., relating to consent for a pelvic exam administered pursuant to a criminal investigation of an alleged violation related to child abuse or neglect. The crime of Human Trafficking of Vulnerable Persons for Exploitation is added to the list of offenses to which s. 787.06(5), F.S., applies.

Section 775.0877, F.S., provides for the HIV testing of certain offenders who have been convicted of or pled nolo contendere or guilty to, any of the listed offenses which involve the transmission of body fluids from one person to another. Section 787.06(5). F.S., is added to list of offenses in s. 775.0877, F.S.

Section 775.21(4), F.S., sets forth the criteria under which a person may be designated a sexual predator who is subject to registration with the Florida Department of Law Enforcement (FDLE) under subsection (6) and community and public notification under subsection (7). The crime of Human Trafficking of Vulnerable Persons for Sexual Exploitation is added to the list of offenses that qualify a person for sexual predator designation.

Section 787.01(3), F.S., provides that a person who commits the offense of kidnapping upon a child under the age of 13 and who, while committing the offense, commits one or more of the listed offenses which includes Human Trafficking, commits a life felony.[53] The offense created in the bill, Human Trafficking of Vulnerable Persons for Sexual Exploitation, is added to the list in s. 787.01(3), F.S., by the bill.

Similarly, s. 787.02(3), F.S., provides that a person who commits the offense of false imprisonment upon a child under the age of 13 and who, while committing the offense, commits one or more of the listed Human Trafficking offenses commits a first degree felony.[54] Section 787.06(5), F.S., is added by the bill to s. 787.02(3), F.S.

The bill also amends s. 921.137, F.S., to clarify that the death penalty procedures created in s. 921.1427, F.S., are not applicable in s. 921.137, F.S., relating to death penalty procedures for intellectually disabled defendants.

[53] s. 787.01(3)(a)6., F.S.; A life felony is punishable by up to a term of imprisonment for life. s. 775.082, F.S.
[54] s. 787.02, F.S; A first degree felony is punishable by 30 years to life imprisonment. s. 775.082, F.S.

Section 921.141, F.S., is amended by the bill to clarify that the death penalty procedures in s. 921.141, F.S., do not apply to cases of Human Trafficking of Vulnerable Persons for Sexual Exploitation.

Section 943.0435, F.S., relating to the registration of a sexual offender with the FDLE. The bill amends s. 943.0435(1)(h), F.S., to include a reference to the crime of Human Trafficking of Vulnerable Persons for Sexual Exploitation in the list of crimes that qualify a person as a sexual offender.

Likewise, ss. 944.606, and 944.07, F.S., are amended by the bill relating to the definition of a sexual offender and include references to s.787.06(5), F.S., in the list of crimes that qualify a person as a sexual offender.

Section 948.32, F.S., requires law enforcement agencies to contact the Department of Corrections to ascertain the status of persons under investigation or arrest for certain listed crimes. Human Trafficking of Vulnerable Persons for Sexual Exploitation is added to the listed crimes.

Section 960.065, F.S., relates to compensation by the Department of Legal Affairs to certain victims of adult and juvenile crime. Specifically, s. 960.065(2), F.S., lists criteria that would make a person ineligible for such compensation. The criteria includes a person who as engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking as described in s. 787.06(3)(b), (d), (f), or (g), F.S. The bill includes s. 787.06(5), F.S., so that a victim of Human Trafficking of Vulnerable Persons for Sexual Exploitation may not be ineligible for compensation if he or she otherwise qualifies.

The following Florida Statutes are reenacted to incorporate changes made to the sex predator and sex offender registry statutes:

16.713, F.S., 39.0139, F.S., 39.509, F.S., 39.806, F.S., 61.13, F.S., 63.089, F.S., 63.092, F.S., 68.07, F.S., 92.55, F.S., 98.0751, F.S., 322.141, F.S., 394.9125, F.S., 397.487, F.S., 435.07, F.S., 455.213, F.S., 489.553, F.S., 507.07, F.S., 775.13, F.S., 775.24, F.S., 775.25, F.S., 775.0862, F.S., 794.075, F.S., 900.05, F.S., 903.0351, F.S., 903.046, F.S., 903.133, F.S., 907.043, F.S., 934.255, F.S., 938.10, F.S., 943.0435, F.S., 943.0436, F.S., 943.0584, F.S., 943.0595, F.S., 944.609, F.S., 947.1405, F.S., 948.013, F.S., 948.05, F.S., 948.06, F.S., 948.063, F.S., 948.064, F.S., 948.12, F.S., 948.30, F.S., 948.31, F.S., 985.04, F.S., and 1012.467, F.S.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Pursuant to the U.S. and Florida Supreme Courts, a sentence of death is constitutionally prohibited for a crime other than one which causes death. The Supreme Court of Florida held in *Buford v. State,*[55] that a death sentence for sexual battery by an adult upon a child, is constitutionally prohibited.[56] The court stated that "[t]he reasoning of the justices in *Coker v. Georgia* compels us to hold that a sentence of death is grossly disproportionate and excessive punishment for the crime of sexual assault and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment."[57]

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 provided a preliminary estimate that the bill

[55] *Buford v. State,* 403 So.2d 943 (Fla.1981), *cert. denied,* 454 U.S. 1163, 102 S.Ct. 1037, 71 L.Ed.2d 319 (1982).
[56] *Id*.
[57] *Id*.

may have a positive insignificant prison bed impact on the Department of Corrections. The EDR provides:

> Per DOC, in FY 23-24, there were 17 new commitments to prison for commercial sexual activity of a child under 18 years of age. Four of these commitments received life sentences, and three received sentences that would have them released within the five-year forecast window. However, it is not known how many of these offenders would fit the criteria described in the bill. In addition, there may be an indeterminate workload impact on the criminal trial courts, appellate courts, prosecutors, defense attorneys, and appellate counsel as a result of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 92.565, 456.51, 775.0877, 775.21, 787.01, 787.02, 787.06, 921.137, 921.141, 924.07, 943.0435, 944.606, 944.607, 948.32, and 960.065.

This bill creates the following sections of the Florida Statutes: 921.1427.

IX. Additional Information:

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

CS/CS by Fiscal Policy on April 22, 2025:

- The CS reenacts numerous statutes to incorporate changes made to the sex predator and sex offender registry statutes.

CS by Appropriations Committee on Criminal and Civil Justice on April 15, 2025:

- The committee substitute restructured the newly-created capital offense of Human Trafficking of Vulnerable Persons for Sexual Exploitation which requires an offender to knowingly initiate, organize, plan, finance, direct, manage, or supervise a venture that has trafficked a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, for sexual exploitation.
- Created a definition of "sexual exploitation."
- Made amendments to the following Florida Statutes to clarify the effect by the bill on those statutes: ss. 92.565, 456.51, 775.0877, 775.21, 787.01, 787.02, 921.137, 921.141, 943.0435, 944.606, 944.607, 948.32, and 960.065, F.S.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 92.565, Florida Statutes, is amended to read:

92.565 Admissibility of confession in sexual abuse cases.—

(2) In any criminal action in which the defendant is charged with a crime against a victim under s. 787.06(3), involving commercial sexual activity, or (5); s. 794.011; s.

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794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04, involving sexual abuse; s. 827.071; or s. 847.0135(5), or any other crime involving sexual abuse of another, or with any attempt, solicitation, or conspiracy to commit any of these crimes, the defendant's memorialized confession or admission is admissible during trial without the state having to prove a corpus delicti of the crime if the court finds in a hearing conducted outside the presence of the jury that the state is unable to show the existence of each element of the crime, and having so found, further finds that the defendant's confession or admission is trustworthy. Factors which may be relevant in determining whether the state is unable to show the existence of each element of the crime include, but are not limited to, the fact that, at the time the crime was committed, the victim was:

(a) Physically helpless, mentally incapacitated, or mentally defective, as those terms are defined in s. 794.011;

(b) Physically incapacitated due to age, infirmity, or any other cause; or

(c) Less than 12 years of age.

Section 2. Paragraph (e) of subsection (2) of section 456.51, Florida Statutes, is amended to read:

456.51 Consent for pelvic examinations.—

(2) A health care practitioner, a medical student, or any other student receiving training as a health care practitioner may not perform a pelvic examination on an anesthetized or unconscious patient without the written consent of the patient or the patient's legal representative executed specific to, and expressly identifying, the pelvic examination. If the patient is

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conscious, informed verbal consent must be obtained for the pelvic examination in addition to any written consent obtained. Consent is not required if:

(e) The pelvic examination is administered pursuant to a criminal investigation of an alleged violation related to child abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g), or (5); chapter 794; chapter 796; chapter 800; chapter 827; or chapter 847.

Section 3. Paragraph (o) of subsection (1) of section 775.0877, Florida Statutes, is amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(1) In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or the attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another:

(o) Sections 787.06(3)(b), (d), (f), and (g) and (5), relating to human trafficking, the court shall order the offender to undergo HIV testing, to be performed under the direction of the Department of Health in accordance with s. 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of criminal offenders or inmates, subsequent to her or his arrest for an offense enumerated in paragraphs (a)-(n) for which she or he was convicted or to which she or he pled nolo contendere or guilty. The results of an HIV test performed on an offender pursuant to this subsection are

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not admissible in any criminal proceeding arising out of the alleged offense.

Section 4. Paragraph (a) of subsection (4) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony is:

a. A capital, life, or first degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor, or s. 787.06(3)(f) or (g), where the victim is a minor, or (5); s. 794.011, s. 800.04, or s. 847.0145, or a violation of a similar law of another jurisdiction; or

b. Any felony violation, or any attempt thereof, of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another

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jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

Section 5. Subsection (3) of section 787.01, Florida Statutes, is amended to read:

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;

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2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) or (5), relating to human trafficking, commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the life felony described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-6. ~~subparagraphs (a)1.-5.~~

Section 6. Subsection (3) of section 787.02, Florida Statutes, is amended to read:

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs (a)1.-6. ~~subparagraphs 1.-5.~~, commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

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2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) or (5), relating to human trafficking.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the first degree offense described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-6. ~~(a)1.-5.~~

Section 7. Present paragraphs (i) through (k) of subsection (2) of section 787.06, Florida Statutes, are redesignated as paragraphs (j) through (l), respectively, present subsections (5) through (13) of that section are redesignated as subsections (6) through (14), respectively, a new paragraph (i) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

787.06 Human trafficking.—

(2) As used in this section, the term:

(i) "Sexual exploitation" means any violation of s. 794.011, excluding s. 794.011(10).

(5)(a) Any person 18 years of age or older who knowingly initiates, organizes, plans, finances, directs, manages, or



supervises a venture that has subjected a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), to human trafficking for sexual exploitation commits capital human trafficking of vulnerable persons for sexual exploitation, a capital felony punishable as provided in ss. 775.082 and 921.1427.

(b) For each instance of human trafficking of any individual under paragraph (a), a separate crime is committed and a separate punishment is authorized.

(c) In all capital cases under this subsection, the procedure in s. 921.1427 shall be followed to determine a sentence of death or life imprisonment.

(d) If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

Section 8. Section 921.1427, Florida Statutes, is created to read:

921.1427 Sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation; further proceedings to determine sentence.—

(1) INTENT.—

(a) The Legislature finds that a person who commits the offense of initiating, organizing, planning, financing, directing, managing, or supervising a venture that has subjected

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a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, to human trafficking for sexual exploitation in violation of s. 787.06(5) imposes a great risk of death and danger to vulnerable members of this state. Such crimes exploit society's most vulnerable citizens, destroy the innocence of young children, and violate all standards of decency held by civilized society, and persons who commit such acts against such vulnerable persons may be determined by the trier of fact to have a culpable mental state of reckless indifference or disregard for human life.

(b) It is the intent of the Legislature that the procedure in this section shall be followed, and a prosecutor must file notice as provided in s. 787.06(5) if he or she intends to seek the death penalty.

(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or an adjudication of guilt of a defendant of a capital felony under s. 787.06(5), the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In

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the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (7) and for which notice has been provided pursuant to s. 787.06(5) or mitigating circumstances enumerated in subsection (8). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection may not be construed to authorize the introduction of any evidence secured in violation of the United States Constitution or the State Constitution. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against a sentence of death.

(3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This subsection applies only if the defendant has not waived his or her right to a sentencing proceeding by a jury.

(a) After hearing all of the evidence presented regarding aggravating factors and mitigating circumstances, the jury shall deliberate and determine if the state has proven, beyond a reasonable doubt, the existence of at least two aggravating factors set forth in subsection (7).

(b) The jury shall return findings identifying each aggravating factor found to exist. A finding that at least two aggravating factors exist must be unanimous. If the jury:

1. Does not unanimously find at least two aggravating factors, the defendant is ineligible for a sentence of death.

2. Unanimously finds at least two aggravating factors, the

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defendant is eligible for a sentence of death and the jury shall make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation shall be based on a weighing of all of the following:

a. Whether sufficient aggravating factors exist.

b. Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.

c. Based on the considerations in sub-subparagraphs a. and b., whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.

(c) If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.

(4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

(a) If the jury has recommended a sentence of:

1. Life imprisonment without the possibility of parole, the court shall impose the recommended sentence of life imprisonment without the possibility of parole.

2. Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury. The court may impose a sentence of death only if the jury unanimously found at least two aggravating factors beyond a

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reasonable doubt.

(b) If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least two aggravating factors have been proven to exist beyond a reasonable doubt.

(5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—In each case in which the court imposes a sentence of life imprisonment without the possibility of parole or a sentence of death, the court shall, considering the records of the trial and the sentencing proceedings, enter a written order addressing the aggravating factors set forth in subsection (7) found to exist, the mitigating circumstances in subsection (8) reasonably established by the evidence, whether there are sufficient aggravating factors to warrant the death penalty, and whether the aggravating factors outweigh the mitigating circumstances reasonably established by the evidence. The court shall include in its written order the reasons for not accepting the jury's recommended sentence, if applicable. If the court does not issue its order requiring the death sentence within 30 days after the rendition of the judgment and sentence, the court shall impose a sentence of life imprisonment without the possibility of parole in accordance with s. 775.082.

(6) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court and disposition rendered within 2 years after the filing of a notice of appeal. Such review by the

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Supreme Court shall have priority over all other cases and shall be heard in accordance with rules adopted by the Supreme Court.

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony violation under s. 787.06 and under sentence of imprisonment or placed on community control or on felony probation.

(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(c) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual predator designation removed.

(d) The capital felony was committed by a sexual offender who is required to register pursuant to s. 943.0435 or a person previously required to register as a sexual offender who had such requirement removed.

(e) The defendant knowingly created a great risk of death to one or more persons such that participation in the offense constituted reckless indifference or disregard for human life.

(f) The defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person in committing the offense or in furtherance of the offense.

(g) The capital felony was especially heinous, atrocious, or cruel.

(h) The victim of the capital felony was particularly

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vulnerable due to age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

(i) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

(j) The victim of the capital felony sustained serious bodily injury.

(8) MITIGATING CIRCUMSTANCES.—Mitigating circumstances shall include the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(c) The defendant was an accomplice in the capital felony committed by another person, and the defendant's participation was relatively minor.

(d) The defendant was under extreme duress or under the substantial domination of another person.

(e) The capacity of the defendant to appreciate the criminality of her or his conduct or to conform his or her conduct to the requirements of law was substantially impaired.

(f) The age of the defendant at the time of the offense.

(g) The defendant could not have reasonably foreseen that his or her conduct in the course of the commission of the

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offense would cause or would create a grave risk of death to one or more persons.

(h) The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

(9) VICTIM IMPACT EVIDENCE.—Once the prosecution has provided evidence of the existence of two or more aggravating factors as described in subsection (7), the prosecution may introduce and subsequently argue victim impact evidence to the jury. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the physical and psychological harm to the victim. Characterizations and opinions about the crime, the defendant, and the appropriate sentence may not be permitted as a part of victim impact evidence.

(10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or s. 775.15, or any other provision of law, a sentence of death shall be imposed under this section notwithstanding existing case law which holds that such a sentence is unconstitutional under the State Constitution and the United States Constitution. In any case for which the Florida Supreme Court or the United States Supreme Court reviews a sentence of death imposed pursuant to this section, and in making such a review reconsiders the prior holdings in *Buford v. State of Florida, 403 So. 2d 943 (Fla. 1981)*, and *Kennedy v. Louisiana, 554 U.S. 407 (2008)*, and determines that a sentence of death remains unconstitutional, the court having jurisdiction over the person previously sentenced to death shall cause such person to be brought before the court, and the court shall sentence such person to life

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imprisonment as provided in s. 775.082(1).

(11) APPLICABILITY.—This section applies to any capital felony under s. 787.06(5) which is committed on or after October 1, 2025.

Section 9. Paragraph (o) is added to subsection (1) of section 924.07, Florida Statutes, to read:

924.07 Appeal by state.—

(1) The state may appeal from:

(o) The sentence in a case of capital human trafficking of vulnerable persons for sexual exploitation on the ground that it resulted from the circuit court's failure to comply with sentencing procedures under s. 921.1427, including by striking a notice of intent to seek the death penalty, refusing to impanel a capital jury, or otherwise granting relief that prevents the state from seeking a sentence of death.

Section 10. Paragraph (h) of subsection (1) of section 943.0435, Florida Statutes, is amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(h)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or

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(5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from a sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I) and does not otherwise meet the criteria for registration as a sexual offender under chapter 944 or chapter 985. For purposes of this sub-sub-subparagraph, a sanction imposed in this state or in any other jurisdiction means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, contractor-operated correctional facility, or local detention facility. If no sanction is imposed, the person is deemed to be released upon conviction;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or any other sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or

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community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g)<u>, or (5)</u>; former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or

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older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals;

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals; or

(V) Any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph.

2. For all qualifying offenses listed in sub-subparagraph 1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, except for a violation of s. 794.011, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall also make a written finding indicating whether the offense involved sexual activity and indicating whether the offense involved force or coercion. For a violation of s. 800.04(5), the court shall also make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

Section 11. Paragraph (f) of subsection (1) of section 944.606, Florida Statutes, is amended to read:

944.606 Sexual offenders; notification upon release.—

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

(f) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this paragraph or at least one offense listed in this paragraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

Section 12. Paragraph (f) of subsection (1) of section 944.607, Florida Statutes, is amended to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

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

(f) "Sexual offender" means a person who is in the custody or control of, or under the supervision of, the department or is

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in the custody of a contractor-operated correctional facility:

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this subparagraph or at least one offense listed in this subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

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Section 13. Subsection (1) of section 948.32, Florida Statutes, is amended to read:

948.32 Requirements of law enforcement agency upon arrest of persons for certain sex offenses.—

(1) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.025(2)(c), s. 787.06(3)(g) or (5), chapter 794, former s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

Section 14. Subsection (2) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

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

(a) Committed or aided in the commission of the crime upon which the claim for compensation was based;

(b) Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking as described in s. 787.06(3)(b), (d), (f), or (g) or (5);

(c) Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the claim for compensation is based;



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

(e) Has been adjudicated guilty of a forcible felony offense as described in s. 776.08, is ineligible for an award.

Section 15. Subsection (4) of section 921.137, Florida Statutes, is amended to read:

921.137 Imposition of the death sentence upon an intellectually disabled defendant prohibited.—

(4) After a defendant who has given notice of his or her intention to raise intellectual disability as a bar to the death sentence is convicted of a capital felony and an advisory jury has returned a recommended sentence of death, the defendant may file a motion to determine whether the defendant is intellectually disabled. Upon receipt of the motion, the court shall appoint two experts in the field of intellectual disabilities who shall evaluate the defendant and report their findings to the court and all interested parties prior to the final sentencing hearing. Notwithstanding s. 921.141, s. 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing hearing shall be held without a jury. At the final sentencing hearing, the court shall consider the findings of the court-appointed experts and consider the findings of any other expert which is offered by the state or the defense on the issue of whether the defendant has an intellectual disability. If the court finds, by clear and convincing evidence, that the defendant has an intellectual disability as defined in subsection (1), the court may not impose a sentence of death and shall enter a written order that sets forth with specificity the

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findings in support of the determination.

Section 16. Subsection (9) of section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(9) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital sexual battery under s. 794.011, capital human trafficking of vulnerable persons for sexual exploitation under s. 787.06(5), or a capital drug trafficking felony under s. 893.135.

