

Tab 1	SB 42 by Stewart; (Similar to CS/H 00133) Professional Licensing Requirements for Barbers and Cosmetologists						
Tab 2	SB 116 by Burgess; (Similar to H 00079) Child Maintenance Restitution						
362246	A	S	RCS	CJ, Burgess	Delete L.48:	02/06	03:03 PM
Tab 3	SB 118 by Burgess; (Compare to H 00079) Fees/Child Maintenance Restitution						
869404	A	S	RCS	CJ, Burgess	Delete L.105:	02/06	03:03 PM
Tab 4	SB 562 by Rouson (CO-INTRODUCERS) Davis; (Similar to CS/H 00721) Harassment of Election Workers						
933688	D	S	FAV	EE, Rouson	Delete everything after	02/05	05:19 PM
Tab 5	CS/SB 796 by GO, Avila; Combatting Human Trafficking						
874482	D	S	RCS	CJ, Avila	Delete everything after	02/06	03:03 PM
Tab 6	SB 852 by Calatayud (CO-INTRODUCERS) Book; (Similar to CS/H 00761) Interpersonal Violence Injunction Petitions						
536232	A	S	L RCS	CJ, Calatayud	Delete L.65 - 429:	02/06	03:03 PM
Tab 7	SB 888 by Perry; Property Rights						
521814	D	S	L RCS	CJ, Perry	Delete everything after	02/06	03:03 PM
Tab 8	CS/SB 1012 by RI, Calatayud; (Compare to CS/H 00751) Employment of Ex-offenders						
729916	D	S	L RCS	CJ, Calatayud	Delete everything after	02/06	03:03 PM
Tab 9	SB 1090 by Martin; (Similar to CS/H 01123) Unauthorized Sale of Alcoholic Beverages						
Tab 10	SB 1154 by Simon; (Similar to CS/H 01241) Probation and Community Control Violations						
555360	D	S	RCS	CJ, Simon	Delete everything after	02/06	03:03 PM
Tab 11	SB 1196 by Ingoglia; (Identical to H 01129) Harm to Minors						
967462	A	S		CJ, Ingoglia	Delete L.129 - 270.	02/05	11:16 AM
Tab 12	SB 1286 by Collins; (Identical to H 00485) Return of Weapons and Arms Following an Arrest						
908506	A	S	L RCS	CJ, Collins	Delete L.33 - 36:	02/06	03:03 PM
Tab 13	SB 1356 by Calatayud; (Compare to CS/H 01473) School Safety						
468660	D	S	RCS	CJ, Calatayud	Delete everything after	02/06	03:03 PM
Tab 14	SB 1434 by Book; Pretrial Intervention Programs						
458690	A	S	RCS	CJ, Book	Delete L.39 - 43:	02/06	03:03 PM
Tab 15	SB 1604 by Book; (Similar to CS/H 01389) Digital Voyeurism						
249990	D	S	RCS	CJ, Book	Delete everything after	02/06	03:03 PM
Tab 16	SB 1634 by Collins; (Identical to H 01539) Career Offenders						

Tab 17 **SB 1712** by **Collins (CO-INTRODUCERS) Perry**; (Similar to CS/H 01415) Peer Support for First Responders

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Bradley, Vice Chair

MEETING DATE: Tuesday, February 6, 2024
TIME: 11:30 a.m.—2:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Martin, Chair; Senator Bradley, Vice Chair; Senators Ingoglia, Perry, Pizzo, Polsky, Powell, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 42 Stewart (Similar CS/H 133)	Professional Licensing Requirements for Barbers and Cosmetologists; Providing a period of time when a conviction, or any other adjudication, for a crime may not be grounds for denial of licensure as a barber or cosmetologist; providing an exception; requiring the applicable board to approve certain educational program credits offered to inmates in certain institutions or facilities for purposes of satisfying training requirements for licensure as a barber or cosmetologist, etc. RI 12/06/2023 Favorable CJ 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0
2	SB 116 Burgess (Similar H 79, Linked S 118)	Child Maintenance Restitution; Defining the term "child maintenance restitution"; authorizing a court to order a defendant to pay child maintenance restitution to the surviving parent or guardian of a minor if the defendant is convicted of violating specified provisions of law and the deceased victim of the offense was the parent or guardian of the child; providing for enforcement of income deduction orders; specifying circumstances under which child maintenance restitution may not be ordered or under which child maintenance restitution must be an offset by a judgment award, etc. CJ 02/06/2024 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0
3	SB 118 Burgess (Compare H 79, Linked S 116)	Fees/Child Maintenance Restitution; Authorizing payors to collect certain administrative costs from the defendant's income, as a part of the notice that is required to accompany income deduction orders, etc. CJ 02/06/2024 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 6, 2024, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 562 Rouson (Similar CS/H 721) (If Received)	Harassment of Election Workers; Prohibiting a person from intimidating, threatening, coercing, harassing, or attempting to intimidate, threaten, coerce, or harass an election worker with specified intent; providing criminal penalties, etc. EE 02/05/2024 Fav/1 Amendment RC	Not Received
5	CS/SB 796 Governmental Oversight and Accountability / Avila (Compare S 628)	Combatting Human Trafficking; Revising the membership of the board of directors of the direct-support organization for the Statewide Council on Human Trafficking; revising the hotline telephone number to be included in human trafficking awareness signs to the Florida Human Trafficking Hotline, rather than the National Human Trafficking Hotline; revising and providing human trafficking awareness training and policies for public lodging establishments; requiring that contractors with governmental entities attest that they do not use coercion of labor or services, etc. GO 01/22/2024 Fav/CS CJ 02/06/2024 Fav/CS FP	Fav/CS Yeas 8 Nays 0
6	SB 852 Calatayud (Similar CS/H 761)	Interpersonal Violence Injunction Petitions; Revising a requirement that petitions for injunction for protection against domestic violence, repeat violence, sexual violence, or dating violence, and stalking, respectively, be verified, rather than sworn to; revising the form for such petitions for injunction to require a person to verify, rather than swear to, certain statements, etc. JU 01/22/2024 Favorable CJ 02/06/2024 Fav/CS RC	Fav/CS Yeas 8 Nays 0
7	SB 888 Perry	Property Rights; Authorizing property owners or their authorized agents to request assistance from law enforcement in immediately removing unauthorized occupants from a residential dwelling under certain conditions; requiring the sheriff to serve a notice to immediately vacate on the unauthorized occupant; authorizing the owner or agent to request that the sheriff stand by while the owner or agent takes possession of the property; authorizing the sheriff to charge a reasonable hourly rate for a certain purpose, etc. JU 02/05/2024 Favorable CJ 02/06/2024 Fav/CS RC	Fav/CS Yeas 7 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 6, 2024, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 1012 Regulated Industries / Calatayud (Compare CS/H 751)	Employment of Ex-offenders; Authorizing a person to petition a state agency at any time for a decision as to whether his or her prior conviction disqualifies him or her from obtaining a license, permit, or certification; providing that a state agency's decision that the person is not disqualified for a specified license, permit, or certification is binding on the agency unless certain conditions exist; requiring the agency to advise the person, if disqualified, of any actions he or she may take to remedy the disqualification, etc. RI 01/22/2024 Fav/CS CJ 02/06/2024 Fav/CS FP	Fav/CS Yeas 8 Nays 0
9	SB 1090 Martin (Similar H 1123)	Unauthorized Sale of Alcoholic Beverages; Revising the punishment for the unlawful sale of alcoholic beverages; revising the activities that may be declared a public nuisance under local administrative actions to abate certain activities to include persons who commit the unlicensed or unlawful sale of alcoholic beverages more than a specified number of times within a specified period, etc. RI 01/29/2024 Favorable CJ 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0
10	SB 1154 Simon (Similar CS/H 1241)	Probation and Community Control Violations; Revising the sentencing score sheet to reflect the absence of community sanction points assessed in certain circumstances; revising sanctions for probation violations; providing for hearings within a specified time period for low-risk probation or community control violations; providing for the release of offenders in certain circumstances if a hearing is not held, etc. CJ 02/06/2024 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 6, 2024, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1196 Ingoglia (Identical H 1129, Compare S 766)	Harm to Minors; Citing this act as the "Protect Our Children Act"; requiring manufacturers of tablets or smartphones to manufacture such devices so that a filter meeting certain requirements is enabled upon activation of the device in this state; authorizing the Attorney General to enforce the act; providing damages; increasing criminal penalties for adults who intentionally lure or entice, or who attempt to lure or entice, children under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose; prohibiting persons who are of at least a specified age from knowingly engaging in any communication that is part of a pattern of communication or behavior that meets specified criteria, etc.	Temporarily Postponed
		CJ 02/06/2024 Temporarily Postponed ACJ FP	
12	SB 1286 Collins (Identical H 485)	Return of Weapons and Arms Following an Arrest; Requiring that weapons, electric weapons or devices, or arms taken from a person pursuant to an arrest which are not seized as evidence be returned upon request to the person from whom they were taken if specified conditions are met; authorizing a sheriff or chief of police to develop reasonable procedures to ensure the timely return of certain weapons, electric weapons or devices, or arms; prohibiting a sheriff or chief of police from requiring a court order before releasing certain weapons, electric weapons or devices, or arms, etc.	Fav/CS Yeas 5 Nays 3
		CJ 02/06/2024 Fav/CS JU RC	
13	SB 1356 Calatayud (Compare CS/H 1473)	School Safety; Authorizing sheriffs to waive certain requirements for school guardian candidates under certain conditions; requiring school principals to ensure that instruction is provided at least annually to students on the use of the mobile suspicious activity reporting tool; requiring superintendents to notify, within a specified timeframe, the chief of police or the public safety director of a postsecondary institution in which a student is dual enrolled if such student commits certain offenses, etc.	Fav/CS Yeas 8 Nays 0
		ED 01/17/2024 Favorable CJ 02/06/2024 Fav/CS RC	