Section 17. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 16.713, Florida Statutes, is reenacted to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.—The following persons are ineligible for appointment to the commission:

(c) A person who has been convicted of or found guilty of or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

Section 18. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 39.0139, Florida Statutes, is reenacted to read:

39.0139 Visitation or other contact; restrictions.—

(3) PRESUMPTION OF DETRIMENT.—

(a) A rebuttable presumption of detriment to a child is



created when:

1. A court of competent jurisdiction has found probable cause exists that a parent or caregiver has sexually abused a child as defined in s. 39.01;

2. A parent or caregiver has been found guilty of, regardless of adjudication, or has entered a plea of guilty or nolo contendere to, charges under the following statutes or substantially similar statutes of other jurisdictions:

a. Section 787.04, relating to removing minors from the state or concealing minors contrary to court order;

b. Section 794.011, relating to sexual battery;

c. Section 798.02, relating to lewd and lascivious behavior;

d. Chapter 800, relating to lewdness and indecent exposure;

e. Section 826.04, relating to incest; or

f. Chapter 827, relating to the abuse of children; or

3. A court of competent jurisdiction has determined a parent or caregiver to be a sexual predator as defined in s. 775.21 or a parent or caregiver has received a substantially similar designation under laws of another jurisdiction.

Section 19. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section 39.509, Florida Statutes, is reenacted to read:

39.509 Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of the parent unless the court

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finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing. Any order for visitation or other contact must conform to the provisions of s. 39.0139.

(6) In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the following:

(b) The designation by a court as a sexual predator as defined in s. 775.21 or a substantially similar designation under laws of another jurisdiction.

Section 20. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in references thereto, paragraphs (d) and (n) of subsection (1) of section 39.806, Florida Statutes, are reenacted to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(d) When the parent of a child is incarcerated and either:

1. The period of time for which the parent is expected to be incarcerated will constitute a significant portion of the child's minority. When determining whether the period of time is significant, the court shall consider the child's age and the child's need for a permanent and stable home. The period of time begins on the date that the parent enters into incarceration;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a

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sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this subparagraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; or

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child. When determining harm, the court shall consider the following factors:

a. The age of the child.

b. The relationship between the child and the parent.

c. The nature of the parent's current and past provision for the child's developmental, cognitive, psychological, and physical needs.

d. The parent's history of criminal behavior, which may include the frequency of incarceration and the unavailability of the parent to the child due to incarceration.

e. Any other factor the court deems relevant.

(n) The parent is convicted of an offense that requires the

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parent to register as a sexual predator under s. 775.21.

Section 21. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (c) of subsection (9) of section 61.13, Florida Statutes, is reenacted to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(9)

(c) A court may not order visitation at a recovery residence if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

Section 22. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 63.089, Florida Statutes, is reenacted to read:

63.089 Proceeding to terminate parental rights pending adoption; hearing; grounds; dismissal of petition; judgment.—

(4) FINDING OF ABANDONMENT.—A finding of abandonment resulting in a termination of parental rights must be based upon clear and convincing evidence that a parent or person having legal custody has abandoned the child in accordance with the definition contained in s. 63.032. A finding of abandonment may also be based upon emotional abuse or a refusal to provide reasonable financial support, when able, to a birth mother during her pregnancy or on whether the person alleged to have abandoned the child, while being able, failed to establish contact with the child or accept responsibility for the child’s welfare.

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(b) The child has been abandoned when the parent of a child is incarcerated on or after October 1, 2001, in a federal, state, or county correctional institution and:

1. The period of time for which the parent has been or is expected to be incarcerated will constitute a significant portion of the child's minority. In determining whether the period of time is significant, the court shall consider the child's age and the child's need for a permanent and stable home. The period of time begins on the date that the parent enters into incarceration;

2. The incarcerated parent has been determined by a court of competent jurisdiction to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, convicted of child abuse as defined in s. 827.03, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of a substantially similar offense in another jurisdiction. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this subparagraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; or

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason,

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termination of the parental rights of the incarcerated parent is in the best interests of the child.

Section 23. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (3) of section 63.092, Florida Statutes, is reenacted to read:

63.092 Report to the court of intended placement by an adoption entity; at-risk placement; preliminary study.—

(3) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a child-caring agency registered under s. 409.176, a licensed professional, or an agency described in s. 61.20(2), unless the adoptee is an adult or the petitioner is a stepparent or a relative. If the adoptee is an adult or the petitioner is a stepparent or a relative, a preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, child-caring agency registered under s. 409.176, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed before identification of a prospective adoptive minor. If the identified prospective adoptive minor is in the custody of the department, a preliminary home study must be completed within 30 days after it is initiated. A favorable preliminary home study is valid for 1 year after the date of its completion. Upon its completion, a signed copy of the home study must be provided to

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the intended adoptive parents who were the subject of the home study. A minor may not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(a) An interview with the intended adoptive parents.

(b) Records checks of the department's central abuse registry, which the department shall provide to the entity conducting the preliminary home study, and criminal records correspondence checks under s. 39.0138 through the Department of Law Enforcement on the intended adoptive parents.

(c) An assessment of the physical environment of the home.

(d) A determination of the financial security of the intended adoptive parents.

(e) Documentation of counseling and education of the intended adoptive parents on adoptive parenting, as determined by the entity conducting the preliminary home study. The training specified in s. 409.175(14) shall only be required for persons who adopt children from the department.

(f) Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents.

(g) Documentation that information on support services available in the community has been provided to the intended adoptive parents.

(h) A copy of each signed acknowledgment of receipt of disclosure required by s. 63.085.

If the preliminary home study is favorable, a minor may be



placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the adoption entity may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home. A minor may not be placed in a home in which there resides any person determined by the court to be a sexual predator as defined in s. 775.21 or to have been convicted of an offense listed in s. 63.089(4)(b)2.

Section 24. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in references thereto, paragraph (i) of subsection (3) and subsection (6) of section 68.07, Florida Statutes, are reenacted to read:

68.07 Change of name.—

(3) Each petition shall be verified and show:

(i) Whether the petitioner has ever been required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

(6) The clerk of the court must, within 5 business days after the filing of the final judgment, send a report of the judgment to the Department of Law Enforcement on a form to be furnished by that department. If the petitioner is required to register as a sexual predator or a sexual offender pursuant to



s. 775.21 or s. 943.0435, the clerk of court shall electronically notify the Department of Law Enforcement of the name change, in a manner prescribed by that department, within 2 business days after the filing of the final judgment. The Department of Law Enforcement must send a copy of the report to the Department of Highway Safety and Motor Vehicles, which may be delivered by electronic transmission. The report must contain sufficient information to identify the petitioner, including the results of the criminal history records check if applicable, the new name of the petitioner, and the file number of the judgment. The Department of Highway Safety and Motor Vehicles shall monitor the records of any sexual predator or sexual offender whose name has been provided to it by the Department of Law Enforcement. If the sexual predator or sexual offender does not obtain a replacement driver license or identification card within the required time as specified in s. 775.21 or s. 943.0435, the Department of Highway Safety and Motor Vehicles shall notify the Department of Law Enforcement. The Department of Law Enforcement shall notify applicable law enforcement agencies of the predator’s or offender’s failure to comply with registration requirements. Any information retained by the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles may be revised or supplemented by said departments to reflect changes made by the final judgment. With respect to a person convicted of a felony in another state or of a federal offense, the Department of Law Enforcement must send the report to the respective state’s office of law enforcement records or to the office of the Federal Bureau of Investigation. The Department of Law Enforcement may forward the report to any

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other law enforcement agency it believes may retain information related to the petitioner.

Section 25. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 92.55, Florida Statutes, is reenacted to read:

92.55 Special protections in proceedings involving victim or witness under 18, person with intellectual disability, or sexual offense victim.—

(1) For purposes of this section, the term:

(b) "Sexual offense" means any offense specified in s. 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

Section 26. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (3) of section 322.141, Florida Statutes, is reenacted to read:

322.141 Color or markings of certain licenses or identification cards.—

(3) All licenses for the operation of motor vehicles or identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction, shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking "SEXUAL PREDATOR."



(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking "943.0435, F.S."

Section 27. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (10) of section 397.487, Florida Statutes, is reenacted to read:

397.487 Voluntary certification of recovery residences.—

(10)

(b) A certified recovery residence may not allow a minor child to visit a parent who is a resident of the recovery residence at any time if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

Section 28. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 435.07, Florida Statutes, is reenacted to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)

(b) Disqualification from employment or affiliation under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

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1. Sexual predator as designated pursuant to s. 775.21;

2. Career offender pursuant to s. 775.261; or

3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

Section 29. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 455.213, Florida Statutes, is reenacted to read:

455.213 General licensing provisions.—

(3)

(b)1. A conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the applicable board may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This paragraph does not limit the applicable board from considering an applicant's criminal history that includes a crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession.

2. The applicable board may consider the criminal history of an applicant for licensure under subparagraph (a)3. if such criminal history has been found to relate to good moral character.

Section 30. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (7) of section 489.553, Florida

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Statutes, is reenacted to read:

489.553 Administration of part; registration qualifications; examination.—

(7) Notwithstanding any other law, a conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the department or other applicable authority may not be grounds for denial of registration. For purposes of this subsection, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This subsection does not limit a board from considering an applicant's criminal history that includes any crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession, or any crime if it has been found to relate to good moral character.

Section 31. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (10) of section 507.07, Florida Statutes, is reenacted to read:

507.07 Violations.—It is a violation of this chapter:

(10) For a mover or a moving broker to knowingly refuse or fail to disclose in writing to a customer before a household move that the mover, or an employee or subcontractor of the mover or moving broker, who has access to the dwelling or property of the customer, including access to give a quote for the move, has been convicted of a felony listed in s. 775.21(4)(a)1. or convicted of a similar offense of another jurisdiction, regardless of when such felony offense was

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committed.

Section 32. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (4) of section 775.13, Florida Statutes, is reenacted to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(4) This section does not apply to an offender:

(a) Who has had his or her civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;

(c) Who has been lawfully released from incarceration or other sentence or supervision for a felony conviction for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge or has been convicted of any offense since release from such incarceration or other sentence or supervision;

(d) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation;

(e) Who is a sexual predator and has registered as required under s. 775.21;

(f) Who is a sexual offender and has registered as required in s. 943.0435 or s. 944.607; or

(g) Who is a career offender who has registered as required in s. 775.261 or s. 944.609.



Section 33. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, section 775.25, Florida Statutes, is reenacted to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator or sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender, in the county where the sexual predator or sexual offender was released from incarceration, or in the county of the intended address of the sexual predator or sexual offender as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 34. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (1) of section 794.075, Florida Statutes, is reenacted to read:

794.075 Sexual predators; erectile dysfunction drugs.—

(1) A person may not possess a prescription drug, as defined in s. 499.003(40), for the purpose of treating erectile dysfunction if the person is designated as a sexual predator under s. 775.21.

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Section 35. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (cc) of subsection (2) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

(2) DEFINITIONS.—As used in this section, the term:

(cc) "Sexual offender flag" means an indication that a defendant was required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 943.0435.

Section 36. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 903.0351, Florida Statutes, is reenacted to read:

903.0351 Restrictions on pretrial release pending probation-violation hearing or community-control-violation hearing.—

(1) In the instance of an alleged violation of felony probation or community control, bail or any other form of pretrial release shall not be granted prior to the resolution of the probation-violation hearing or the community-control-violation hearing to:

(c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in s. 948.06(8)(c) on or after the effective date of this act.

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Section 37. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (m) of subsection (2) of section 903.046, Florida Statutes, is reenacted to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(m) Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under chapter 316, is required to register as a sexual offender under s. 943.0435 or a sexual predator under s. 775.21; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 38. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (3) of section 903.133, Florida Statutes, is reenacted to read:

903.133 Bail on appeal; prohibited for certain felony convictions.—Notwithstanding s. 903.132, no person shall be admitted to bail pending review either by posttrial motion or appeal if he or she was adjudged guilty of:

(3) Any other offense requiring sexual offender registration under s. 943.0435(1)(h) or sexual predator registration under s. 775.21(4) when, at the time of the offense, the offender was 18 years of age or older and the victim was a minor.

Section 39. For the purpose of incorporating the amendment

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made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 907.043, Florida Statutes, is reenacted to read:

907.043 Pretrial release; citizens' right to know.—

(4)

(b) The annual report must contain, but need not be limited to:

1. The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.

2. The operating and capital budget of each pretrial release program receiving public funds.

3.a. The percentage of the pretrial release program's total budget representing receipt of public funds.

b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.

c. The amount of fees paid by defendants to the pretrial release program.

4. The number of persons employed by the pretrial release program.

5. The number of defendants assessed and interviewed for pretrial release.

6. The number of defendants recommended for pretrial release.

7. The number of defendants for whom the pretrial release program recommended against nonsecured release.

8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured

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release.

9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.

10. The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.

11. The number of defendants for whom a risk assessment tool was used in determining whether the defendant should be released pending the disposition of the case and the number of defendants for whom a risk assessment tool was not used.

12. The specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program, including, at a minimum, the number of defendants charged with dangerous crimes as defined in s. 907.041; nonviolent felonies; or misdemeanors only. A "nonviolent felony" for purposes of this subparagraph excludes the commission of, an attempt to commit, or a conspiracy to commit any of the following:

a. An offense enumerated in s. 775.084(1)(c);

b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21 or as a sexual offender in accordance with s. 943.0435;

c. Failure to register as a sexual predator in violation of s. 775.21 or as a sexual offender in violation of s. 943.0435;

d. Facilitating or furthering terrorism in violation of s. 775.31;

e. A forcible felony as described in s. 776.08;

f. False imprisonment in violation of s. 787.02;

g. Burglary of a dwelling or residence in violation of s. 810.02(3);

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h. Abuse, aggravated abuse, and neglect of an elderly person or disabled adult in violation of s. 825.102;

i. Abuse, aggravated abuse, and neglect of a child in violation of s. 827.03;

j. Poisoning of food or water in violation of s. 859.01;

k. Abuse of a dead human body in violation of s. 872.06;

l. A capital offense in violation of chapter 893;

m. An offense that results in serious bodily injury or death to another human; or

n. A felony offense in which the defendant used a weapon or firearm in the commission of the offense.

13. The number of defendants accepted into a pretrial release program with no prior criminal conviction.

14. The name and case number of each person granted nonsecured release who:

a. Failed to attend a scheduled court appearance.

b. Was issued a warrant for failing to appear.

c. Was arrested for any offense while on release through the pretrial release program.

15. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

Section 40. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (1) of section 938.10, Florida Statutes, is reenacted to read:

938.10 Additional court cost imposed in cases of certain crimes.—

(1) If a person pleads guilty or nolo contendere to, or is

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found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s. 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s. 893.147(3), or s. 985.701, or any offense in violation of s. 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the court shall impose a court cost of $151 against the offender in addition to any other cost or penalty required by law.

Section 41. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (5) of section 943.0435, Florida Statutes, is reenacted to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

Section 42. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:



(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;

(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);

(g) Aggravated assault, as defined in s. 784.021;

(h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in ss. 784.03, 784.041, and 784.045, respectively;

(i) Stalking or aggravated stalking, as defined in s. 784.048;

(j) Luring or enticing a child, as defined in s. 787.025;

(k) Human trafficking, as defined in s. 787.06;

(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

(m) Any offense defined in chapter 794;

(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;

(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;

(p) Arson, as defined in s. 806.01;

(q) Burglary of a dwelling, as defined in s. 810.02;



(r) Voyeurism or digital voyeurism, as defined in ss. 810.14 and 810.145, respectively;

(s) Robbery or robbery by sudden snatching, as defined in ss. 812.13 and 812.131, respectively;

(t) Carjacking, as defined in s. 812.133;

(u) Home-invasion robbery, as defined in s. 812.135;

(v) A violation of the Florida Communications Fraud Act, as provided in s. 817.034;

(w) Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102;

(x) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person, as defined in s. 825.1025;

(y) Child abuse or aggravated child abuse, as defined in s. 827.03;

(z) Sexual performance by a child, as defined in s. 827.071;

(aa) Any offense defined in chapter 839;

(bb) Certain acts in connection with obscenity, as defined in s. 847.0133;

(cc) Any offense defined in s. 847.0135;

(dd) Selling or buying of minors, as defined in s. 847.0145;

(ee) Aircraft piracy, as defined in s. 860.16;

(ff) Manufacturing a controlled substance in violation of chapter 893;

(gg) Drug trafficking, as defined in s. 893.135; or

(hh) Any violation specified as a predicate offense for

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registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

Section 43. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (4) of section 944.609, Florida Statutes, is reenacted to read:

944.609 Career offenders; notification upon release.—

(4) The department or any law enforcement agency may notify the community and the public of a career offender's presence in the community. However, with respect to a career offender who has been found to be a sexual predator under s. 775.21, the Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the career offender's presence in the community, as provided in s. 775.21.

Section 44. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in references thereto, paragraph (c) of subsection (2) and subsection (10) of section 947.1405, Florida Statutes, are reenacted to read:

947.1405 Conditional release program.—

(2) Any inmate who:

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject

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to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such



supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(10) Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee’s supervision.

Section 45. For the purpose of incorporating the amendment

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made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 948.013, Florida Statutes, is reenacted to read:

948.013 Administrative probation.—

(2)

(b) Effective for an offense committed on or after October 1, 2017, a person is ineligible for placement on administrative probation if the person is sentenced to or is serving a term of probation or community control, regardless of the conviction or adjudication, for committing, or attempting, conspiring, or soliciting to commit, any of the felony offenses described in s. 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

Section 46. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (f) of subsection (2) of section 948.05, Florida Statutes, is reenacted to read:

948.05 Court to admonish or commend probationer or offender in community control; graduated incentives.—

(2) The department shall implement a system of graduated incentives to promote compliance with the terms of supervision, encourage educational achievement and stable employment, and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism.

(f) A probationer or offender in community control who is placed under supervision for committing or attempting, soliciting, or conspiring to commit a violation of any felony offense described in s. 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a., or who qualifies as a violent felony offender of special concern under s. 948.06(8)(b) is not



eligible for any reduction of his or her term of supervision under this section.

Section 47. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in references thereto, subsection (4) and paragraphs (b) and (d) of subsection (8) of section 948.06, Florida Statutes, are reenacted to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is

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not a danger to the public prior to release with or without bail. In determining the danger posed by the offender's or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender's or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender's or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community



control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to bail, but shall be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

(a) A violent felony offender of special concern, as defined in this section;

(b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or

(c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.

(8)

(b) For purposes of this section and ss. 903.0351, 948.064, and 921.0024, the term "violent felony offender of special concern" means a person who is on:

1. Felony probation or community control related to the commission of a qualifying offense committed on or after the effective date of this act;

2. Felony probation or community control for any offense committed on or after the effective date of this act, and has



previously been convicted of a qualifying offense;

3. Felony probation or community control for any offense committed on or after the effective date of this act, and is found to have violated that probation or community control by committing a qualifying offense;

4. Felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b) and has committed a qualifying offense on or after the effective date of this act;

5. Felony probation or community control and has previously been found by a court to be a three-time violent felony offender as defined in s. 775.084(1)(c) and has committed a qualifying offense on or after the effective date of this act; or

6. Felony probation or community control and has previously been found by a court to be a sexual predator under s. 775.21 and has committed a qualifying offense on or after the effective date of this act.

(d) In the case of an alleged violation of probation or community control other than a failure to pay costs, fines, or restitution, the following individuals shall remain in custody pending the resolution of the probation or community control violation:

1. A violent felony offender of special concern, as defined in this section;

2. A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or

3. A person who is on felony probation or community control



and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.

The court shall not dismiss the probation or community control violation warrant pending against an offender enumerated in this paragraph without holding a recorded violation-of-probation hearing at which both the state and the offender are represented.

Section 48. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, section 948.063, Florida Statutes, is reenacted to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—

(1) If probation or community control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

(2) If the probationer or offender is required to register



as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the probationer or offender is 18 years of age or older and has violated the conditions of his or her probation or community control, but the court does not revoke the probation or community control, the court shall nevertheless modify the probation or community control to include electronic monitoring for any probationer or offender not then subject to electronic monitoring.

Section 49. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (4) of section 948.064, Florida Statutes, is reenacted to read:

948.064 Notification of status as a violent felony offender of special concern.—

(4) The state attorney, or the statewide prosecutor if applicable, shall advise the court at each critical stage in the judicial process, at which the state attorney or statewide prosecutor is represented, whether an alleged or convicted offender is a violent felony offender of special concern; a person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense; or a person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying



offense on or after the effective date of this act.