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 6, 2024, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 1434 Book	Pretrial Intervention Programs; Revising eligibility for voluntary admission into pretrial substance abuse education and treatment intervention programs to exclude defendants who are charged with a sexual offense; defining the term "sexual offense", etc. CJ 02/06/2024 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 0
15	SB 1604 Book (Similar CS/H 1389)	Digital Voyeurism; Redesignating the offense of "video voyeurism" as "digital voyeurism"; providing reduced criminal penalties for certain violations by persons who are under 19 years of age; redesignating the offense of "video voyeurism dissemination" as "digital voyeurism dissemination", etc. CJ 02/06/2024 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 0
16	SB 1634 Collins (Identical H 1539)	Career Offenders; Requiring that all licenses for the operation of motor vehicles or identification cards issued or reissued by the Department of Highway Safety and Motor Vehicles to persons designated as career offenders subject to registration under specified provisions have a specified marking on the front of the cards; revising the definitions of the terms "permanent residence" and "temporary residence"; providing a timeframe under which certain career offenders are required to register with the Department of Corrections and provide specified information, etc. CJ 02/06/2024 Favorable ACJ FP	Favorable Yeas 5 Nays 3
17	SB 1712 Collins (Similar CS/H 1415)	Peer Support for First Responders; Revising the definition of the term "first responder" to include correctional officers and correctional probation officers for the provision of peer support, etc. GO 01/29/2024 Favorable CJ 02/06/2024 Favorable RC	Favorable Yeas 8 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 Criminal Justice

BILL: SB 42

INTRODUCER: Senator Stewart

SUBJECT: Professional Licensing Requirements for Barbers and Cosmetologists

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 42 prohibits a regulatory board within the Department of Business and Professional Regulation (DBPR) from considering a criminal conviction, or any other adjudication, for crimes more than three years before the date the application is received by a board, as grounds for denial of a barber or cosmetologist or cosmetology specialist license, with exceptions for backgrounds including a sexual predator offense pursuant to s. 775.21, F.S., or a forcible felony pursuant to s. 776.08, F.S. The prohibition does not apply if the applicant was convicted of a crime at any time during the three-year period immediately preceding the application.

The bill clarifies DBPR is prohibited from considering a criminal conviction, or any other adjudication, for crimes more than 5 years before the date the application was received as grounds for denial of a license in a construction profession under ch. 489, F.S., and for any other profession for which the department issues a license, provided the profession is offered to inmates in any correctional institution or facility.