Section 50. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, section 948.12, Florida Statutes, is reenacted to read:

948.12 Intensive supervision for postprison release of violent offenders.—It is the finding of the Legislature that the population of violent offenders released from state prison into the community poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, for the purpose of enhanced public safety, any offender released from state prison who:

(1) Was most recently incarcerated for an offense that is or was contained in category 1 (murder, manslaughter), category 2 (sexual offenses), category 3 (robbery), or category 4 (violent personal crimes) of Rules 3.701 and 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(2) Was sentenced as a habitual offender, violent habitual offender, or violent career criminal pursuant to s. 775.084; or

(3) Has been found to be a sexual predator pursuant to s. 775.21,

and who has a term of probation to follow the period of incarceration shall be provided intensive supervision by experienced correctional probation officers. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 offenders per officer to provide for enhanced



public safety as well as to effectively monitor conditions of electronic monitoring or curfews, if such was ordered by the court.

Section 51. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (3) of section 948.30, Florida Statutes, is reenacted to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(3) Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:

(a) Is placed on probation or community control for a violation of chapter 794; s. 800.04(4), (5), or (6); s. 827.071; or s. 847.0145, or is placed on probation or community control on or after July 1, 2023, for attempting, soliciting, or conspiring to commit a violation of chapter 794; s. 800.04(4), (5), or (6); s. 827.071; or s. 847.0145, and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) Is designated a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794; s. 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age

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or younger and the offender is 18 years of age or older,

the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

Section 52. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, section 948.31, Florida Statutes, is reenacted to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—The court may require any probationer or community controllee who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such probationer or community controllee needs sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and recommends treatment, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I).

Section 53. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section

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985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(6)

(b) Sexual offender and predator registration information as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815 is a public record pursuant to s. 119.07(1) and as otherwise provided by law.

Section 54. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in references thereto, paragraph (c) of subsection (2) and paragraph (c) of subsection (9) of section 61.13, Florida Statutes, are reenacted to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(2)

(c) The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, except that modification of a parenting plan and time-sharing schedule requires a showing of a substantial and material change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child



is in the best interests of the minor child. To rebut this presumption, a party must prove by a preponderance of the evidence that equal time-sharing is not in the best interests of the minor child. Except when a time-sharing schedule is agreed to by the parties and approved by the court, the court must evaluate all of the factors set forth in subsection (3) and make specific written findings of fact when creating or modifying a time-sharing schedule.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. In determining detriment to the child, the court shall consider:

a. Evidence of domestic violence, as defined in s. 741.28;

b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1)(c) by the other parent against the parent or against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court;

c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect, as those terms are defined in s. 39.01, by the other parent against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; and

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d. Any other relevant factors.

3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental to the child:

a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775;

b. A parent meets the criteria of s. 39.806(1)(d); or

c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

(I) The parent was 18 years of age or older.

(II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.



4. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.

5. The court shall order sole parental responsibility for a minor child to one parent, with or without time-sharing with the other parent if it is in the best interests of the minor child.

6. There is a rebuttable presumption against granting time-sharing with a minor child if a parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

a. The parent was 18 years of age or older.

b. The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

A parent may rebut the presumption upon a specific finding in writing by the court that the parent poses no significant risk of harm to the child and that time-sharing is in the best interests of the minor child. If the presumption is rebutted, the court must consider all time-sharing factors in subsection (3) when developing a time-sharing schedule.

7. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either parent. Full rights under this subparagraph apply to either parent unless a court



order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

(9)

(c) A court may not order visitation at a recovery residence if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

Section 55. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in references thereto, paragraph (i) of subsection (3) and subsection (6) of section 68.07, Florida Statutes, are reenacted to read:

68.07 Change of name.—

(3) Each petition shall be verified and show:

(i) Whether the petitioner has ever been required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

(6) The clerk of the court must, within 5 business days after the filing of the final judgment, send a report of the judgment to the Department of Law Enforcement on a form to be furnished by that department. If the petitioner is required to register as a sexual predator or a sexual offender pursuant to s. 775.21 or s. 943.0435, the clerk of court shall electronically notify the Department of Law Enforcement of the



name change, in a manner prescribed by that department, within 2 business days after the filing of the final judgment. The Department of Law Enforcement must send a copy of the report to the Department of Highway Safety and Motor Vehicles, which may be delivered by electronic transmission. The report must contain sufficient information to identify the petitioner, including the results of the criminal history records check if applicable, the new name of the petitioner, and the file number of the judgment. The Department of Highway Safety and Motor Vehicles shall monitor the records of any sexual predator or sexual offender whose name has been provided to it by the Department of Law Enforcement. If the sexual predator or sexual offender does not obtain a replacement driver license or identification card within the required time as specified in s. 775.21 or s. 943.0435, the Department of Highway Safety and Motor Vehicles shall notify the Department of Law Enforcement. The Department of Law Enforcement shall notify applicable law enforcement agencies of the predator’s or offender’s failure to comply with registration requirements. Any information retained by the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles may be revised or supplemented by said departments to reflect changes made by the final judgment. With respect to a person convicted of a felony in another state or of a federal offense, the Department of Law Enforcement must send the report to the respective state’s office of law enforcement records or to the office of the Federal Bureau of Investigation. The Department of Law Enforcement may forward the report to any other law enforcement agency it believes may retain information related to the petitioner.

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Section 56. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 92.55, Florida Statutes, is reenacted to read:

92.55 Special protections in proceedings involving victim or witness under 18, person with intellectual disability, or sexual offense victim.—

(1) For purposes of this section, the term:

(b) "Sexual offense" means any offense specified in s. 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

Section 57. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 98.0751, Florida Statutes, is reenacted to read:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(2) For purposes of this section, the term:

(b) "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112;

3. Section 784.049(3)(b);

4. Section 794.08;

5. Section 796.08;

6. Section 800.101;

7. Section 826.04;

8. Section 847.012;

9. Section 872.06(2);

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10. Section 944.35(3)(b)2.;

11. Section 951.221(1); or

12. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

Section 58. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (3) of section 322.141, Florida Statutes, is reenacted to read:

322.141 Color or markings of certain licenses or identification cards.—

(3) All licenses for the operation of motor vehicles or identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction, shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking “SEXUAL PREDATOR.”

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking “943.0435, F.S.”

Section 59. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 394.9125, Florida

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Statutes, is reenacted to read:

394.9125 State attorney; authority to refer a person for civil commitment.—

(2) A state attorney may refer a person to the department for civil commitment proceedings if the person:

(a) Is required to register as a sexual offender pursuant to s. 943.0435;

(b) Has previously been convicted of a sexually violent offense as defined in s. 394.912(9)(a)-(h); and

(c) Has been sentenced to a term of imprisonment in a county or municipal jail for any criminal offense.

Section 60. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 435.07, Florida Statutes, is reenacted to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)

(b) Disqualification from employment or affiliation under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;

2. Career offender pursuant to s. 775.261; or

3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed



pursuant to s. 943.04354.

Section 61. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 775.0862, Florida Statutes, is reenacted to read:

775.0862 Sexual offenses against students by authority figures; reclassification.—

(2) The felony degree of a violation of an offense listed in s. 943.0435(1)(h)1.a., unless the offense is a violation of s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified as provided in this section if the offense is committed by an authority figure of a school against a student of the school.

Section 62. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (4) of section 775.13, Florida Statutes, is reenacted to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(4) This section does not apply to an offender:

(a) Who has had his or her civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;

(c) Who has been lawfully released from incarceration or other sentence or supervision for a felony conviction for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge or has been convicted of any offense since release from such incarceration or other sentence or supervision;

(d) Who is a parolee or probationer under the supervision



of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation;

(e) Who is a sexual predator and has registered as required under s. 775.21;

(f) Who is a sexual offender and has registered as required in s. 943.0435 or s. 944.607; or

(g) Who is a career offender who has registered as required in s. 775.261 or s. 944.609.

Section 63. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 775.24, Florida Statutes, is reenacted to read:

775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(2) If a person meets the criteria in this chapter for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of



public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 64. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, section 775.25, Florida Statutes, is reenacted to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator or sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender, in the county where the sexual predator or sexual offender was released from incarceration, or in the county of the intended address of the sexual predator or sexual offender as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 65. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (cc) of subsection (2) of section



900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

(2) DEFINITIONS.—As used in this section, the term:

(cc) "Sexual offender flag" means an indication that a defendant was required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 943.0435.

Section 66. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (m) of subsection (2) of section 903.046, Florida Statutes, is reenacted to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(m) Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under chapter 316, is required to register as a sexual offender under s. 943.0435 or a sexual predator under s. 775.21; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 67. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, section 903.133, Florida Statutes, is reenacted to read:

903.133 Bail on appeal; prohibited for certain felony convictions.—Notwithstanding s. 903.132, no person shall be admitted to bail pending review either by posttrial motion or

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appeal if he or she was adjudged guilty of:

(1) A felony of the first degree for a violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 893.13, or s. 893.135;

(2) A violation of s. 794.011(2) or (3); or

(3) Any other offense requiring sexual offender registration under s. 943.0435(1)(h) or sexual predator registration under s. 775.21(4) when, at the time of the offense, the offender was 18 years of age or older and the victim was a minor.

Section 68. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 907.043, Florida Statutes, is reenacted to read:

907.043 Pretrial release; citizens' right to know.—

(4)

(b) The annual report must contain, but need not be limited to:

1. The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.

2. The operating and capital budget of each pretrial release program receiving public funds.

3.a. The percentage of the pretrial release program's total budget representing receipt of public funds.

b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.

c. The amount of fees paid by defendants to the pretrial



release program.

4. The number of persons employed by the pretrial release program.

5. The number of defendants assessed and interviewed for pretrial release.

6. The number of defendants recommended for pretrial release.

7. The number of defendants for whom the pretrial release program recommended against nonsecured release.

8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.

9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.

10. The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.

11. The number of defendants for whom a risk assessment tool was used in determining whether the defendant should be released pending the disposition of the case and the number of defendants for whom a risk assessment tool was not used.

12. The specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program, including, at a minimum, the number of defendants charged with dangerous crimes as defined in s. 907.041; nonviolent felonies; or misdemeanors only. A "nonviolent felony" for purposes of this subparagraph excludes the commission of, an attempt to commit, or a conspiracy to commit any of the following:

a. An offense enumerated in s. 775.084(1)(c);

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b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21 or as a sexual offender in accordance with s. 943.0435;

c. Failure to register as a sexual predator in violation of s. 775.21 or as a sexual offender in violation of s. 943.0435;

d. Facilitating or furthering terrorism in violation of s. 775.31;

e. A forcible felony as described in s. 776.08;

f. False imprisonment in violation of s. 787.02;

g. Burglary of a dwelling or residence in violation of s. 810.02(3);

h. Abuse, aggravated abuse, and neglect of an elderly person or disabled adult in violation of s. 825.102;

i. Abuse, aggravated abuse, and neglect of a child in violation of s. 827.03;

j. Poisoning of food or water in violation of s. 859.01;

k. Abuse of a dead human body in violation of s. 872.06;

l. A capital offense in violation of chapter 893;

m. An offense that results in serious bodily injury or death to another human; or

n. A felony offense in which the defendant used a weapon or firearm in the commission of the offense.

13. The number of defendants accepted into a pretrial release program with no prior criminal conviction.

14. The name and case number of each person granted nonsecured release who:

a. Failed to attend a scheduled court appearance.

b. Was issued a warrant for failing to appear.

c. Was arrested for any offense while on release through

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the pretrial release program.

15. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

Section 69. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 934.255, Florida Statutes, is reenacted to read:

934.255 Subpoenas in investigations of sexual offenses.—

(2) An investigative or law enforcement officer who is conducting an investigation into:

(a) Allegations of the sexual abuse of a child or an individual's suspected commission of a crime listed in s. 943.0435(1)(h)1.a.(I) may use a subpoena to compel the production of records, documents, or other tangible objects and the testimony of the subpoena recipient concerning the production and authenticity of such records, documents, or objects, except as provided in paragraphs (b) and (c).

A subpoena issued under this subsection must describe the records, documents, or other tangible objects required to be produced, and must prescribe a date by which such records, documents, or other tangible objects must be produced.

Section 70. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (1) of section 938.10, Florida Statutes, is reenacted to read:

938.10 Additional court cost imposed in cases of certain crimes.—

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(1) If a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s. 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s. 893.147(3), or s. 985.701, or any offense in violation of s. 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the court shall impose a court cost of $151 against the offender in addition to any other cost or penalty required by law.

Section 71. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 943.0436, Florida Statutes, is reenacted to read:

943.0436 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(2) If a person meets the criteria in chapter 775 for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

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(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 72. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:

(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;

(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);

(g) Aggravated assault, as defined in s. 784.021;

(h) Felony battery, domestic battery by strangulation, or



aggravated battery, as defined in ss. 784.03, 784.041, and 784.045, respectively;

(i) Stalking or aggravated stalking, as defined in s. 784.048;

(j) Luring or enticing a child, as defined in s. 787.025;

(k) Human trafficking, as defined in s. 787.06;

(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

(m) Any offense defined in chapter 794;

(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;

(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;

(p) Arson, as defined in s. 806.01;

(q) Burglary of a dwelling, as defined in s. 810.02;

(r) Voyeurism or digital voyeurism, as defined in ss. 810.14 and 810.145, respectively;

(s) Robbery or robbery by sudden snatching, as defined in ss. 812.13 and 812.131, respectively;

(t) Carjacking, as defined in s. 812.133;

(u) Home-invasion robbery, as defined in s. 812.135;

(v) A violation of the Florida Communications Fraud Act, as provided in s. 817.034;

(w) Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102;

(x) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person, as defined in

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s. 825.1025;

(y) Child abuse or aggravated child abuse, as defined in s. 827.03;

(z) Sexual performance by a child, as defined in s. 827.071;

(aa) Any offense defined in chapter 839;

(bb) Certain acts in connection with obscenity, as defined in s. 847.0133;

(cc) Any offense defined in s. 847.0135;

(dd) Selling or buying of minors, as defined in s. 847.0145;

(ee) Aircraft piracy, as defined in s. 860.16;

(ff) Manufacturing a controlled substance in violation of chapter 893;

(gg) Drug trafficking, as defined in s. 893.135; or

(hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

Section 73. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 943.0595, Florida Statutes, is reenacted to read:

943.0595 Automatic sealing of criminal history records; confidentiality of related court records.—

(2) ELIGIBILITY.—

(a) The department shall automatically seal a criminal history record that does not result from an indictment,



information, or other charging document for a forcible felony as defined in s. 776.08 or for an offense enumerated in s. 943.0435(1)(h)1.a.(I), if:

1. An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.

2. An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction as to all counts. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to s. 916.145 or s. 985.19.

3. A not guilty verdict was rendered by a judge or jury as to all counts. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.

4. A judgment of acquittal was rendered by a judge as to all counts.

Section 74. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (12) of section 947.1405, Florida Statutes, is reenacted to read:

947.1405 Conditional release program.—

(12) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in

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s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from the releasee's supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee's child or grandchild at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume without prior approval from the commission.

Section 75. For the purpose of incorporating the amendment



made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 948.013, Florida Statutes, is reenacted to read:

948.013 Administrative probation.—

(2)

(b) Effective for an offense committed on or after October 1, 2017, a person is ineligible for placement on administrative probation if the person is sentenced to or is serving a term of probation or community control, regardless of the conviction or adjudication, for committing, or attempting, conspiring, or soliciting to commit, any of the felony offenses described in s. 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

Section 76. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (f) of subsection (2) of section 948.05, Florida Statutes, is reenacted to read:

948.05 Court to admonish or commend probationer or offender in community control; graduated incentives.—

(2) The department shall implement a system of graduated incentives to promote compliance with the terms of supervision, encourage educational achievement and stable employment, and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism.

(f) A probationer or offender in community control who is placed under supervision for committing or attempting, soliciting, or conspiring to commit a violation of any felony offense described in s. 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a., or who qualifies as a violent felony offender of special concern under s. 948.06(8)(b) is not



eligible for any reduction of his or her term of supervision under this section.

Section 77. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (4) of section 948.06, Florida Statutes, is reenacted to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without



bail. In determining the danger posed by the offender's or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender's or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender's or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section. However, the probationer or



offender shall not be released and shall not be admitted to bail, but shall be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

(a) A violent felony offender of special concern, as defined in this section;

(b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or

(c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.

Section 78. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, section 948.063, Florida Statutes, is reenacted to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—

(1) If probation or community control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s.



775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

(2) If the probationer or offender is required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the probationer or offender is 18 years of age or older and has violated the conditions of his or her probation or community control, but the court does not revoke the probation or community control, the court shall nevertheless modify the probation or community control to include electronic monitoring for any probationer or offender not then subject to electronic monitoring.

Section 79. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (4) of section 948.30, Florida Statutes, is reenacted to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to



supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's

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parties; or wearing a clown costume; without prior approval from the court.

Section 80. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, section 948.31, Florida Statutes, is reenacted to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—The court may require any probationer or community controllee who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such probationer or community controllee needs sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and recommends treatment, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I).

Section 81. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section 985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(6)



(b) Sexual offender and predator registration information as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815 is a public record pursuant to s. 119.07(1) and as otherwise provided by law.

Section 82. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 1012.467, Florida Statutes, is reenacted to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(2)

(b) A noninstructional contractor for whom a criminal history check is required under this section may not have been convicted of any of the following offenses designated in the Florida Statutes, any similar offense in another jurisdiction, or any similar offense committed in this state which has been redesignated from a former provision of the Florida Statutes to one of the following offenses:

1. Any offense listed in s. 943.0435(1)(h)1., relating to the registration of an individual as a sexual offender.

2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.

3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

4. Section 775.30, relating to terrorism.

5. Section 782.04, relating to murder.



6. Section 787.01, relating to kidnapping.

7. Any offense under chapter 800, relating to lewdness and indecent exposure.

8. Section 826.04, relating to incest.

9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

Section 83. For the purpose of incorporating the amendment made by this act to section 944.606, Florida Statutes, in a reference thereto, subsection (2) of section 775.24, Florida Statutes, is reenacted to read:

775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(2) If a person meets the criteria in this chapter for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual



offenders.

Section 84. For the purpose of incorporating the amendment made by this act to section 944.606, Florida Statutes, in a reference thereto, section 775.25, Florida Statutes, is reenacted to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator or sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender, in the county where the sexual predator or sexual offender was released from incarceration, or in the county of the intended address of the sexual predator or sexual offender as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 85. For the purpose of incorporating the amendment made by this act to section 944.606, Florida Statutes, in a reference thereto, subsection (2) of section 943.0436, Florida Statutes, is reenacted to read:

943.0436 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(2) If a person meets the criteria in chapter 775 for designation as a sexual predator or meets the criteria in s.



943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 86. For the purpose of incorporating the amendment made by this act to section 944.606, Florida Statutes, in a reference thereto, section 948.31, Florida Statutes, is reenacted to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—The court may require any probationer or community controllee who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such probationer or community controllee needs sexual offender treatment. If the qualified practitioner determines that sexual



offender treatment is needed and recommends treatment, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I).

Section 87. For the purpose of incorporating the amendment made by this act to section 944.606, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section 985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(6)

(b) Sexual offender and predator registration information as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815 is a public record pursuant to s. 119.07(1) and as otherwise provided by law.

Section 88. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (3) of section 322.141, Florida Statutes, is reenacted to read:

322.141 Color or markings of certain licenses or identification cards.—

(3) All licenses for the operation of motor vehicles or identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar



designation or are subject to a similar registration under the laws of another jurisdiction, shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking "SEXUAL PREDATOR."

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking "943.0435, F.S."

Section 89. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (4) of section 775.13, Florida Statutes, is reenacted to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(4) This section does not apply to an offender:

(a) Who has had his or her civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;

(c) Who has been lawfully released from incarceration or other sentence or supervision for a felony conviction for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge or has been convicted of any offense since release from such incarceration or other sentence or supervision;

(d) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is



a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation;

(e) Who is a sexual predator and has registered as required under s. 775.21;

(f) Who is a sexual offender and has registered as required in s. 943.0435 or s. 944.607; or

(g) Who is a career offender who has registered as required in s. 775.261 or s. 944.609.

Section 90. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (2) of section 775.24, Florida Statutes, is reenacted to read:

775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(2) If a person meets the criteria in this chapter for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or



(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 91. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, section 775.25, Florida Statutes, is reenacted to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator or sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender, in the county where the sexual predator or sexual offender was released from incarceration, or in the county of the intended address of the sexual predator or sexual offender as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 92. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (2) of section 943.0436, Florida Statutes, is reenacted to read:

943.0436 Duty of the court to uphold laws governing sexual



predators and sexual offenders.—

(2) If a person meets the criteria in chapter 775 for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 93. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (4) of section 948.06, Florida Statutes, is reenacted to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control



in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender's or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender's or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender's or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous



supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to bail, but shall be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

(a) A violent felony offender of special concern, as defined in this section;

(b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or



(c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.

Section 94. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, section 948.063, Florida Statutes, is reenacted to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—

(1) If probation or community control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

(2) If the probationer or offender is required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the probationer or offender is 18 years of age or older and has violated the conditions of his or her probation or community



control, but the court does not revoke the probation or community control, the court shall nevertheless modify the probation or community control to include electronic monitoring for any probationer or offender not then subject to electronic monitoring.

Section 95. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, section 948.31, Florida Statutes, is reenacted to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—The court may require any probationer or community controllee who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such probationer or community controllee needs sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and recommends treatment, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I).

Section 96. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section

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985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(6)

(b) Sexual offender and predator registration information as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815 is a public record pursuant to s. 119.07(1) and as otherwise provided by law.

Section 97. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to capital human trafficking of vulnerable persons for sexual exploitation; amending s. 92.565, F.S.; specifying that a defendant's memorialized confession or admission in cases of capital human trafficking of vulnerable persons for sexual exploitation is admissible during trial under specified circumstances; amending s. 456.51, F.S.; specifying that consent is not required for pelvic examinations administered pursuant to a criminal investigation of an alleged violation of capital human trafficking of vulnerable persons for sexual exploitation; amending s. 775.0877, F.S.; requiring a court to order a person who is convicted of or who had pled nolo contendere or guilty to, or to the attempt thereof, capital human trafficking of vulnerable

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persons for sexual exploitation to undergo HIV testing; amending s. 775.21, F.S.; requiring that an offender who is convicted of committing capital human trafficking of vulnerable persons for sexual exploitation be designated as a sexual predator; amending s. 787.01, F.S.; specifying that a person commits a life felony if the person kidnaps a child under a certain age and in the course of committing that offense commits capital human trafficking of vulnerable persons for sexual exploitation; amending s. 787.02, F.S.; specifying that a person commits a felony of the first degree if the person falsely imprisons a child under a certain age and in the course of committing that offense commits capital human trafficking of vulnerable persons for sexual exploitation; amending s. 787.06, F.S.; defining the term "sexual exploitation"; prohibiting a person 18 years of age or older from knowingly initiating, organizing, planning, financing, directing, managing, or supervising a venture that has subjected a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, to human trafficking for sexual exploitation; providing a criminal penalty; requiring the state to give a specified notice if it intends to seek the death penalty for a violation of the offense; creating s. 921.1427, F.S.; providing legislative findings and intent; providing for separate death penalty proceedings in certain cases; providing for findings



and recommended sentences by a jury; providing for imposition of sentence of life imprisonment or death; providing requirements for a court order in support of a life imprisonment or death sentence; providing for automatic review of sentences of death within a certain time period; specifying aggravating factors and mitigating circumstances; providing for victim impact evidence; providing for resentencing if provisions are found to be unconstitutional; providing applicability; amending s. 924.07, F.S.; authorizing the state to appeal from a certain sentence on the ground that it resulted from the failure of the circuit court to comply with specified sentencing procedure requirements; amending ss. 943.0435, 944.606, and 944.607, F.S.; revising the definition of the term "sexual offender"; amending s. 948.32, F.S.; requiring state or local law enforcement agencies to contact the Department of Corrections if they investigate or arrest a person for committing, or attempting, soliciting, or conspiring to commit, capital human trafficking of vulnerable persons for sexual exploitation; amending s. 960.065, F.S.; revising eligibility for awards for victims assistance; amending ss. 921.137 and 921.141, F.S.; conforming provisions to changes made by the act; reenacting s. 16.713(1)(c), F.S., relating to the Florida Gaming Control Commission, appointment and employment restrictions, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto;



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reenacting s. 39.0139(3)(a), F.S., relating to visitation or other contact and restrictions, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 39.509(6)(b), F.S., relating to grandparents rights, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 39.806(1)(d) and (n), F.S., relating to grounds for termination of parental rights, to incorporate the amendment made to s. 775.21, F.S., in references thereto; reenacting s. 61.13(9)(c), F.S., relating to support of children, parenting and time-sharing, and powers of the court, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 63.089(4)(b), F.S., relating to proceeding to terminate parental rights pending adoption, hearing, grounds, dismissal of petition, and judgment, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 63.092(3), F.S., relating to report to the court of intended placement by an adoption entity, at-risk placement, and preliminary study, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 68.07(3)(i) and (6), F.S., relating to change of name, to incorporate the amendment made to s. 775.21, F.S., in references thereto; reenacting s. 92.55(1)(b), F.S., relating to special protections in proceedings involving a victim or witness under 18, person with intellectual disability, or sexual offense victim, to

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incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 322.141(3), F.S., relating to color or markings of certain licenses or identification cards, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 397.487(10)(b), F.S., relating to voluntary certification of recovery residences, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 435.07(4)(b), F.S., relating to exemptions from disqualification, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 455.213(3)(b), F.S., relating to general licensing provisions, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 489.553(7), F.S., relating to administration of part, registration qualifications, and examination, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 507.07(10), F.S., relating to violations, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 775.13(4), F.S., relating to registration of convicted felons, exemptions, and penalties, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 775.25, F.S., relating to prosecutions for acts or omissions, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 794.075(1), F.S., relating to sexual predators and erectile dysfunction drugs, to

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incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 900.05(2)(cc), F.S., relating to criminal justice data collection, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 903.0351(1)(c), F.S., relating to restrictions on pretrial release pending probation-violation hearing or community-control-violation hearing, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 903.046(2)(m), F.S., relating to purpose of and criteria for bail determination, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 903.133(3), F.S., relating to bail on appeal prohibited for certain felony convictions, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 907.043(4)(b), F.S., relating to pretrial release and citizens' right to know, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 938.10(1), F.S., relating to additional court cost imposed in cases of certain crimes, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 943.0435(5), F.S., relating to sexual offenders required to register with the department and penalties, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 943.0584(2), F.S., relating to criminal history records ineligible for court-ordered expunction or

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court-ordered sealing, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 944.609(4), F.S., relating to career offenders and notification upon release, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 947.1405(2)(c) and (10), F.S., relating to conditional release program, to incorporate the amendment made to s. 775.21, F.S., in references thereto; reenacting s. 948.013(2)(b), F.S., relating to administrative probation, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 948.05(2)(f), F.S., relating to court to admonish or commend probationer or offender in community control and graduated incentives, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 948.06(4) and (8)(b) and (d), F.S., relating to violation of probation or community control, revocation, modification, continuance, and failure to pay restitution or cost of supervision, to incorporate the amendment made to s. 775.21, F.S., in references thereto; reenacting s. 948.063, F.S., relating to violations of probation or community control by designated sexual offenders and sexual predators, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 948.064(4), F.S., relating to notification of status as a violent felony offender of special concern, to incorporate the amendment made to s. 775.21, F.S., in a reference



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thereto; reenacting s. 948.12, F.S., relating to intensive supervision for postprison release of violent offenders, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 948.30(3), F.S., relating to additional terms and conditions of probation or community control for certain sex offenses, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 948.31, F.S., relating to evaluation and treatment of sexual predators and offenders on probation or community control, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 985.04(6)(b), F.S., relating to oaths, records, and confidential information, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 61.13(2)(c) and (9)(c), F.S., relating to support of children, parenting and time-sharing, and powers of the court, to incorporate the amendment made to s. 943.0435, F.S., in references thereto; reenacting s. 68.07(3)(i) and (6), F.S., relating to change of name, to incorporate the amendment made to s. 943.0435, F.S., in references thereto; reenacting s. 92.55(1)(b), F.S., relating to special protections in proceedings involving a victim or witness under 18, person with intellectual disability, or sexual offense victim, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 98.0751(2)(b), F.S., relating to restoration of voting rights and

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termination of ineligibility subsequent to a felony conviction, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 322.141(3), F.S., relating to color or markings of certain licenses or identification cards, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 394.9125(2), F.S., relating to state attorney authority to refer a person for civil commitment, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 435.07(4)(b), F.S., relating to exemptions from disqualification, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 775.0862(2), F.S., relating to sexual offenses against students by authority figures and reclassification, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 775.13(4), F.S., relating to registration of convicted felons, exemptions, and penalties, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 775.24(2), F.S., relating to the duty of the court to uphold laws governing sexual predators and sexual offenders, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 775.25, F.S., relating to prosecutions for acts or omissions, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 900.05(2)(cc), F.S., relating to criminal justice data

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collection, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 903.046(2)(m), F.S., relating to purpose of and criteria for bail determination, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 903.133, F.S., relating to bail on appeal prohibited for certain felony convictions, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 907.043(4)(b), F.S., relating to pretrial release and citizens' right to know, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 934.255(2)(a), F.S., relating to subpoenas in investigations of sexual offenses, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 938.10(1), F.S., relating to additional court cost imposed in cases of certain crimes, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 943.0436(2), F.S., relating to the duty of the court to uphold laws governing sexual predators and sexual offenders, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 943.0584(2), F.S., relating to criminal history records ineligible for court-ordered expunction or court-ordered sealing, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 943.0595(2)(a), F.S., relating to automatic sealing of criminal history records and



confidentiality of related court records, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 947.1405(12), F.S., relating to the conditional release program, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 948.013(2)(b), F.S., relating to administrative probation, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 948.05(2)(f), F.S., relating to court to admonish or commend probationer or offender in community control and graduated incentives, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 948.06(4), F.S., relating to violation of probation or community control, revocation, modification, continuance, and failure to pay restitution or cost of supervision, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 948.063, F.S., relating to violations of probation or community control by designated sexual offenders and sexual predators, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 948.30(4), F.S., relating to additional terms and conditions of probation or community control for certain sex offenses, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 948.31, F.S., relating to evaluation and treatment of sexual predators and offenders on probation or

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community control, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 985.04(6)(b), F.S., relating to oaths, records, and confidential information, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 1012.467(2)(b), F.S., relating to noninstructional contractors who are permitted access to school grounds when students are present and background screening requirements, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting s. 775.24(2), F.S., relating to the duty of the court to uphold laws governing sexual predators and sexual offenders, to incorporate the amendment made to s. 944.606, F.S., in a reference thereto; reenacting s. 775.25, F.S., relating to prosecutions for acts or omissions, to incorporate the amendment made to s. 944.606, F.S., in a reference thereto; reenacting s. 943.0436(2), F.S., relating to the duty of the court to uphold laws governing sexual predators and sexual offenders, to incorporate the amendment made to s. 944.606, F.S., in a reference thereto; reenacting s. 948.31, F.S., relating to evaluation and treatment of sexual predators and offenders on probation or community control, to incorporate the amendment made to s. 944.606, F.S., in a reference thereto; reenacting s. 985.04(6)(b), F.S., relating to oaths, records, and confidential information, to incorporate the amendment made to s. 944.606, F.S., in a reference thereto;



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reenacting s. 322.141(3), F.S., relating to color or markings of certain licenses or identification cards, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 775.13(4), F.S., relating to registration of convicted felons, exemptions, and penalties, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 775.24(2), F.S., relating to the duty of the court to uphold laws governing sexual predators and sexual offenders, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 775.25, F.S., relating to prosecutions for acts or omissions, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 943.0436(2), F.S., relating to the duty of the court to uphold laws governing sexual predators and sexual offenders, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 948.06(4), F.S., relating to violation of probation or community control, revocation, modification, continuance, and failure to pay restitution or cost of supervision, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 948.063, F.S., relating to violations of probation or community control by designated sexual offenders and sexual predators, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 948.31, F.S., relating to evaluation and treatment of sexual

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predators and offenders on probation or community control, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; reenacting s. 985.04(6)(b), F.S., relating to oaths, records, and confidential information, to incorporate the amendment made to s. 944.607, F.S., in a reference thereto; providing an effective date.

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

604-03628-25 20251804c1

A bill to be entitled

An act relating to capital human trafficking of vulnerable persons for sexual exploitation; amending s. 787.06, F.S.; providing a definition; prohibiting a person 18 years of age or older from knowingly initiating, organizing, planning, financing, directing, managing, or supervising a venture that has subjected a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, to human trafficking for sexual exploitation; providing a criminal penalty; requiring the state to give a specified notice if it intends to seek the death penalty for a violation of the offense; creating s. 921.1427, F.S.; providing legislative findings and intent; providing for separate death penalty proceedings in certain cases; providing for findings and recommended sentences by a jury; providing for imposition of sentence of life imprisonment or death; providing requirements for a court order in support of a life imprisonment or death sentence; providing for automatic review of sentences of death within a certain time period; specifying aggravating factors and mitigating circumstances; providing for victim impact evidence; providing for resentencing if provisions are found to be unconstitutional; providing applicability; amending s. 924.07, F.S.; authorizing the state to appeal from a certain sentence on the ground that it resulted from the failure of the circuit court to comply with

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specified sentencing procedure requirements; amending ss. 92.565, 456.51, 775.0877, 775.21, 787.01, 787.02, 921.137, 921.141, 943.0435, 944.606, 944.607, 948.32, and 960.065, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Present paragraphs (i) through (k) of subsection (2) of section 787.06, Florida Statutes, are redesignated as paragraphs (j) through (l), respectively, present subsections (5) through (13) of that section are redesignated as subsections (6) through (14), respectively, a new paragraph (i) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

787.06 Human trafficking.—

(2) As used in this section, the term:

(i) "Sexual exploitation" means any violation of s. 794.011, excluding s. 794.011(10).

(5)(a) Any person 18 years of age or older who knowingly initiates, organizes, plans, finances, directs, manages, or supervises a venture that has subjected a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), to human trafficking for sexual exploitation commits capital human trafficking of vulnerable persons for sexual exploitation, a capital felony punishable as provided in ss. 775.082 and 921.1427.

(b) For each instance of human trafficking of any

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individual under paragraph (a), a separate crime is committed and a separate punishment is authorized.

(c) In all capital cases under this subsection, the procedure in s. 921.1427 shall be followed to determine a sentence of death or life imprisonment.

(d) If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

Section 2. Section 921.1427, Florida Statutes, is created to read:

921.1427 Sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation; further proceedings to determine sentence.—

(1) INTENT.—

(a) The Legislature finds that a person who commits the offense of initiating, organizing, planning, financing, directing, managing, or supervising a venture that has subjected a child younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, to human trafficking for sexual exploitation in violation of s. 787.06(5) imposes a great risk of death and danger to vulnerable members of this state. Such crimes exploit society's most vulnerable citizens, destroy the innocence of young children, and violate all standards of decency held by civilized society, and persons who commit such acts against such vulnerable persons may be

determined by the trier of fact to have a culpable mental state of reckless indifference or disregard for human life.

(b) It is the intent of the Legislature that the procedure in this section shall be followed, and a prosecutor must file notice as provided in s. 787.06(5) if he or she intends to seek the death penalty.

(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or an adjudication of guilt of a defendant of a capital felony under s. 787.06(5), the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (7) and for which notice has been provided pursuant to s. 787.06(5) or mitigating circumstances enumerated in subsection (8). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary

rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection may not be construed to authorize the introduction of any evidence secured in violation of the United States Constitution or the State Constitution. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against a sentence of death.

(3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This subsection applies only if the defendant has not waived his or her right to a sentencing proceeding by a jury.

(a) After hearing all of the evidence presented regarding aggravating factors and mitigating circumstances, the jury shall deliberate and determine if the state has proven, beyond a reasonable doubt, the existence of at least two aggravating factors set forth in subsection (7).

(b) The jury shall return findings identifying each aggravating factor found to exist. A finding that at least two aggravating factors exist must be unanimous. If the jury:

1. Does not unanimously find at least two aggravating factors, the defendant is ineligible for a sentence of death.

2. Unanimously finds at least two aggravating factors, the defendant is eligible for a sentence of death and the jury shall make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation shall be based on a weighing of all of the following:

a. Whether sufficient aggravating factors exist.

b. Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.

c. Based on the considerations in sub-subparagraphs a. and b., whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.

(c) If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.

(4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

(a) If the jury has recommended a sentence of:

1. Life imprisonment without the possibility of parole, the court shall impose the recommended sentence of life imprisonment without the possibility of parole.

2. Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury. The court may impose a sentence of death only if the jury unanimously found at least two aggravating factors beyond a reasonable doubt.

(b) If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least two aggravating factors have been proven to exist beyond a reasonable doubt.

(5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—In each case in which the court imposes a sentence of life imprisonment without the possibility of parole or a sentence of death, the court shall, considering the records of the trial and the sentencing proceedings, enter a written order addressing the aggravating factors set forth in subsection (7) found to exist, the mitigating circumstances in subsection (8) reasonably established by the evidence, whether there are sufficient aggravating factors to warrant the death penalty, and whether the aggravating factors outweigh the mitigating circumstances reasonably established by the evidence. The court shall include in its written order the reasons for not accepting the jury's recommended sentence, if applicable. If the court does not issue its order requiring the death sentence within 30 days after the rendition of the judgment and sentence, the court shall impose a sentence of life imprisonment without the possibility of parole in accordance with s. 775.082.

(6) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court and disposition rendered within 2 years after the filing of a notice of appeal. Such review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules adopted by the Supreme Court.

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony violation under s. 787.06 and under sentence of imprisonment or placed on community control or on felony probation.

(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(c) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual predator designation removed.

(d) The capital felony was committed by a sexual offender who is required to register pursuant to s. 943.0435 or a person previously required to register as a sexual offender who had such requirement removed.

(e) The defendant knowingly created a great risk of death to one or more persons such that participation in the offense constituted reckless indifference or disregard for human life.

(f) The defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person in committing the offense or in furtherance of the offense.

(g) The capital felony was especially heinous, atrocious, or cruel.

(h) The victim of the capital felony was particularly vulnerable due to age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

(i) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse,

child, sibling, or parent of the petitioner.

(j) The victim of the capital felony sustained serious bodily injury.

(8) MITIGATING CIRCUMSTANCES.—Mitigating circumstances shall include the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(c) The defendant was an accomplice in the capital felony committed by another person, and the defendant's participation was relatively minor.

(d) The defendant was under extreme duress or under the substantial domination of another person.

(e) The capacity of the defendant to appreciate the criminality of her or his conduct or to conform his or her conduct to the requirements of law was substantially impaired.

(f) The age of the defendant at the time of the offense.

(g) The defendant could not have reasonably foreseen that his or her conduct in the course of the commission of the offense would cause or would create a grave risk of death to one or more persons.

(h) The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

(9) VICTIM IMPACT EVIDENCE.—Once the prosecution has provided evidence of the existence of two or more aggravating factors as described in subsection (7), the prosecution may

introduce and subsequently argue victim impact evidence to the jury. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the physical and psychological harm to the victim. Characterizations and opinions about the crime, the defendant, and the appropriate sentence may not be permitted as a part of victim impact evidence.

(10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or s. 775.15, or any other provision of law, a sentence of death shall be imposed under this section notwithstanding existing case law which holds that such a sentence is unconstitutional under the State Constitution and the United States Constitution. In any case for which the Florida Supreme Court or the United States Supreme Court reviews a sentence of death imposed pursuant to this section, and in making such a review reconsiders the prior holdings in *Buford v. State of Florida, 403 So. 2d 943 (Fla. 1981)*, and *Kennedy v. Louisiana, 554 U.S. 407 (2008)*, and determines that a sentence of death remains unconstitutional, the court having jurisdiction over the person previously sentenced to death shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in s. 775.082(1).

(11) APPLICABILITY.—This section applies to any capital felony under s. 787.06(5) which is committed on or after October 1, 2025.

Section 3. Paragraph (o) is added to subsection (1) of section 924.07, Florida Statutes, to read:

924.07 Appeal by state.—

(1) The state may appeal from:

(o) The sentence in a case of capital human trafficking of vulnerable persons for sexual exploitation on the ground that it resulted from the circuit court's failure to comply with sentencing procedures under s. 921.1427, including by striking a notice of intent to seek the death penalty, refusing to impanel a capital jury, or otherwise granting relief that prevents the state from seeking a sentence of death.