The bill requires the DBPR's regulatory boards to approve education program credits offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program for the purpose of satisfying applicable training requirements for licensure as a barber or cosmetologist.

The bill takes effect on July 1, 2024.

II. Present Situation:

Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has 11 divisions tasked with the regulation of several professions and businesses.¹

Division of Professions

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.² The DBPR may engage in the regulation of professions “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”³ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁴

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.⁵

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.⁶

In Fiscal Year 2021-2022, there were 506,210 active licensees in the Division of Professions, including:⁷

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers (27,073 active and 97 inactive);⁸

¹ See s. 20.165, F.S., creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Professions; Real Estate; Regulation; Service Operations; and Technology.

² See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

³ Section 455.201(2), F.S.

⁴ *Id.*

⁵ Section 455.201(4)(b), F.S.

⁶ Section 455.01(4) and (5), F.S.

⁷ See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2021-2022*, at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited January 29, 2024).

⁸ *Id.*

- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists (281,228 active and 1,295 inactive);⁹
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.¹⁰

Barbering

The term “barbering” in ss. 476.014 through 476.254, F.S (the Barbers’ Act), includes any of the following practices when done for payment: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.¹¹

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;
- Pay the application fee; and
- Have held an active valid license in another state for at least one year,¹² or have a minimum of 900 hours of specified training.¹³

Alternatively, a person may apply for and receive a “restricted license” to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers’ Board.¹⁴

⁹ *Id.*

¹⁰ Section 455.219(1), F.S.

¹¹ See s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

¹² Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. See s. 476.144(5), F.S.

¹³ See s. 476.114(2), F.S. The training must include, but is not limited to, the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.

¹⁴ See s. 476.144(6), F.S.

Cosmetology

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, nail specialists, facial specialists, full specialists, and related salons in the state. The Board of Cosmetology, within the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.¹⁵

A "cosmetologist" is a person who is licensed to engage in the practice of cosmetology.¹⁶ "Cosmetology" is "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."¹⁷

Certain persons who apply cosmetic products (makeup) are exempt from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.¹⁸ In addition, persons who provide makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.¹⁹

An applicant for a cosmetologist license must pass a licensure examination and:

- Be at least 16 years of age;
- Submit an application with the applicable fee and examination fee; and
- Be licensed in another state or country for at least one year, or received 1,200 hours of training, including completion of an education at an approved cosmetology school or program.²⁰

A "specialist" is "any person holding a specialty registration in one or more of the specialties registered under ch. 477, F.S."²¹ The term "specialty" is defined as "the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

¹⁵ See Department of Business and Professional Regulation, *Cosmetology*, available at <http://www.myfloridalicense.com/DBPR/cosmetology/> (last visited January 29, 2024).

¹⁶ See s. 477.013(3), F.S.

¹⁷ See s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist.

¹⁸ See ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.

¹⁹ See s. 477.0135(6), F.S.

²⁰ See ss. 477.019(2) and (4), F.S.

²¹ See s. 477.013(5), F.S.

- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.”²²

An applicant for a specialist license must:

- Be at least 16 years of age;
- Obtain a certificate of completion from an approved specialty education program; and
- Submit an application for registration to the DBPR with the registration fee.²³

Licensing and Criminal Background

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific profession for which the license is sought.²⁴ Notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant’s lack of civil rights.²⁵

License Applicant’s Criminal Background

The DBPR’s regulatory boards, or the DBPR if there is no board, may deny a license application for any person whom it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession’s practice act.²⁶ Specifically, the regulatory board, or the DBPR if there is no board, may deny a license application for any person having been:

convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee’s profession.²⁷

Chapter 476, F.S., relating to barbers, and ch. 477, F.S., for cosmetology, do not directly reference the criminal background of an applicant as a basis for a license denial. These practice acts reference the criminal background provisions in s. 455.227(1), F.S., as a basis for a license denial.²⁸

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

²² See s. 477.013(6), F.S.

²³ See s 477.0201, F.S.

²⁴ Section 112.011(1)(b), F.S.

²⁵ Section 112.011(1)(c), F.S.

²⁶ Section 455.227(2), F.S.

²⁷ Section 455.227(1)(c), F.S.