Section 4. Subsection (2) of section 92.565, Florida Statutes, is amended to read:

92.565 Admissibility of confession in sexual abuse cases.—

(2) In any criminal action in which the defendant is charged with a crime against a victim under s. 787.06(3), involving commercial sexual activity; s. 787.06(5); s. 794.011; s. 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04, involving sexual abuse; s. 827.071; or s. 847.0135(5), or any other crime involving sexual abuse of another, or with any attempt, solicitation, or conspiracy to commit any of these crimes, the defendant's memorialized confession or admission is admissible during trial without the state having to prove a corpus delicti of the crime if the court finds in a hearing conducted outside the presence of the jury that the state is unable to show the existence of each element of the crime, and having so found, further finds that the defendant's confession or admission is trustworthy. Factors which may be relevant in determining whether the state is unable to show the existence of each element of the crime include, but are not limited to, the fact that, at the time the crime was committed, the victim was:

(a) Physically helpless, mentally incapacitated, or

mentally defective, as those terms are defined in s. 794.011;

(b) Physically incapacitated due to age, infirmity, or any other cause; or

(c) Less than 12 years of age.

Section 5. Paragraph (e) of subsection (2) of section 456.51, Florida Statutes, is amended to read:

456.51 Consent for pelvic examinations.—

(2) A health care practitioner, a medical student, or any other student receiving training as a health care practitioner may not perform a pelvic examination on an anesthetized or unconscious patient without the written consent of the patient or the patient's legal representative executed specific to, and expressly identifying, the pelvic examination. If the patient is conscious, informed verbal consent must be obtained for the pelvic examination in addition to any written consent obtained. Consent is not required if:

(e) The pelvic examination is administered pursuant to a criminal investigation of an alleged violation related to child abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g); s. 787.06(5); chapter 794; chapter 796; chapter 800; chapter 827; or chapter 847.

Section 6. Paragraph (o) of subsection (1) of section 775.0877, Florida Statutes, is amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(1) In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or the attempt thereof, which offense or attempted offense involves the

transmission of body fluids from one person to another:

(o) Sections 787.06(3)(b), (d), (f), and (g) and 787.06(5), relating to human trafficking, the court shall order the offender to undergo HIV testing, to be performed under the direction of the Department of Health in accordance with s. 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of criminal offenders or inmates, subsequent to her or his arrest for an offense enumerated in paragraphs (a)-(n) for which she or he was convicted or to which she or he pled nolo contendere or guilty. The results of an HIV test performed on an offender pursuant to this subsection are not admissible in any criminal proceeding arising out of the alleged offense.

Section 7. Paragraph (a) of subsection (4) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony is:

a. A capital, life, or first degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor, or s. 787.06(3)(f) or (g), where the victim is a minor; s. 787.06(5); s. 794.011, s. 800.04, or s. 847.0145, or a

violation of a similar law of another jurisdiction; or

b. Any felony violation, or any attempt thereof, of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or

similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

Section 8. Subsection (3) of section 787.01, Florida Statutes, is amended to read:

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) or s. 787.06(5), relating to human trafficking, commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the life felony described in paragraph (a) and for each separate offense enumerated in

subparagraphs (a)1.-6. ~~(a)1.-5.~~

Section 9. Subsection (3) of section 787.02, Florida Statutes, is amended to read:

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-6. ~~subparagraphs 1.-5.~~, commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) or s. 787.06(5), relating to human trafficking.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the first degree offense described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-6. ~~subparagraphs (a)1.-5.~~

Section 10. Subsection (4) of section 921.137, Florida Statutes, is amended to read:

921.137 Imposition of the death sentence upon an intellectually disabled defendant prohibited.—

(4) After a defendant who has given notice of his or her intention to raise intellectual disability as a bar to the death sentence is convicted of a capital felony and an advisory jury has returned a recommended sentence of death, the defendant may file a motion to determine whether the defendant is intellectually disabled. Upon receipt of the motion, the court shall appoint two experts in the field of intellectual disabilities who shall evaluate the defendant and report their findings to the court and all interested parties prior to the final sentencing hearing. Notwithstanding s. 921.141, s. 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing hearing shall be held without a jury. At the final sentencing hearing, the court shall consider the findings of the court-appointed experts and consider the findings of any other expert which is offered by the state or the defense on the issue of whether the defendant has an intellectual disability. If the court finds, by clear and convincing evidence, that the defendant has an intellectual disability as defined in subsection (1), the court may not impose a sentence of death and shall enter a written order that sets forth with specificity the findings in support of the determination.

Section 11. Subsection (9) of section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(9) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital sexual battery under s. 794.011, capital human trafficking of vulnerable persons for sexual exploitation under s. 787.06(5), or a capital drug trafficking felony under s. 893.135.

Section 12. Paragraph (h) of subsection (1) of section 943.0435, Florida Statutes, is amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(h)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a

former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from a sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I) and does not otherwise meet the criteria for registration as a sexual offender under chapter 944 or chapter 985. For purposes of this sub-sub-subparagraph, a sanction imposed in this state or in any other jurisdiction means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, contractor-operated correctional facility, or local detention facility. If no sanction is imposed, the person is deemed to be released upon conviction;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or any other sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s.

393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals;

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals; or

(V) Any similar offense committed in this state which has

been redesignated from a former statute number to one of those listed in this sub-subparagraph.

2. For all qualifying offenses listed in sub-subparagraph 1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, except for a violation of s. 794.011, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall also make a written finding indicating whether the offense involved sexual activity and indicating whether the offense involved force or coercion. For a violation of s. 800.04(5), the court shall also make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

Section 13. Paragraph (f) of subsection (1) of section 944.606, Florida Statutes, is amended to read:

944.606 Sexual offenders; notification upon release.—

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

(f) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);

s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this paragraph or at least one offense listed in this paragraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

Section 14. Paragraph (f) of subsection (1) of section 944.607, Florida Statutes, is amended to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

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

(f) "Sexual offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a contractor-operated correctional facility:

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);

s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this subparagraph or at least one offense listed in this subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

Section 15. Subsection (1) of section 948.32, Florida Statutes, is amended to read:

948.32 Requirements of law enforcement agency upon arrest of persons for certain sex offenses.—

(1) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.025(2)(c), s. 787.06(3)(g), s. 787.06(5), chapter 794, former s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall

contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

Section 16. Subsection (2) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

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

(a) Committed or aided in the commission of the crime upon which the claim for compensation was based;

(b) Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking as described in s. 787.06(3)(b), (d), (f), or (g) or s. 787.06(5);

(c) Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the claim for compensation is based;

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

(e) Has been adjudicated guilty of a forcible felony offense as described in s. 776.08, is ineligible for an award.

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

DUPLICATE

The Florida Senate

APPEARANCE RECORD

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

04/22/25
Meeting Date

Fiscal Policy
Committee

SB1804
Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Hanna — Floridians for Alternatives to the Death Penalty

Phone 8505446939

Email graceellenhanna@gmail.com

Address 2055 Thomasville Rd.
Street

TLH FL 32308
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. 2020-2022JointRules.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
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4/22/25
Meeting Date

FP
Committee

1804
Bill Number or Topic

Amendment Barcode (if applicable)

Name AARON WAYT
FL ASSN OF CRIMINAL DEF LAWYERS

Phone (407) 435-3194

Address
Street

Email

TLH FL 32308
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. 2020-2022JointRules.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

4/22/25
Meeting Date

FISCAL POLICY
Committee

1804
Bill Number or Topic

Amendment Barcode (if applicable)

Name Joseph Harmon

Phone 850 205 6826

Address 201 West Park Ave
Street

Email jharmon@flaccb.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:
Florida Conference of Catholic Bishops

☐ 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

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:	CS/CS/SB 1838
INTRODUCER:	Fiscal Policy Committee; Criminal Justice Committee; and Senator Martin
SUBJECT:	Tampering With, Harassing, or Retaliating Against Court Officials
DATE:	April 23, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Favorable**
3.	Parker	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1838 amends various laws relating to tampering with, harassing, or retaliating against court officials. Specifically, the bill:

- Amends s. 836.12, F.S., to define the term "administrative assistant" to mean a court employee assigned to the office of a general or special magistrate or child support enforcement hearing officer. The bill adds general magistrates, special magistrates, child support enforcement hearing officers, and administrative assistants, to the list of specified persons that a person may not threaten with death or serious bodily harm or harass with intent to intimidate or coerce the person or refrain from performing his or her lawful duty.
- Creates s. 918.115, F.S., to define the terms "administrative assistant," "bodily injury," "court official," "harass," "judicial assistant," "misleading conduct," "official investigation," "official proceeding," and "physical force."
- Amends s. 918.12, F.S., to provide criminal penalties for persons who knowingly and willfully tamper or harass specified court personnel.
- Provides an exception to the offense of tampering with, or harassing, court officials for an attorney acting in the performance of his or her duties.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Tampering

Under the Constitution and Federal law, our government vests in judges, prosecutors, and law enforcement officers the power to make decisions of enormous consequence. Because of the importance of their work, these public servants face unique risks to their safety and the safety of their families. Some who face or have received an adverse judicial decision have sought to intimidate or punish judges and prosecutors with threats of harm. Moreover, judges, prosecutors, and law enforcement officers are symbols within our communities of law and order and may be targeted for that reason alone. And at times, family members of public servants have become victims.[1] Several states have enacted legislation to address a surge in both threats and actual acts of violence against judges and judicial personnel across America.[2]

Jury Tampering

Section 918.12, F.S., provides that any person who influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice, commits a third degree felony.

Witness Tampering

Witness tampering, as defined under s. 914.22, F.S., involves various actions designed to influence a witness, victim, or informant. This can include using intimidation or physical force, making threats, or engaging in misleading behavior to alter a witness's testimony or cooperation with law enforcement. The statute is broad, covering a wide range of conduct aimed at interfering with the judicial process.[3]

Section 914.22, F.S., provides that a person who knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, or offers pecuniary benefit or gain to another person, with intent to cause or induce any person to:

- Withhold testimony, or withhold a record, document, or other object, from an official investigation or official proceeding;
- Alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official investigation or official proceeding;

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[1] Federal Register, *Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families*, Executive Order 13977 of January 18, 2021, available at https://www.federalregister.gov/documents/2021/01/22/2021-01635/protecting-law-enforcement-officers-judges-prosecutors-and-their-families (last visited March 15, 2025).

[2] National Center for State Courts, *NCSC supports new legislation to protect state court judges from escalating threats*, available at https://www.ncsc.org/newsroom/at-the-center/2024/ncsc-supports-new-legislation-to-protect-state-court-judges-from-escalating-threats (last visited March 15, 2025).

[3] Meltzer & Bell, P.A., *Understanding FSS 914.22: Florida's Witness Tampering Law Explained* available at https://www.meltzerandbell.com/news/understanding-fss-914-22-floridas-witness-tampering-law-explained/#:~:text=Witness%20tampering%2C%20as%20defined%20under,can%20fall%20under%20this%20statute (last visited March 14, 2025).

- Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official investigation or an official proceeding;
- Be absent from an official proceeding to which such person has been summoned by legal process;
- Hinder, delay, or prevent the communication to a law enforcement officer or judge of information relating to the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding; or
- Testify untruthfully in an official investigation or an official proceeding, commits the crime of tampering with a witness, victim, or informant.[4]

Tampering with a witness, victim, or informant is a:
- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.
- First degree felony where the official investigation or official proceeding affected involves the investigation of a second degree felony.
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or first degree felony punishable by a term of years not exceeding life.
- Life felony where the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.
- Third degree felony where the offense level of the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.[5]

A person who intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:
- Attending or testifying in an official proceeding involves a noncriminal investigation or proceeding.
- Reporting to a law enforcement officer or judge the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding;
- Arresting or seeking the arrest of another person in connection with an offense; or
- Causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or from assisting in such prosecution or proceeding, or attempts to do so, commits the crime of harassing a witness, victim, or informant.[6]

Harassing a witness, victim or informant is a:
- First degree misdemeanor where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.
- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.

[4] Section 914.22(1), F.S.
[5] Section 914.22(2), F.S.
[6] Section 914.22(3), F.S.

- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of first degree felony.
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree punishable by a term of years not exceeding life or a prosecution of a life or capital felony.
- Third degree felony where the offense level of the affected official investigation or official proceeding is indeterminable or where the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.[7]

Obstruction of Justice

Obstruction of justice is a criminal offense that occurs when someone willfully interferes with the legal system's ability to carry out its functions. This charge covers a range of unlawful acts intended to disrupt or obstruct investigations, trials, or other legal proceedings. For instance, actions such as tampering with evidence, lying to law enforcement, bribing a witness, or threatening a judge or juror can all be considered obstruction.[8]

Under ch. 843, F.S., obstruction of justice charges apply to actions that deliberately interfere with a legally authorized person in the lawful execution of his or her duty. This includes obstructing police officers as well as any other peace officer, correctional officer, correctional probation officer, and even members of the Florida Highway Patrol and other governmental agencies.[9]

A person who knowingly and willfully resists, obstructs, or opposes any officer, member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal 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 felony commits a third degree felony.[10]

III. Effect of Proposed Changes:

The bill amends several laws relating to tampering with, harassing, or retaliating against court officials.

The bill amends s. 836.12, F.S., to define the term "administrative assistant" to mean a court employee assigned to the office of a general or special magistrate or child support enforcement hearing officer.

[7] Section 914.22(4), F.S.
[8] Buda Law, *What is Obstruction of Justice In Florida*, November 11, 2024, available at https://budalaw.com/blog/2024/november/what-is-obstruction-of-justice-in-florida/ (last visited March 14, 2025).
[9] *Id*.
[10] Section 843.01(1), F.S.

The bill adds general magistrates, special magistrates, child support enforcement hearing officers, administrative assistants, to the list of specified persons that a person may not threaten with death or serious bodily harm or harass with intent to intimidate or coerce the person or refrain from performing his or her lawful duty.

The bill creates s. 918.115, F.S., to define:

- "Administrative assistant" to mean a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.
- "Bodily injury" to mean a cut, an abrasion, a bruise, a burn, or a disfigurement; physical pain; illness; impairment of the function of a bodily member, an organ, or a mental faculty; or any other injury to the body, regardless of how temporary.
- "Court official" to mean any judge, justice, general magistrate, special magistrate, grand juror, petit juror, clerk of the court, deputy clerk of the court, judicial assistant, administrative assistant, attorney, child support enforcement hearing officer, bailiff, or court deputy.
- "Harass" to mean to engage in a course of conduct directed at a specific person which causes substantial emotional distress in that person and serves no legitimate purpose.
- "Judicial assistant" to mean a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, or clerical support to the assigned judge or justice.
- "Misleading conduct" to mean any of the following:
  - Knowingly making a false statement.
  - Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact and thereby creating a false impression by such statement.
  - With the intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity.
  - With the intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect.
  - Knowingly using a trick, scheme, or device with the intent to mislead.
- "Official investigation" to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or by the Commission on Ethics.
- "Official proceeding" to mean any proceeding before a judge or court or a grand jury.
- "Physical force" to mean physical action against another person and includes confinement of a person.

The bill amends s. 918.12, F.S., to provide criminal penalties for persons who knowingly and willfully threaten specified court personnel.

Tampering with a Court Official

A person who knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official:

- Uses intimidation or physical force;
- Threatens any person, or attempts to do so;
- Engages in misleading conduct toward any person; or
- Offers pecuniary benefit or gain to any person.

The penalty for tampering with a court official is a:
- Third degree felony if the offense level of the affected official investigation or official proceeding is indeterminable.
- Third degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or any noncriminal matter pending in county court.
- Second degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.
- First degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, punishable by a term of years not exceeding life, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or a first degree felony punishable by a term of years not exceeding life.
- Life felony, if the official investigation or official proceeding affected involved the investigation or prosecution of a life or capital felony.

Harassing a Court Official

A person who intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts commits the crime of harassing a court official:
- Attending an official proceeding;
- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or
- Following the rules of juror behavior and deliberation as set forth by the judge.

The penalty for harassment of a court official is a:
- First degree misdemeanor, if the official investigation or official proceeding affected involves the investigation or prosecution of misdemeanor or any noncriminal matter pending in county court.
- Third degree felony, if the offense level of the affected official investigation or official proceeding is indeterminable.
- Third degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the third degree or any noncriminal matter pending in circuit court.
- Second degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony.

- First degree felony, punishable by a term of years not exceeding life, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony punishable by a term of years not exceeding life or a prosecution of a life or capital felony.

The bill provides an exception to the crime of tampering or harassing a court official for an attorney acting in the performance of his or her duties.

Retaliation against a Court Official

The bill creates s. 918.125, F.S., to prohibit specified conduct with retaliatory intent towards court officials. A person who, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding, commits a third degree felony if he or she:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damages the tangible property of another person or threatens to do so.

If such conduct results in bodily injury, such person commits a second degree felony.

The bill provides conforming changes to ss. 772.102 and 895.02, F.S.

The bill amends s. 921.0022, F.S., of the criminal punishment code to remove s. 918.12, F.S., as a level 4 offense in the offense severity ranking chart.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 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 provided a preliminary estimate that the bill may have a positive indeterminate prison bed impact on the Department of Corrections. The EDR provides:

- Per FDLE, in FY 23-24, there were 527 arrests for misdemeanor harassment and 23 arrests for felony harassment under s. 836.12, F.S., with 339 misdemeanor guilty/convicted charges and 3 felony guilty/convicted charges, as well as 54 misdemeanor adjudication withheld charges and no felony adjudication withheld charges. It is not known how many additional offenders would be added with the expanded list of potential victims.
- Per FDLE, in FY 23-24, there were three arrests for tampering with jurors under s. 918.12, F.S., with no guilty/convicted or adjudication withheld charges. It is not known how many additional offenders would be added with the new language, nor is it known how much the new felonies for harassment under s. 918.12, F.S. would overlap with the current harassment offenders under s. 836.12, F.S.
- Per DOC, there were no new commitments to prison under s. 836.12, F.S. or under s. 918.12, F.S.[11]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[11] Office of Economic and Demographic Research CS/SB 1838 – Tampering With, Harassing, or Retaliating Against Court Officials, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 918.12, 772.102, 895.02, and 921.002.

This bill creates the following sections of the Florida Statutes: 918.125 and 918.21.

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 April 22, 2025:
The committee substitute:

- Provides an exception to the offense of tampering with, or harassing, court officials. The exception applies to the actions of an attorney acting in the performance of his or her duties.

CS by Criminal Justice Committee on March 18, 2025:
The committee substitute:

- Defines the terms "administrative assistant", "bodily injury", "court official", "harass", "judicial assistant", "misleading conduct", "official investigation", "official preceding", and "physical force."
- Revises the language to include general and special magistrates, child support enforcement hearing officers, and administrative assistants to the list of individuals who a person may not threaten or harass.
- Revises the definition of "court officials", to include administrative assistants, general and special magistrates, and child support enforcement hearing officers.
- Removes the language providing that no state of mind be proven in the prosecution of an offense for tampering or harassing a court official under certain circumstances.

B. Amendments:

None.

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

892498

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete line 199

and insert:

capital felony.

(3) APPLICABILITY.—This section does not apply to the actions of a prosecutor or defense attorney acting in the performance of his or her duties ~~Any person who influences the judgment or~~

892498

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete line 15
and insert:
harassment has a specified outcome; providing
applicability; creating s.

751882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Martin) recommended the following:

Senate Substitute for Amendment (892498) (with title amendment)

Delete line 199
and insert:
capital felony.

(3) APPLICABILITY.—This section does not apply to the actions of an attorney acting in the performance of his or her duties ~~Any person who influences the judgment or~~

751882

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete line 15
and insert:
harassment has a specified outcome; providing applicability; creating s.

By the Committee on Criminal Justice; and Senator Martin

591-02566-25 20251838c1

A bill to be entitled

An act relating to tampering with, harassing, or retaliating against court officials; amending s. 836.12, F.S.; defining the term "administrative assistant"; providing criminal penalties for persons who knowingly and willfully threaten specified court personnel; providing criminal penalties for persons who knowingly and willfully harass specified court personnel with certain intent; creating s. 918.115, F.S.; defining terms; amending s. 918.12, F.S.; providing criminal penalties for persons who knowingly with certain intent tamper with court officials; providing criminal penalties for persons who intentionally harass court officials when such harassment has a specified outcome; creating s. 918.125, F.S.; providing criminal penalties for persons who retaliate against court officials for their participation in official investigations or proceedings; providing enhanced criminal penalties if the retaliation results in bodily injury; amending ss. 772.102, 895.02, and 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 836.12, Florida Statutes, is amended to read:

836.12 Threats or harassment.—

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

Florida Senate - 2025 CS for SB 1838

591-02566-25 20251838c1

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

(a) "Administrative assistant" means a court employee assigned to the office of a general or special magistrate or a child support enforcement hearing officer.

(b) "Family member" means:

1. An individual related to another individual by blood or marriage; or

2. An individual who stands in loco parentis to another individual.

(c)~~(b)~~ "Judicial assistant" means a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, and clerical support to the assigned judge or justice.

(d)~~(c)~~ "Law enforcement officer" means:

1. A law enforcement officer as defined in s. 943.10; or

2. A federal law enforcement officer as defined in s. 901.1505.

(2)(a) Except as provided in paragraph (b), any person who knowingly and willfully threatens a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a general magistrate, a special magistrate, a child support enforcement hearing officer, an administrative assistant, a judicial assistant, a clerk of the court, clerk personnel, or an elected official, or a family member of any such person, with death or serious bodily harm commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who commits a second or subsequent violation of paragraph (a) commits a felony of the third degree,

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

punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly and willfully harasses a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a general magistrate, a special magistrate, a child support enforcement hearing officer, an administrative assistant, a judicial assistant, a clerk of the court, clerk personnel, or an elected official, with the intent to intimidate or coerce such a person to perform or refrain from performing a lawful duty, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 918.115, Florida Statutes, is created to read:

918.115 Definitions; ss. 918.12-918.125.—As used in ss. 918.12-918.125, the term:

(1) "Administrative assistant" means a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.

(2) "Bodily injury" means a cut, an abrasion, a bruise, a burn, or a disfigurement; physical pain; illness; impairment of the function of a bodily member, an organ, or a mental faculty; or any other injury to the body, regardless of how temporary.

(3) "Court official" means any judge, justice, general magistrate, special magistrate, grand juror, petit juror, clerk of the court, deputy clerk of the court, judicial assistant, administrative assistant, attorney, child support enforcement hearing officer, bailiff, or court deputy.

(4) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional

distress in that person and serves no legitimate purpose.

(5) "Judicial assistant" means a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, or clerical support to the assigned judge or justice.

(6) "Misleading conduct" means any of the following:

(a) Knowingly making a false statement.

(b) Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact and thereby creating a false impression by such statement.

(c) With the intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity.

(d) With the intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect.

(e) Knowingly using a trick, scheme, or device with the intent to mislead.

(7) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or by the Commission on Ethics.

(8) "Official proceeding" means any proceeding before a judge or court or a grand jury.

(9) "Physical force" means physical action against another person and includes confinement of a person.

Section 3. Section 918.12, Florida Statutes, is amended to

read:

918.12 Tampering with or harassing a court official ~~jurors~~.—

(1) TAMPERING WITH A COURT OFFICIAL.—

(a) A person who knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official:

1. Uses intimidation or physical force;

2. Threatens any person or attempts to do so;

3. Engages in misleading conduct toward any person; or

4. Offers pecuniary benefit or gain to any person.

(b) A person who violates paragraph (a) commits:

1. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offense level of the affected official investigation or official proceeding is indeterminable.

2. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or noncriminal matter pending in county court.

3. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the third degree or noncriminal matter pending in circuit court.

4. A felony of the first degree, punishable as provided in

s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the second degree.

5. A felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree or a felony of the first degree punishable by a term of years not exceeding life.

6. A life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.

(2) HARASSING A COURT OFFICIAL.—

(a) A person who intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts commits the crime of harassing a court official:

1. Attending an official proceeding;

2. Rendering a fair verdict based solely upon the evidence produced at an official proceeding and upon the law; or

3. Following the rules of juror behavior and deliberation as set forth by the judge.

(b) A person who violates paragraph (a) commits:

1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or noncriminal

matter pending in county court.

2. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offense level of the affected official investigation or official proceeding is indeterminable.

3. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the third degree or any noncriminal matter pending in circuit court.

4. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the second degree.

5. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree.

6. A felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree punishable by a term of years not exceeding life or a prosecution of a life or capital felony ~~Any person who influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice, shall be guilty of a~~

~~felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084~~.

Section 4. Section 918.125, Florida Statutes, is created to read:

918.125 Retaliating against a court official.—

(1) A person who, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding, commits any of the following acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Knowingly engages in any conduct that threatens to cause bodily injury to another person; or

(b) Damages the tangible property of another person or threatens to do so.

(2) If the conduct described in subsection (1) results in bodily injury, such person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, ~~jurors~~ and tampering with evidence.

Section 6. Paragraph (a) of subsection (8) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(8) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 104.155(2), relating to aiding or soliciting a noncitizen in voting.

2. Section 210.18, relating to evasion of payment of cigarette taxes.

3. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

4. Chapter 379, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes.

5. Section 403.727(3)(b), relating to environmental control.

6. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

7. Section 414.39, relating to public assistance fraud.

8. Section 440.105 or s. 440.106, relating to workers' compensation.

9. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

10. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

11. Section 499.0051, relating to crimes involving contraband, adulterated, or misbranded drugs.

12. Part IV of chapter 501, relating to telemarketing.

13. Chapter 517, relating to sale of securities and investor protection.

14. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

15. Chapter 550, relating to jai alai frontons.

16. Section 551.109, relating to slot machine gaming.

17. Chapter 552, relating to the manufacture, distribution, and use of explosives.

18. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

19. Chapter 562, relating to beverage law enforcement.

20. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

21. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

22. Chapter 687, relating to interest and usurious practices.

23. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

24. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

25. Section 777.03, relating to commission of crimes by accessories after the fact.

26. Chapter 782, relating to homicide.

27. Chapter 784, relating to assault and battery.

28. Chapter 787, relating to kidnapping, human smuggling, or human trafficking.

29. Chapter 790, relating to weapons and firearms.

30. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

31. Former s. 796.03, former s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

32. Chapter 806, relating to arson and criminal mischief.

33. Chapter 810, relating to burglary and trespass.

34. Chapter 812, relating to theft, robbery, and related crimes.

35. Chapter 815, relating to computer-related crimes.

36. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, credit card crimes, and patient brokering.

37. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

38. Section 827.071, relating to commercial sexual exploitation of children.

39. Section 828.122, relating to fighting or baiting animals.

40. Chapter 831, relating to forgery and counterfeiting.

41. Chapter 832, relating to issuance of worthless checks and drafts.

42. Section 836.05, relating to extortion.

43. Chapter 837, relating to perjury.

44. Chapter 838, relating to bribery and misuse of public office.

45. Chapter 843, relating to obstruction of justice.

46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

47. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

48. Chapter 874, relating to criminal gangs.

49. Chapter 893, relating to drug abuse prevention and control.

50. Chapter 896, relating to offenses related to financial transactions.

51. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

52. Sections 918.12, 918.125, and 918.13, relating to tampering with or harassing court official, retaliating against court officials, ~~jurors~~ and tampering with evidence.

Section 7. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

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517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

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

784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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

787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious

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

		exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.

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812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than

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		controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft

		of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a

		concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.

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874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
~~918.12~~	~~3rd~~	~~Tampering with jurors.~~

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934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

Section 8. This act shall take effect October 1, 2025.

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The Florida Senate

APPEARANCE RECORD

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

April 22 2025
Meeting Date

Fiscal Policy
Committee

1838
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
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 Police Chiefs 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)

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

4/22/25
Meeting Date

FP
Committee

1838
Bill Number or Topic

75882
Amendment Barcode (if applicable)

Name AARON WYATT

Phone (407) 435-3194

Address

Email

Street

TLH FL 32308
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.

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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.)

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

BILL:	CS/CS/CS/SB 1842
INTRODUCER:	Fiscal Policy Committee; Appropriations Committee on Health and Human Services; Health Policy Committee; and Senator Burton
SUBJECT:	Out-of-network Providers
DATE:	April 24, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Morgan	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Morgan	Siples	FP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1842 amends s. 456.053, F.S., to require that before a health care provider refers a patient for non-emergency services to an entity in which the provider has an investment interest, and such entity does not participate in the patient's health insurance or health maintenance organization (HMO) provider network, the provider must disclose to the patient his or her status with the referral entity, in writing, and the disclosure must indicate that services will be provided by the referral entity on an out-of-network basis, which might result in additional cost-sharing responsibilities for the patient.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement**.

The bill takes effect July 1, 2025.

II. Present Situation:

Insurer

Under s. 627.6471(1)(a), F.S., an "insurer" means:

- Every person engaged as indemnitor, surety, or contractor in the business of entering into contracts of insurance or of annuity; or

- A multiple-employer welfare arrangement.[1]

Health Insurance

Under s. 624.603, F.S., "health insurance" is insurance of human beings against bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto. Health insurance does not include workers' compensation coverages, except as provided in s. 624.406(4), F.S.

Health Maintenance Organization

Under s. 641.19(12), F.S., a "health maintenance organization" (HMO) is any organization authorized under part I of ch. 641, F.S., which:

- Provides, through arrangements with other persons, emergency care; inpatient hospital services; physician care including care provided by physicians licensed under chs. 458, 459, 460, and 461, F.S.;[2] ambulatory diagnostic treatment; and preventive health care services.
- Provides, either directly or through arrangements with other persons, health care services to persons enrolled with such organization, on a prepaid per capita or prepaid aggregate fixed-sum basis.
- Provides, either directly or through arrangements with other persons, comprehensive health care services which subscribers[3] are entitled to receive pursuant to a contract.
- Provides physician services, by physicians licensed under chs. 458, 459, 460, and 461, F.S.,[4] directly through physicians who are either employees or partners of such organization or under arrangements with a physician or any group of physicians.
- If offering services through a managed care system, has a system in which a primary physician licensed under chs. 458, 459, 460, or 461, F.S.,[5] is designated for each subscriber upon request of a subscriber requesting service by a physician licensed under any of those chapters, and is responsible for coordinating the health care of the subscriber of the requested service and for referring the subscriber to other providers of the same discipline when necessary. Each female subscriber may select as her primary physician an obstetrician/gynecologist who has agreed to serve as a primary physician and is in the HMO's provider network.

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[1] The term "multiple-employer welfare arrangement" means an employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health insurance benefits or any other benefits described in s. 624.33, other than life insurance benefits, to the employees of two or more employers, or to their beneficiaries; *see* s. 624.437(1), F.S.

[2] Chapter 458, F.S., is the practice act for medical doctors, a.k.a. allopathic physicians. Chapter 459, F.S., is the practice act for osteopathic physicians. Chapter 460, F.S., is the practice act for chiropractic physicians. Chapter 461, F.S., is the practice act for podiatric physicians.

[3] "Subscriber" means an entity or individual who has contracted, or on whose behalf a contract has been entered into, with an HMO for health care coverage or other persons who also receive health care coverage as a result of the contract; *see* s. 641.19(18), F.S.

[4] *Supra* note 2.

[5] *Id.*

Participating vs. Nonparticipating Providers

Generally, medical health insurance plans and HMOs have a list of physicians, hospitals, and other practitioners or providers[6] that have agreed to participate in the plan's network. Providers participating in the network have a contract with the health plan to care for its members at a certain cost. A member of the plan will typically pay less for medical services when using participating providers. If a plan member sees a practitioner or uses a hospital or other facility that does not participate with the health plan, the member is going out-of-network and will usually have to pay more for services rendered by a nonparticipating provider. Some plans will not cover any amount of out-of-network care, while others cover a percentage of care.[7]

Participating providers[8] have a contract with an insurer that limits the amount of money the provider may charge individuals who are covered under the contracted insurance company. The agreed-upon contract rate includes both the patient and insurer shares and may be based on certain assumptions regarding the volume of patients that will use that provider's services. The portion of the contracted rate a patient pays is determined by his or her insurance policy or HMO subscriber contract.[9]

Nonparticipating providers[10] are those who have not agreed to accept a contracted rate with a patient's insurance company or HMO. If a patient chooses to seek treatment outside of his or her network, insurance companies and HMOs typically increase cost-sharing.[11]

Health Insurance Cost-Sharing

The term "cost-sharing" refers to how health plan costs are shared between insurers and insureds, sometimes called "out-of-pocket" costs when referring to the insured's share of costs for services that a plan covers that the insured must pay out of their own pocket.[12]

Types of Cost-Sharing

Health insurance policies and HMO subscriber contracts may include the following types of cost-sharing:

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[6] "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services and is licensed or otherwise authorized to practice in the state; *see* s. 641.47(14), F.S.
[7] Medicare.gov, *Health Maintenance Organizations (HMOs), available at* https://www.medicare.gov/health-drug-plans/health-plans/your-coverage-options/HMO (last visited Mar. 21, 2025).
[8] "Participating provider" means a preferred provider as defined in s. 627.6471 or an exclusive provider as defined in s. 627.6472; *see* s. 627.64194(1)(f), F.S.
[9] Centers for Medicare & Medicaid Services, *No Surprises: Health insurance terms you should know, available at* https://www.cms.gov/files/document/nosurpriseactfactsheet-health-insurance-terms-you-should-know508c.pdf (last visited Mar. 21, 2025).
[10] "Nonparticipating provider" means a provider who is not a preferred provider as defined in s. 627.6471 or a provider who is not an exclusive provider as defined in s. 627.6472. For purposes of covered emergency services under this section, a facility licensed under chapter 395 or an urgent care center defined in s. 395.002 is a nonparticipating provider if the facility has not contracted with an insurer to provide emergency services to its insureds at a specified rate; *see* s. 627.64194(1)(e), F.S.
[11] *Supra* note 9.
[12] *Id.*

- Premium Contribution – A health coverage premium is the total amount that must be paid in advance to obtain coverage for a particular level of services. Usually, premiums are billed and paid on a monthly basis.[13] Employers typically require employees to share the cost of the plan premium. Employers are free to require employees to cover some or all of the premium cost for dependents, such as a spouse or children.[14]
- Copayments – A copayment or copay is a flat fee paid by the patient at the time of service.[15]
- Coinsurance – Coinsurance is the insured's share of costs of a covered health service, calculated as a percent of the allowed amount for the service. If the plan pays 70 percent of the cost, then the patient pays 30 percent of the cost. If the plan pays 90 percent, then the patient pays 10 percent, and so forth.[16]
- Deductible – The deductible is the amount the insured pays before the plan pays anything. Deductibles generally apply per person per calendar year.[17] Typically, the higher the deductible, the lower the premium. Some plans with particularly high deductibles are known as "high deductible" plans. While these plans may have significantly lower premiums, the insured is usually exposed to higher out-of-pocket costs.[18]
- Out-of-Pocket Maximum – The most that the insured or subscriber could pay during a coverage period (usually one year) for their share of the costs of covered services. After meeting the limit, the plan will usually pay 100 percent of the allowed amount. This limit helps the insured or subscriber plan for health care costs. This limit never includes the premium, balance-billed charges, or health care the plan does not cover. Some plans do not count all copayments, deductibles, coinsurance payments, out-of-network payments, or other expenses toward this limit.[19]

The Florida "Patient Self-Referral Act of 1992"

Section 456.053, F.S., contains the "Patient Self-Referral Act of 1992" (Act). The purpose of the Act is to prevent conflicts of interest relating to patient referrals by health care providers to a provider of certain health care services in which the referring provider has an investment or other financial interest. The Legislature recognized that it may be appropriate for providers to own entities providing health care services, and to refer patients to such entities, as long as certain

[13] Centers for Medicare & Medicaid Services, *Course 2 Health Coverage Basics, available at* https://www.cms.gov/marketplace/technical-assistance-resources/training-materials/health-coverage-basics-training.pdf (last visited Mar. 21, 2025).
[14] Kaiser Family Foundation, *Employer-Sponsored Health Insurance 101* (May 28, 2024), *available at* https://www.kff.org/health-policy-101-employer-sponsored-health-insurance/?entry=table-of-contents-introduction (last visited Mar. 21, 2025).
[15] Centers for Medicare & Medicaid Services, *No Surprises: Health insurance terms you should know, available at* https://www.cms.gov/files/document/nosurpriseactfactsheet-health-insurance-terms-you-should-know508c.pdf (last visited Mar. 21, 2025).
[16] *Id*.
[17] *Id*.
[18] South Carolina Department of Insurance, *Understanding Your Deductible, available at* https://doi.sc.gov/1019/Understanding-Your-Deductible#:~:text=Policies%20with%20lower%20deductibles%20typically,need%20to%20file%20a%20claim. (last visited Mar. 21, 2025).
[19] Centers for Medicare & Medicaid Services, *No Surprises: Health insurance terms you should know, available at* https://www.cms.gov/files/document/nosurpriseactfactsheet-health-insurance-terms-you-should-know508c.pdf (last visited Mar. 21, 2025).

safeguards are present in the arrangement. This section of statute also provides guidance to health care providers regarding prohibited, and authorized, patient referrals under Florida law.

Specifically, the Act prohibits a health care provider from referring a patient for the provision of designated health services (DHS) or any other health care items or services to an entity in which the health care provider is an investor or has an investment interest. DHS are:[20]

- Clinical laboratory services;
- Physical therapy services;
- Comprehensive rehabilitative services;[21]
- Diagnostic-imaging services;[22] and
- Radiation therapy services.

For purposes of the Act:

- An "entity" means any individual, partnership, firm, corporation, or other business entity.[23]
- A "health care provider" is a Florida licensed medical doctor, osteopathic physician, chiropractor, podiatrist, advanced practice registered nurse who is registered to practice autonomously (autonomous APRN), optometrist, or dentist.[24]
- "Investment interest" means an equity or debt security issued by an entity, including, without limitation, shares of stock in a corporation, units or other interests in a partnership, bonds, debentures, notes, or other equity interests or debt instruments. The following investment interests shall be excepted from this definition:[25]
    - An investment interest in an entity that is the sole provider[26] of DHS in a rural area;[27]
    - An investment interest in notes, bonds, debentures, or other debt instruments issued by an entity which provides DHS, as an integral part of a plan by such entity to acquire such investor's[28] equity investment interest in the entity, provided that the interest rate is consistent with fair market value,[29] and that the maturity date of the notes, bonds,

[20] Section 456.053(3)(c), F.S.
[21] "Comprehensive rehabilitation services" means services that are provided by health care professionals licensed under part I or part III of ch. 468, F.S., or ch. 486, F.S., to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis. *See* s. 456.053(3)(b), F.S.
[22] "Diagnostic imaging services" means magnetic resonance imaging, nuclear medicine, angiography, arteriography, computed tomography, positron emission tomography, digital vascular imaging, bronchography, lymphangiography, splenography, ultrasound, EEG, EKG, nerve conduction studies, and evoked potentials. *See* s. 456.053(3)(d), F.S.
[23] Section 456.053(3)(e), F.S.
[24] Section 456.053(3)(h), F.S.
[25] Section 456.053(3)(j), F.S.
[26] "Sole provider" means one Florida licensed medical doctor, osteopathic physician, chiropractor, podiatrist, or autonomous APRN, who maintains a separate medical office and a medical practice separate from any other health care provider and who bills for his or her services separately from the services provided by any other health care provider. A sole provider shall not share overhead expenses or professional income with any other person or group practice. *See* s. 456.053(3)(p), F.S.
[27] "Rural area" means a county with a population density of no greater than 100 persons per square mile, as defined by the United States Census. *See* s. 456.053(3)(o), F.S.
[28] "Investor" means a person or entity owning a legal or beneficial ownership or investment interest, directly or indirectly, including, without limitation, through an immediate family member, trust, or another entity related to the investor within the meaning of 42 C.F.R. s. 413.17, in an entity. *See* s. 456.053(3)(k), F.S.
[29] "Fair market value" means value in arms length transactions, consistent with the general market value, and, with respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use, and, in the case of a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to

debentures, or other debt instruments issued by the entity to the investor is not later than October 1, 1996.
    - An investment interest in real property resulting in a landlord-tenant relationship between the health care provider and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or exceeds fair market value; or
    - An investment interest in an entity which owns or leases and operates a hospital licensed under ch. 395, F.S., or a nursing home facility licensed under ch. 400, F.S.
- "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:
    - The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies DHS or any other health care item or service; or
    - The request or establishment of a plan of care by a health care provider, which includes the provision of DHS or other health care item or service.
    - The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:
        - By a radiologist for diagnostic-imaging services.
        - By a physician specializing in the provision of radiation therapy services for such services.
        - By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.
        - By a cardiologist for cardiac catheterization services.
        - By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.
        - By a health care provider who is the sole provider or member of a group practice[30] for DHS or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the supervision of such referring health care provider or group practice if such supervision complies with all applicable Medicare payment and coverage rules for services; provided, however, a Florida licensed medical doctor, osteopathic physician, chiropractor, podiatrist, or autonomous APRN may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for

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the proximity or convenience to the lessor where the lessor is a potential source of patient referrals to the lessee. *See* s. 456.053(3)(f), F.S.