²⁸ See s. 476.204(1)(h), F.S., relating to barbers, and s. 477.029(1)(h), F.S., relating to cosmetology.

However, s. 455.213(3), F.S., limits the period for which a regulatory board may consider an applicant's criminal conviction,²⁹ or any other adjudication, as an impairment to licensure to five years before an application is received by a board. A regulatory board may consider a criminal conviction or other adjudication older than five years if such criminal history includes a crime listed in the sexual predator act under s. 775.21, F.S., or a forcible felony under s. 776.08, F.S., and relates to the profession's practice.

The DBPR's boards must list on their websites the crimes that, if committed by an applicant, do not impair a person's qualifications for licensure, and update the list annually. Beginning October 1, 2019, the boards were required to compile a list of crimes that, although reported by a license applicant, are not used as a basis for denial. The list must identify the crime reported and the date of conviction, finding of guilt, plea, or adjudication entered, or the date of sentencing for each such license application.³⁰

Each DBPR board must also compile a list of crimes that have been used as a basis for a license denial during the previous two years. Starting October 1, 2019, with quarterly updating, the boards must compile a list indicating each crime used as a basis for a license denial. For each crime listed, the board must identify the date of conviction, finding of guilt, plea, or adjudication entered, or date of sentencing. Such denials must be available to the public upon request.³¹

Section 455.213, F.S., also:

- Permits a person to apply for a license while under criminal confinement (incarceration) or supervision;³²
- Requires a licensing agency to permit an applicant who is incarcerated or under supervision to appear by teleconference or video conference at a board or agency license application hearing,³³ and
- Requires the Department of Corrections to cooperate and coordinate with the board or agency to facilitate the applicant's hearing appearance in person, by teleconference, or by video conference.³⁴

Vocational Training in Correctional Facilities

The Florida Department of Corrections Bureau of Education partners with state colleges, technical colleges, and community education organizations to provide vocational training in 37 trades to incarcerated inmates.³⁵ Included in these vocational programs are barbering programs at

²⁹ Section 455.213(3)(b)1., F.S., defines the term "conviction" to mean a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

³⁰ Section 455.213(3)(d), F.S. The Barber's Board and the Board of Cosmetology have posted this information on the DBPR's website. The information for each profession is under the "Apply for a License" below the heading "Prior Criminal Offenses" at the following Internet links. See, the Barber's Board, <http://www.myfloridalicense.com/DBPR/barbers/#apply> (last visited January 29, 2024). See, the Board of Cosmetology, <http://www.myfloridalicense.com/DBPR/cosmetology/#apply> (last visited January 29, 2024).

³¹ Section 455.213(3)(e), F.S., and *Id.*

³² Section 455.213(3)(c)1., F.S.

³³ Section 455.213(3)(c)2., F.S.

³⁴ Section 455.213(3)(c)3. and 4., F.S.

³⁵ Florida Department of Corrections, *Bureau of Education*, <https://fdc.myflorida.com/development/programs.html> (last visited January 29, 2024).

Blackwater River Correctional Facility,³⁶ Graceville Correctional Facility,³⁷ and Lake City Correctional Facility,³⁸ as well as cosmetology programs at Lowell Correctional Institution,³⁹ Homestead Correctional Institution,⁴⁰ and Gadsden Correctional Facility.⁴¹

III. Effect of Proposed Changes:

The bill amends s. 455.213(3), F.S., to prohibit a regulatory board within DBPR from considering a criminal conviction, or any other adjudication, for crimes more than three years before the date the application is received by a board as grounds for denial of a barber or cosmetologist or cosmetology specialist license, unless the applicant was convicted of a crime at any time during the three-year period immediately preceding the application.

A DBPR regulatory board may consider a criminal background that includes a crime listed in the sexual predator act under s. 775.21, F.S., or a forcible felony under s. 776.08, F.S., if such criminal history has been found to relate to the practice of the applicable profession.

The bill requires boards to approve education program credits offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program for the purpose of satisfying applicable training requirements for licensure as a barber or cosmetologist.

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁶ Florida Department of Corrections, *Blackwater River Correctional Facility*, <http://www.dc.state.fl.us/ci/185.html> (last visited January 29, 2024).