[30] "Group practice" means a group of two or more health care providers legally organized as a partnership, professional corporation, or similar association:

1. In which each health care provider who is a member of the group provides substantially the full range of services which the health care provider routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;
2. For which substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and
3. In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group. *See* s. 456.053(3)(g), F.S.

which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician or autonomous APRN has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider.[31] The group practice or sole provider may accept no more than 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.[32] However, the 15 percent limitation and certain requirements for accepting outside referrals for diagnostic imaging[33] do not apply to a group practice entity that owns an accountable care organization or an entity operating under an advanced alternative payment model according to federal regulations if such entity provides diagnostic imaging services and has more than 30,000 patients enrolled per year.

- By a health care provider for services provided by an ambulatory surgical center licensed under ch. 395, F.S.
- By a urologist for lithotripsy services.
- By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.
- By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.
- By a nephrologist for renal dialysis services and supplies, except laboratory services.
- By a health care provider whose principal professional practice consists of treating patients in their private residences[34] for services to be rendered in such private residences, except for services rendered by a home health agency licensed under ch. 400, F.S.
- By a health care provider for sleep-related testing.

The focus of the bill is s. 456.053(5)(j), F.S., which requires health care providers that are authorized to refer a patient to an entity in which the provider is an investor,[35] or to certain offices of radiation therapy centers,[36] to disclose his or her investment interest to his or her patients.

[31] "Patient of a group practice" or "patient of a sole provider" means a patient who receives a physical examination, evaluation, diagnosis, and development of a treatment plan if medically necessary by a physician who is a member of the group practice or the sole provider's practice. *See* s. 456.053(3)(m), F.S.
[32] "Outside referral for diagnostic imaging services" means a referral of a patient to a group practice or sole provider for diagnostic imaging services by a physician who is not a member of the group practice or of the sole provider's practice and who does not have an investment interest in the group practice or sole provider's practice, for which the group practice or sole provider billed for both the technical and the professional fee for the patient, and the patient did not become a patient of the group practice or sole provider's practice. *See* s. 456.053(3)(l), F.S.
[33] *See* s. 456.053(4)(a)2., F.S.
[34] The term "private residences" includes patients' private homes, independent living centers, and assisted living facilities, but does not include skilled nursing facilities. *See* s. 456.053(3)(n)l., F.S.
[35] *See* s. 456.053(5)(b), F.S.
[36] *See* s. 456.053(5)(i), F.S.

Currently, a health care provider cannot refer a patient to an entity in which such provider is an investor unless, prior to the referral, the provider furnishes the patient with a written disclosure form, informing the patient of:

- The existence of the investment interest.
- The name and address of each applicable entity in which the referring health care provider is an investor.
- The patient's right to obtain the items or services for which the patient has been referred at the location or from the provider or supplier of the patient's choice, including the entity in which the referring provider is an investor.
- The names and addresses of at least two alternative sources of such items or services available to the patient.

The physician or health care provider must also post a copy of the disclosure forms in a conspicuous public place in his or her office. A violation of these requirements constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S.,[37] or s. 775.083, F.S.[38] In addition to any other penalties or remedies provided,[39] a violation will be grounds for disciplinary action by the respective board.[40,41]

The Federal Stark Law

A similar law exists at the federal level, commonly referred to as the Stark Law.[42] The Stark Law prohibits a physician from making referrals for certain DHS to an entity with which the physician, or an immediate family member, has a financial relationship (ownership, investment, compensation arrangement) and billing Medicare (or other payers), unless an exception applies. The following items or services are DHS:[43]

- Clinical laboratory services;

[37] A person who has been convicted of a designated misdemeanor of the first degree may be sentenced to a definite term of imprisonment not exceeding one year. *See* s. 775.082(4)(a), F.S.

[38] A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082, F.S.; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082, F.S. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed $1,000, when the conviction is of a misdemeanor of the first degree. In addition to a fine, court costs will be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed will be $50 for a felony and $20 for any other offense and will be deposited by the clerk of the court into an appropriate county account for disbursement. *See* ss. 775.083(1)(d) and 775.083(2), F.S.

[39] Any health care provider or other entity that enters into an arrangement or scheme, such as a cross-referral arrangement, which the physician or entity knows or should know has a principal purpose of assuring referrals by the physician to a particular entity which, if the physician directly made referrals to such entity, would be in violation of s. 456.053, F.S., will be subject to a civil penalty up to $100,000 for each circumvention arrangement or scheme to be imposed and collected by the appropriate board. *See* s. 456.053(5)(f), F.S.

[40] Section 456.052, F.S.

[41] Section 456.053(5)(g), F.S.

[42] 42 U.S.C. s. 1395nn (1989).

[43] Centers for Medicare & Medicaid Services, *Physician Self-Referral, available at* https://www.cms.gov/medicare/regulations-guidance/physician-self-referral?redirect=/physicianselfreferral/ (last visited Apr. 23, 2025).

- Physical therapy services;
- Occupational therapy services;
- Outpatient speech-language pathology services;
- Radiology and certain other imaging services;
- Radiation therapy services and supplies;
- Durable medical equipment and supplies;
- Parenteral and enteral nutrients, equipment, and supplies;
- Prosthetics, orthotics, and prosthetic devices and supplies;
- Home health services;
- Outpatient prescription drugs; and
- Inpatient and outpatient hospital services.

The federal regulations implementing the Stark Law were updated to coordinate the care among physicians and other health care providers to improve the care of the patients they serve.[44] This rule provides exceptions to the referral prohibitions for, among other things, physician services and in-office ancillary services if the services are furnished personally; by another physician in the referring physician's group practice; or by another individual who is supervised by the referring physician or another physician in the group practice, provided that the supervision complies with all other applicable Medicare payment and coverage rules for the services.[45]

More recently, in the 2023 federal Consolidated Appropriations Act,[46] the U.S. Congress established a new exception to the physician self-referral law for physician wellness programs. Provided that all the requirements of the Stark Law are satisfied, provider facilities such as hospitals, ambulatory surgical centers, community health centers, rural emergency hospitals, rural health clinics, or skilled nursing facilities are allowed to offer a bona fide mental health or behavioral health improvement or maintenance program to physicians that practice in the specific geographic area served by such entity. Only physician wellness programs offered on or after December 29, 2022, can utilize this exception.[47]

III. Effect of Proposed Changes:

Section 1 amends s. 456.053, F.S., to require a health care provider who meets the requirements of ss. 456.053(b) and 456.053(i), F.S., to disclose to the patient his or her status with the entity in which the health care provider has an investment interest as a nonparticipating provider for nonemergency services, as those terms are defined in s. 627.64194, F.S., or to a provider, as defined in s. 641.47, F.S., not under contract with the patient's HMO before making a referral to his or her patient.

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[44] Centers for Medicare & Medicaid Services, *Modernizing and Clarifying the Physician Self-Referral Regulations Final Rule (CMS-1720-F)* (Nov. 20, 2020), *available at* https://www.cms.gov/newsroom/fact-sheets/modernizing-and-clarifying-physician-self-referral-regulations-final-rule-cms-1720-f (last visited Apr. 23, 2025).
[45] *See* 85 Federal Register 77492, 77667; 42 C.F.R. s. 411.355 (published December 2, 2020, effective January 19, 2021), *available at* https://www.govinfo.gov/content/pkg/FR-2020-12-02/pdf/2020-26140.pdf (last visited Apr. 23, 2025).
[46] Congress.gov, *H.R.2617 - Consolidated Appropriations Act, 2023, available at* https://www.congress.gov/bill/117th-congress/house-bill/2617/text (last visited Apr. 23, 2025).
[47] LUGPA: Integrated Practices Comprehensive Care, *Stark Law Update, available at* https://www.lugpa.org/stark-law-update-april-2023#:~:text=The%20new%20rule%20aligned%20the,context%20of%20value%2Dbased%20arrangements. (last visited Apr. 23, 2025).

The bill requires the disclosure to be in writing and to state that the services will be provided on an out-of-network basis, which may result in additional cost-sharing responsibilities for the patient.

Section 2 provides an effective date of 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:

The bill has no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 456.053 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/CS by Fiscal Policy on April 22, 2025:
The committee substitute:

- Removes the underlying bill's amendments to s. 456.0575, F.S.
- Amends s. 456.053, F.S., to require that before a health care provider refers a patient for non-emergency services to an entity in which the provider has an investment interest, and such entity does not participate in the patient's health insurance or HMO provider network, the provider must disclose to the patient his or her status with the referral entity, in writing, and the disclosure must indicate that services will be provided by the referral entity on an out-of-network basis, which might result in additional cost-sharing responsibilities for the patient.

CS/CS by Appropriations Committee on Health and Human Services on April 10, 2025:
The committee substitute:

- Requires a patient to notify a practitioner *in writing* if they do not wish for confirmation that a referral provider participates in the provider network of the patient's health insurer or health maintenance organization (HMO).
- Allows practitioners to confirm whether the referral provider participates in the provider network of the patient's health insurer or HMO by relying on the online provider directory of the health insurer or HMO.

CS by Health Policy on March 25, 2025:
The committee substitute:

- Removes the underlying bill's amendments to the Insurance Code relating to health insurance deductibles.
- Clarifies that a health care practitioner providing nonemergency services to a patient and making a referral to another provider for nonemergency services, must confirm the referral provider's participation in the provider network of the patient's health insurer or Health Maintenance Organization (HMO) at the point of service unless the patient declines the practitioner's offer to make the network confirmation or declines to share identifying information with the referral provider. The CS allows the referring practitioner to delegate this duty to an employee.
- Requires a practitioner to notify a patient in writing when additional cost-sharing responsibilities are possible when making a referral for services provided by an out-of-network provider or that are not covered services under the patient's health coverage.
- Authorizes the Department of Health (DOH) to adopt rules.

B. Amendments:

None.

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

317762

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
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The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (j) of subsection (5) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

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(j) A health care provider who meets the requirements of paragraphs (b) and (i) shall ~~must~~ disclose the following information to his or her patient before making a referral:

1. His or her investment interest ~~to his or her patients~~ as provided in s. 456.052; and

2. His or her status with the entity in which the health care provider has an investment interest as a nonparticipating provider for nonemergency services, as those terms are defined in s. 627.64194, or to a provider, as defined in s. 641.47, not under contract with the patient's health maintenance organization. The disclosure must be in writing and state that the services will be provided on an out-of-network basis, which may result in additional cost-sharing responsibilities for the patient.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to health care provider referrals; amending s. 456.053, F.S.; requiring certain health care providers to disclose in writing specified information to their patients before making a referral for certain health care services; providing an effective date.

By the Appropriations Committee on Health and Human Services; the Committee on Health Policy; and Senator Burton

603-03460-25 20251842c2

A bill to be entitled

An act relating to out-of-network providers; amending s. 456.0575, F.S.; requiring a health care practitioner or his or her employee to confirm whether a referral provider participates in the provider network of the patient's health insurer or health maintenance organization under certain circumstances; authorizing the practitioner or his or her employee to confirm the referral provider's participation in a specified manner; providing applicability; requiring a health care practitioner to notify a patient in writing that certain services are not covered services under the patient's health coverage; requiring that such notice be documented; providing for health care practitioner disciplinary action under certain conditions; authorizing the Department of Health to adopt rules; providing an effective date.

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

Section 1. Present subsection (2) of section 456.0575, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

456.0575 Duty to notify patients.—

(2)(a) When providing nonemergency services, as defined in s. 627.64194, to a patient, and referring the patient to a provider for nonemergency services, a health care practitioner or his or her employee must, at the point of service, confirm whether the referral provider participates in the provider network of the patient's health insurer or health maintenance organization. The practitioner or his or her employee may confirm the referral provider's participation by contacting the referral provider or the patient's health insurer or health maintenance organization, as necessary, or may rely on the online provider directory of the health insurer or health maintenance organization.

(b) The requirements of paragraph (a) do not apply if the patient indicates in writing that he or she does not wish the referring health care practitioner to confirm whether other providers participate in the provider network of the patient's health insurer or health maintenance organization.

(c) When making any referral, the practitioner must notify a patient in writing that services provided by an out-of-network provider or that are not covered services under the patient's health coverage may result in additional cost-sharing responsibilities for the patient, and such notice must be documented in the patient's medical record.

(d) Failure to comply with this subsection, without good cause, shall result in disciplinary action against the health care practitioner.

(e) The department may adopt rules to implement this subsection.

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

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

4/22/25
Meeting Date

FP
Committee

SB 1842
Bill Number or Topic

Amendment Barcode (if applicable)

Name Keith Dean

Phone 850 980 3745

Address 2029 Laurel St
Street

Email Kdean@floridiansforaffordablehealthcare.com

TLH 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: ~~BAsp~~ Floridians for Affordable Healthcare

☐ 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

Tallahassee, Florida 32399-1100

COMMITTEES:
Judiciary, *Chair*
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Pre-K - 12 Education
Commerce and Tourism
Criminal Justice
Education Pre-K - 12
Fiscal Policy

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR CLAY YARBOROUGH
4th District

April 22, 2025

Chair Joe Gruters
413 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Gruters,

I respectfully request an early excusal at 3:00 p.m. from the Tuesday, April 22, 2025, Fiscal Policy Committee Meeting.

Thank you for your consideration of this request.

Regards,

Clay Yarborough

REPLY TO:
❒ 1615 Huffingham Road, Suite 1, Jacksonville, Florida 32216 (904) 723-2034
❒ 308 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412 **Case No.:** **Type:**
Caption: Senate Fiscal Policy Committee **Judge:**

Started: 4/22/2025 11:04:59 AM
Ends: 4/22/2025 4:17:03 PM Length: 05:12:05

11:05:02 AM Chair Gruters calls the meeting to order
11:05:09 AM Roll call
11:05:31 AM Chair Gruters makes opening remarks
11:05:37 AM Chair Gruters TPs Tab 13, CS/CS/SB 594 by RI, BI, Leek
11:05:42 AM Chair Gruters TPs Tab 46, SB 1672 by Truenow
11:05:59 AM Tab 47, CS/SB 1782 by TR, Pizzo, Dangerous Excessive Speeding
11:06:09 AM Senator Pizzo explains the bill
11:06:33 AM Chair Gruters recognizes those who waive speaking
11:06:49 AM Senator Pizzo waives close on the bill
11:06:52 AM Roll call
11:07:26 AM Tab 3, CS/SB 306 by HP, Sharief, Medicaid Providers
11:07:39 AM Senator Sharief explains the bill
11:08:11 AM Senator Sharief waives close on the bill
11:08:15 AM Roll call
11:08:48 AM Tab 17, CS/SB 716 by CJ, Martin, Sexual Offenses by Persons Previously Convicted of Sexual Offenses
11:09:08 AM Senator Martin explains the bill
11:10:15 AM Senator Martin waives close on the bill
11:10:17 AM Roll call
11:10:47 AM Tab 27, CS/SB CJ, Martin, Sexual Cyberharassment
11:10:57 AM Senator Martin explains the bill
11:12:31 AM Roll call
11:13:10 AM Tab 45, CS/CS/SB 1604 by ACJ, CJ, Martin, Corrections
11:13:12 AM Senator Martin explains the bill
11:14:40 AM Questions:
11:14:43 AM Senator Osgood
11:15:01 AM Senator Martin
11:17:07 AM Senator Osgood
11:17:31 AM Senator Martin
11:18:07 AM Senator Osgood
11:18:37 AM Senator Martin
11:20:41 AM Senator Osgood
11:21:11 AM Senator Martin
11:21:54 AM Senator Davis
11:23:06 AM Senator Martin
11:24:10 AM Senator Martin waives close on the bill
11:24:18 AM Roll call
11:25:02 AM Tab 48, CS/SB 1804 by ACJ, Martin, Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation
11:25:08 AM Amendment #373460 by Martin
11:25:11 AM Senator Martin explains the amendment
11:27:25 AM Senator Martin waives close on the amendment
11:27:34 AM Chair Gruters reports the amendment
11:27:40 AM Back on the bill
11:27:44 AM Questions:
11:27:47 AM Senator Jones
11:28:48 AM Senator Martin
11:31:12 AM Senator Jones
11:32:12 AM Senator Martin
11:33:48 AM Senator Jones
11:34:01 AM Senator Martin
11:34:59 AM Senator Jones
11:35:35 AM Senator Martin

11:36:26 AM Senator Jones
11:36:40 AM Senator Martin
11:38:31 AM Senator Jones
11:38:49 AM Senator Martin
11:39:17 AM Senator Davis
11:39:35 AM Senator Martin
11:40:24 AM Senator Davis
11:40:35 AM Senator Martin
11:41:04 AM Senator Davis
11:41:26 AM Senator Martin
11:41:34 AM Senator Davis
11:41:47 AM Senator Martin
11:42:01 AM Chair Gruters recognizes public appearances
11:42:10 AM Joseph Harmon
11:43:14 AM Aaron Wayt
11:47:44 AM Debate:
11:47:46 AM Senator Jones
11:50:20 AM Senator Osgood
11:52:42 AM Senator Martin closes on the bill
11:55:56 AM Roll call
11:56:41 AM Tab 49, CS/SB 1838 by CJ, Martin, Tampering With, Harassing, or Retaliating Against Court Officials
11:56:47 AM Senator Martin explains the bill
11:58:04 AM Amendment #892498 by Martin
11:58:09 AM Substitute Amendment #751882 by Martin
11:58:17 AM Senator Martin explains the amendment
11:59:17 AM Senator Martin waives close on the amendment
11:59:25 AM Back on the bill
11:59:29 AM Senator Martin waives close on the bill
11:59:36 AM Roll call
12:00:14 PM Tab 21, CS/SB 890 by AHS, Yarborough, Improving Screening for and Treatment of Blood Clots
12:00:22 PM Amendment #877818 by Yarborough
12:00:40 PM Senator Yarborough explains the amendment
12:01:46 PM Amendment #920966 by Yarborough
12:01:50 PM Senator Yarborough explains the amendment to the amendment
12:01:58 PM Senator Yarborough waives close on the amendment to the amendment
12:02:21 PM Chair Gruters reports the amendment to the amendment
12:02:27 PM Back on the original amendment
12:02:32 PM Senator Yarborough waives close on the amendment
12:02:47 PM Chair Gruters reports the amendment
12:02:52 PM Back on the bill
12:02:57 PM Questions:
12:02:59 PM Senator Davis
12:03:23 PM Senator Yarborough
12:04:11 PM Senator Davis
12:04:48 PM Senator Yarborough
12:05:54 PM Senator Davis
12:06:03 PM Senator Yarborough
12:06:17 PM Senator Davis
12:06:43 PM Senator Yarborough
12:07:24 PM Senator Davis
12:07:43 PM Senator Yarborough
12:07:53 PM Senator Davis
12:08:24 PM Senator Yarborough
12:08:48 PM Senator Davis
12:09:18 PM Senator Yarborough
12:10:32 PM Chair Gruters recognizes public appearances
12:11:03 PM Bijoulleli
12:11:27 PM Leslie Lake
12:14:18 PM Douglas Adlerus
12:16:41 PM Debate:
12:16:43 PM Senator Jones
12:19:56 PM Senator Gaetz

12:20:44 PM Senator Yarborough closes on the bill
12:21:20 PM Roll call
12:21:49 PM Tab 32, CS/SB 1252 by ACJ, Yarborough, Feasibility Study Relating to a Statewide Pawn Database
12:22:22 PM Senator Yarborough explains the bill
12:23:11 PM Amendment #181156 by Yarborough
12:23:24 PM Senator Yarborough explains the amendment
12:23:33 PM Senator Yarborough waives close on the amendment
12:23:47 PM Chair Gruters reports the amendment
12:23:52 PM Back on the bill
12:23:57 PM Chair Gruters recognizes those who waive speaking
12:24:15 PM Senator Yarborough waives close on the bill
12:24:22 PM Roll call
12:24:53 PM Tab 5, CS/SB 468 by CJ, Collins, Attempting to Elude a Law Enforcement Officer
12:25:20 PM Senator Collins explains the bill
12:26:05 PM Questions:
12:26:09 PM Senator Truenow
12:26:14 PM Senator Collins
12:27:01 PM Chair Gruters recognizes those who waive speaking
12:27:27 PM Senator Collins waives close on the bill
12:27:33 PM Roll call
12:27:49 PM Tab 6, CS/SB 490 by CJ, Collins, Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, Correctional Probation Officers, and Military Servicemembers
12:28:19 PM Senator Collins explains the bill
12:29:16 PM Chair Gruters recognizes those who waive speaking
12:29:26 PM Senator Collins waives close on the bill
12:29:32 PM Roll call
12:29:53 PM Tab 11, CS/SB 572 by JU, Collins, Dangerous Dogs
12:30:12 PM Senator Collins explains the bill
12:31:37 PM Amendment #825270 by Collins
12:31:55 PM Senator Collins explains the bill
12:33:27 PM Questions:
12:33:30 PM Senator Ingoglia
12:33:43 PM Senator Collins
12:33:46 PM Senator Ingoglia
12:34:14 PM Senator Collins
12:34:18 PM Senator Ingoglia
12:34:22 PM Senator Collins
12:34:37 PM Senator Ingoglia
12:35:03 PM Senator Collins
12:35:41 PM Senator Ingoglia
12:36:01 PM Senator Collins
12:36:57 PM Senator Ingoglia
12:37:07 PM Senator Collins
12:37:32 PM Senator Ingoglia
12:37:42 PM Senator Collins
12:37:55 PM Senator Jones
12:38:32 PM Senator Collins
12:38:36 PM Senator Jones
12:39:19 PM Senator Collins
12:39:49 PM Senator Jones
12:40:22 PM Senator Collins
12:41:36 PM Senator Jones
12:42:14 PM Senator Collins
12:42:54 PM Senator Jones
12:43:47 PM Senator Collins
12:44:27 PM Debate:
12:44:40 PM Senator Boyd
12:45:54 PM Senator Collins closes on the amendment
12:46:31 PM Chair Gruters reports the amendment
12:46:33 PM Back on the bill
12:46:39 PM Chair Gruters recognizes public appearances
12:46:50 PM Chris Rock

12:48:56 PM Heidi Rock Wright
12:50:33 PM Daniel Rock
12:52:17 PM Maria Rock Risse
12:55:11 PM Tom Rock
12:56:01 PM Fred Rock
12:58:12 PM Senator Collins closes on the bill
12:59:10 PM Roll call
12:59:33 PM Tab 28, CS/CS/SB 1136 by ACJ, CJ, Collins, Age as an Element of a Criminal Offense
1:00:12 PM Senator Collins explains the bill
1:00:54 PM Chair Gruters recognizes those who waive speaking
1:01:11 PM Senator Collins waives close
1:01:14 PM Roll call
1:01:51 PM Tab 38, CS/CS/SB 1444 by ACJ, CJ, Collins, Public Safety
1:02:09 PM Amendment #370304 by Collins
1:02:18 PM Senator Collins explains the amendment
1:05:26 PM Senator Collins waives close on the amendment
1:05:31 PM Chair Gruters reports amendment
1:05:38 PM Chair Gruters recognizes those who waive speaking
1:05:53 PM Senator Collins waives close on the bill
1:05:58 PM Roll call
1:06:31 PM Tab 41, CS/SB 1528 by MS, Collins, Educational Opportunities for Military Children
1:06:50 PM Senator Collins explains the bill
1:08:10 PM Chair Gruters recognizes those who waive speaking
1:08:18 PM Senator Collins waives close on the bill
1:08:20 PM Roll call
1:08:59 PM Tab 2, SB 200 by Berman, Comprehensive Waste Reduction and Recycling Plan
1:09:31 PM Senator Berman explains the bill
1:10:28 PM Chair Gruters recognizes those who waive speaking
1:10:58 PM Senator Berman waives close on the bill
1:11:02 PM Roll call
1:11:24 PM Tab 34, CS/SB 1354 by CF, Trumbull, Behavioral Health Managing Entities
1:11:51 PM Senator Trumbull explains the bill
1:12:28 PM Senator Trumbull waives close on the bill
1:12:32 PM Roll call
1:12:57 PM Tab 37, CS/SB 1388 by AEG, Trumbull, Vessels
1:13:15 PM Senator Trumbull explains the bill
1:13:55 PM Chair Gruters recognizes public appearances
1:14:11 PM Kimberly Russo
1:15:23 PM Senator Trumbull closes on the bill
1:15:32 PM Roll call
1:16:09 PM Tab 26, SB 1054 by Garcia, Tampering with an Electronic Monitoring Device
1:16:24 PM Senator Garcia explains the bill
1:17:57 PM Senator Garcia waives close on the bill
1:18:01 PM Roll call
1:18:34 PM Chair Gruters passes the gavel to Vice Chair Osgood
1:18:51 PM Tab 31, CS/SB 1212 by BI, DiCeglie, Firefighter Health and Safety
1:18:59 PM Senator DiCeglie explains the bill
1:20:03 PM Amendment #307894 by DiCeglie
1:20:09 PM Senator DiCeglie explains the amendment
1:21:02 PM Senator DiCeglie waives close on the amendment
1:21:14 PM Chair Osgood reports the amendment
1:21:21 PM Back on the bill
1:21:24 PM Chair Osgood recognizes public appearances
1:21:41 PM Wayne Bernoska
1:22:55 PM Senator Davis
1:23:22 PM Wayne Bernoska
1:24:17 PM Chief Michael Choate
1:26:45 PM Debate:
1:26:49 PM Senator Passidomo
1:28:20 PM Senator Boyd
1:29:04 PM Senator DiCeglie closes on the bill
1:31:54 PM Roll call

1:32:49 PM Tab 39, CS/SB 1458 by HE, DiCeglie, Apprenticeship and Preapprenticeship Program
1:32:52 PM Senator DiCeglie explains the bill
1:33:56 PM Chair Osgood recognizes those who waive speaking
1:34:32 PM Senator DiCeglie closes on the bill
1:34:42 PM Roll call
1:35:03 PM Tab 42, CS/SB 1574 by RI, DiCeglie, Energy Infrastructure Investment
1:35:25 PM Senator DiCeglie explains the bill
1:36:23 PM Amendment #379058 by DiCeglie
1:36:40 PM Senator DiCeglie explains the amendment
1:37:22 PM Amendment #303246 by DiCeglie
1:37:36 PM Senator DiCeglie explains the amendment to the amendment
1:37:47 PM Senator DiCeglie waives close on the amendment to the amendment
1:37:59 PM Chair Osgood reports the amendment to the amendment
1:38:09 PM Back on the original amendment
1:38:18 PM Senator DiCeglie waives close on the amendment
1:38:36 PM Chair Osgood reports the amendment
1:38:46 PM Back on the bill
1:38:48 PM Questions:
1:38:50 PM Senator Jones
1:39:07 PM Senator DiCeglie
1:40:02 PM Senator Davis
1:40:21 PM Senator DiCeglie
1:40:26 PM Senator Davis
1:40:46 PM Senator DiCeglie
1:41:49 PM Senator Davis
1:42:04 PM Senator DiCeglie
1:42:20 PM Chair Osgood recognizes those who waive speaking
1:42:51 PM Senator DiCeglie closes on the bill
1:43:11 PM Roll call
1:43:38 PM Vice Chair Osgood passes the gavel back to Chair Gruters
1:44:18 PM Tab 15, CS/SB 614 by CF, Polsky, Public Education of Background Screening Requirements
1:44:19 PM Senator Polsky explains the bill
1:45:14 PM Senator Polsky waives close on the bill
1:45:20 PM Roll call
1:45:50 PM Tab 4, CS/CS/SB 324 by ATD, CM, Smith, Construction Disruption Assistance
1:46:14 PM Senator Smith explains the bill
1:48:15 PM Questions:
1:48:19 PM Senator Ingoglia
1:48:29 PM Senator Smith
1:49:22 PM Senator Ingoglia
1:49:32 PM Senator Smith
1:50:24 PM Senator Gaetz
1:51:17 PM Senator Smith
1:52:27 PM Senator Gaetz
1:52:36 PM Senator Smith
1:52:45 PM Debate:
1:52:50 PM Senator Ingoglia
1:57:13 PM Senator Jones
2:00:02 PM Senator Osgood
2:02:41 PM Senator Leek
2:03:43 PM Senator Arrington
2:04:36 PM Senator Gaetz
2:07:09 PM Senator Boyd
2:07:43 PM Senator Passidomo moves to TP the bill
2:07:57 PM Chair Gruters TPs the bill
2:08:07 PM Senator Smith
2:08:23 PM Tab 1, CS/SB 80 by EN, Harrell, State Land Management
2:08:46 PM Chair Gruters passes the gavel to Vice Chair Osgood
2:08:50 PM Senator Harrell explains the bill
2:14:29 PM Amendment #914540 by Gruters
2:14:42 PM Substitute Amendment #428042 by Gruters
2:14:59 PM Senator Gruters explains the amendment

2:16:04 PM Questions:
2:16:06 PM Senator Passidomo
2:17:01 PM Senator Gruters
2:18:25 PM Senator Passidomo
2:18:59 PM Senator Gruters
2:19:27 PM Senator Passidomo
2:20:04 PM Senator Gruters
2:20:19 PM Senator Passidomo
2:20:35 PM Senator Gruters
2:21:35 PM Senator Jones
2:22:23 PM Senator Gruters
2:22:30 PM Senator Jones
2:22:57 PM Senator Gruters
2:23:27 PM Senator Jones
2:23:51 PM Senator Gruters
2:24:22 PM Senator Jones
2:24:58 PM Senator Gruters
2:26:01 PM Senator Jones
2:26:23 PM Senator Gruters
2:26:50 PM Chair Osgood recognizes public appearances
2:26:58 PM Travis Moore
2:29:03 PM Elizabeth Alvi
2:31:57 PM Katrina Shadix
2:34:55 PM Debate:
2:35:01 PM Senator Gaetz
2:37:17 PM Senator Bradley
2:38:49 PM Senator Gruters closes on the amendment
2:40:33 PM Chair Osgood reports the amendment
2:40:39 PM Back on the bill
2:40:44 PM Chair Osgood recognizes public appearances
2:41:00 PM Maya Sheriefelt
2:42:21 PM Jasmine Engel
2:44:18 PM Katrina Shadix
2:46:21 PM Kaitlyn Gualillo
2:48:38 PM Kaitlynn Brode
2:52:02 PM Debate:
2:52:05 PM Senator Truenow
2:53:01 PM Senator Jones
2:54:16 PM Senator Bernard
2:54:48 PM Chair Osgood
2:54:57 PM Senator Harrell closes on the bill
2:57:39 PM Roll call
2:58:05 PM Vice Chair Osgood passes the gavel back to Chair Gruters
2:58:43 PM Tab 10, CS/SB 524 by Harrell, Newborn Screenings
2:58:46 PM Senator Harrell explains the bill
3:00:09 PM Senator Harrell closes on the bill
3:00:18 PM Roll call
3:00:20 PM Tab 29, CS/SB 1156 by HP, Harrell, Home Health Aide for Medically Fragile Children Program
3:01:06 PM Amendment #558220 by Harrell
3:01:17 PM Senator Harrell explains the amendment
3:04:18 PM Senator Harrell waives close on the amendment
3:04:29 PM Chair Gruters reports the amendment
3:04:35 PM Back on the bill
3:04:38 PM Chair Gruters recognizes those who waive speaking
3:04:47 PM Senator Harrell closes on the bill
3:05:13 PM Roll call
3:05:27 PM Tab 40, CS/CS/SB 1490 by AHS, HP, Harrell, Children's Medical Services Program
3:05:55 PM Senator Harrell explains the bill
3:08:24 PM Senator Harrell waives close on the bill
3:08:31 PM Roll call
3:08:35 PM Tab 44, CS/SB by HP, Harrell, Health Care Patient Protections
3:09:01 PM Senator Harrell explains the bill

3:11:03 PM Senator Harrell waives close on the bill
3:11:11 PM Roll call
3:11:42 PM Tab 9, CS/SB by ACJ, Avila, Spectrum Alert
3:12:02 PM Senator Avila explains the bill
3:12:39 PM Amendment #440458 by Avila
3:12:44 PM Substitute Amendment #209352 by Avila
3:12:50 PM Senator Avila explains the substitute amendment
3:13:25 PM Chair Gruters reports the amendment
3:13:30 PM Back on the bill
3:13:33 PM Senator Avila waives close on the bill
3:13:40 PM Roll call
3:14:11 PM Tab 14, CS/SB 612 by CJ, Burgess, Murder
3:14:28 PM Senator Burgess explains the bill
3:14:57 PM Debate:
3:15:04 PM Senator Osgood
3:16:18 PM Senator Jones
3:17:11 PM Senator Burgess closes on the bill
3:18:43 PM Roll call
3:18:57 PM Tab 8, CS/SB 496 by RI, McClain, Timeshare Management Firms
3:19:24 PM Senator McClain explains the bill
3:20:20 PM Chair Gruters recognizes those who waive speaking
3:20:32 PM Senator Burgess waives close on the bill
3:20:39 PM Roll call
3:21:10 PM Tab 24, CS/SB 964 by ACJ, Bernard, Parole
3:21:44 PM Senator Bernard explains the bill
3:22:11 PM Senator Bernard waives close on the bill
3:22:14 PM Roll call
3:22:45 PM Tab 25, CS/SB 976 by CF, Bernard, Court-appointed Psychologists
3:22:59 PM Senator Bernard explains the bill
3:23:29 PM Senator Bernard waives close on the bill
3:23:31 PM Roll call
3:24:00 PM Tab 36, CS/SB 1382 by AED, Calatayud, Access to School Readiness Programs for Economically Disadvantaged Households
3:24:17 PM Senator Calatayud explains the bill
3:25:18 PM Chair Gruters recognizes those who waive speaking
3:25:34 PM Senator Calatayud closes on the bill
3:26:01 PM Roll call
3:26:33 PM Tab 19, CS/SB 754 by ED, Burton, International Baccalaureate Bonus Funding
3:26:51 PM Senator Burton explains the bill
3:27:47 PM Senator Burton waives close on the bill
3:27:51 PM Roll call
3:28:11 PM Tab 50 CS/SB 1842 by AHS, HP, Burton, Out-of-network Providers
3:28:23 PM Chair Gruters recognizes Senator Burton
3:28:31 PM Amendment #317762 by Burton
3:28:46 PM Senator Burton explains the amendment
3:29:27 PM Questions:
3:29:29 PM Senator Gaetz
3:30:07 PM Senator Burton
3:31:03 PM Senator Gaetz
3:31:59 PM Senator Burton
3:33:41 PM Senator Gaetz
3:35:20 PM Senator Burton
3:35:24 PM Senator Gaetz
3:36:03 PM Senator Burton
3:37:03 PM Senator Gaetz
3:37:47 PM Senator Burton
3:38:30 PM Senator Gaetz
3:38:33 PM Senator Jones
3:39:08 PM Senator Burton
3:39:36 PM Senator Jones
3:40:17 PM Senator Burton
3:40:43 PM Senator Jones

3:40:56 PM Senator Burton
3:41:29 PM Senator Jones
3:41:51 PM Senator Burton
3:42:48 PM Senator Davis
3:43:55 PM Senator Burton
3:45:11 PM Chair Gruters reports the amendment
3:45:19 PM Back on the bill
3:45:29 PM Keith Dean
3:47:18 PM Senator Burton closes on the bill
3:47:56 PM Roll call
3:48:40 PM Tab 23, SB 936 by David, Statewide Study on Automation and Workforce Impact
3:49:03 PM Senator Davis explains the bill
3:49:54 PM Senator Davis waives close on the bill
3:50:01 PM Roll call
3:50:46 PM Tab 43, SB 1578 by Davis, Coverage for Mammograms and Supplemental Breast Cancer Screenings
3:51:04 PM Senator Davis explains the bill
3:51:58 PM Chair Gruters recognizes those who waive speaking
3:52:09 PM Senator Davis waives close on the bill
3:52:15 PM Roll call
3:52:59 PM Tab 30, CS/CS/SB 1180 by ACJ, CJ, Gaetz, Sexual Images
3:53:01 PM Amendment #678830 by Gaetz
3:53:03 PM Senator Gaetz explains the amendment
3:54:41 PM Senator Gaetz waives close on the amendment
3:54:47 PM Chair Gruters reports the amendment
3:54:55 PM Back on the bill
3:54:59 PM Senator Gaetz waives close on the bill
3:55:08 PM Roll call
3:55:37 PM Tab 20, SB 776 by Ingoglia, Aggravating Factors for Capital Felonies
3:55:40 PM Senator Ingoglia explains the bill
3:56:19 PM Chair Gruters recognizes public appearances
3:56:31 PM Joseph Harmon
3:57:22 PM Senator Ingoglia waives close on the bill
3:57:30 PM Roll call
3:58:02 PM Tab 7, CS/SB 494 by CJ, Leek, Aggravated Animal Cruelty
3:58:09 PM Senator Leek explains the bill
3:59:32 PM Chair Gruters recognizes those who waive speaking
4:00:14 PM Debate:
4:00:17 PM Senator Arrington
4:00:34 PM Roll call
4:00:53 PM Tab 12, CS/CS/SB 592 by RI, BI, Leek, My Safe Florida Condominium Pilot Program
4:01:22 PM Senator Leek explains the bill
4:02:19 PM Senator Leek waives close on the bill
4:02:29 PM Roll call
4:02:43 PM Tab 35, CS/SB 1360 by CJ, Leek, Controlled Substances
4:03:01 PM Senator Leek explains the bill
4:03:31 PM Chair Gruters recognizes public appearances
4:03:41 PM Aurelie Colon
4:06:39 PM Senator Leek waives close on the bill
4:06:46 PM Roll call
4:07:20 PM Tab 16, CS/SB 622 by RI, Rodriguez, Jai Alai Permitholders
4:07:42 PM Amendment #725608 by Rodriguez
4:08:01 PM Amendment to the amendment #669490 by Rodriguez
4:08:09 PM Senator Rodriguez explains the amendment to the amendment
4:08:22 PM Senator Rodriguez waives close on the amendment to the amendment
4:08:34 PM Chair Gruters reports the amendment to the amendment
4:08:42 PM Back on the amendment
4:08:47 PM Senator Rodriguez waives close on the amendment
4:08:54 PM Chair Gruters reports the amendment
4:08:56 PM Back on the bill
4:08:59 PM Senator Rodriguez waives close on the bill
4:09:02 PM Roll call
4:09:51 PM Tab 18, CS/SB 742 by ED, Simon, Workforce Education

4:10:00 PM Senator Simon explains the bill
4:10:32 PM Senator Simon waives close on the bill
4:11:13 PM Tab 22, SB 892 by Simon, Florida State University Law Center
4:11:28 PM Senator Simon explains the bill
4:11:58 PM Senator Simon waives close on the bill
4:12:06 PM Roll call
4:12:14 PM Tab 33, SB 1268 by Simon, Department of Law Enforcement
4:12:29 PM Senator Simon explains the bill
4:13:24 PM Senator Simon waives close on the bill
4:13:31 PM Roll call
4:14:00 PM Chair Gruters makes closing remarks
4:14:01 PM Chair Gruters recognizes Senators wishing to record missed votes
4:14:10 PM Senator Osgood
4:14:28 PM Senator Jones
4:14:40 PM Senator Arrington
4:14:42 PM Senator Leek
4:14:46 PM Senator Truenow
4:15:04 PM Senator Davis
4:15:25 PM Senator Rodriguez
4:15:30 PM Senator Passidomo
4:15:38 PM Senator Avila
4:15:46 PM Senator Simon
4:15:52 PM Senator Bradley
4:15:59 PM Senator Burton
4:16:03 PM Senator Boyd
4:16:26 PM Senator Gaetz
4:16:36 PM Senator Calatayud
4:16:52 PM Senator Gruters
4:16:56 PM Senator Boyd moves to adjourn
4:16:56 PM Meeting adjourned