³⁷ Florida Department of Corrections, *Graceville Correctional Facility*, <http://www.dc.state.fl.us/ci/159.html> (last visited January 29, 2024).

³⁸ Florida Department of Corrections, *Lake City Correctional Facility*, <http://www.dc.state.fl.us/ci/219.html> (last visited January 29, 2024).

³⁹ Florida Department of Corrections, *Lowell Correctional Institution*, <http://www.dc.state.fl.us/ci/314.html> (last visited January 29, 2024).

⁴⁰ Florida Department of Corrections, *Homestead Correctional Institution*, <http://www.dc.state.fl.us/ci/419.html> (last visited January 29, 2024).

⁴¹ Florida Department of Corrections, *Gadsden Correctional Facility*, <http://www.dc.state.fl.us/ci/111.html> (last visited January 27, 2024). This facility also has on-site testing by the Board of Cosmetology.

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:

Some persons who have a criminal conviction, or other adjudication, that is for a crime committed more than three years before the license application may be able to qualify for a barber or cosmetologist license.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DBPR notes that some correctional training programs are already accepted for licensure purposes. The DBPR questions whether the correctional training programs and vocation training programs referenced in the bill must meet the same training requirements that non-correctional training programs have to meet. However, the DBPR states that its regulatory boards would treat the programs the same without further direction from the Legislature.⁴²

VIII. Statutes Affected:

This bill substantially amends section 455.213 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.

⁴² See Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 42* (November 1, 2023) (on file with the Senate Regulated Industries 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 Senator Stewart

17-00221-24

202442__

1 A bill to be entitled
 2 An act relating to professional licensing requirements
 3 for barbers and cosmetologists; amending s. 455.213,
 4 F.S.; providing a period of time when a conviction, or
 5 any other adjudication, for a crime may not be grounds
 6 for denial of licensure as a barber or cosmetologist;
 7 providing an exception; requiring the applicable board
 8 to approve certain educational program credits offered
 9 to inmates in certain institutions or facilities for
 10 purposes of satisfying training requirements for
 11 licensure as a barber or cosmetologist; providing an
 12 effective date.

13

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

15

16 Section 1. Paragraph (b) of subsection (3) of section
 17 455.213, Florida Statutes, is amended, paragraph (f) is added to
 18 that subsection, and paragraph (a) of that subsection is
 19 republished, to read:

20 455.213 General licensing provisions.—

21 (3) (a) Notwithstanding any other law, the applicable board
 22 shall use the process in this subsection for review of an
 23 applicant's criminal record to determine his or her eligibility
 24 for licensure as:

25 1. A barber under chapter 476;
 26 2. A cosmetologist or cosmetology specialist under chapter
 27 477;
 28 3. Any of the following construction professions under
 29 chapter 489:

Page 1 of 3

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

17-00221-24

202442__

30 a. Air-conditioning contractor;
 31 b. Electrical contractor;
 32 c. Mechanical contractor;
 33 d. Plumbing contractor;
 34 e. Pollutant storage systems contractor;
 35 f. Roofing contractor;
 36 g. Sheet metal contractor;
 37 h. Solar contractor;
 38 i. Swimming pool and spa contractor;
 39 j. Underground utility and excavation contractor; or
 40 k. Other specialty contractors; or

41 4. Any other profession for which the department issues a
 42 license, provided the profession is offered to inmates in any
 43 correctional institution or correctional facility as vocational
 44 training or through an industry certification program.

45 (b)1. A conviction, or any other adjudication, for a crime
 46 more than 3 years before the date the application is received by
 47 the applicable board may not be grounds for denial of a license
 48 specified in subparagraph (a)1. or subparagraph (a)2. unless the
 49 applicant was convicted of a crime at any time during the 3-year
 50 period immediately preceding the application. A conviction, or
 51 any other adjudication, for a crime more than 5 years before the
 52 date the application is received by the applicable board may not
 53 be grounds for denial of a license specified in subparagraph
 54 (a)3. or subparagraph (a)4 ~~paragraph (a)~~. For purposes of this
 55 paragraph, the term "conviction" means a determination of guilt
 56 that is the result of a plea or trial, regardless of whether
 57 adjudication is withheld. This paragraph does not limit the
 58 applicable board from considering an applicant's criminal

Page 2 of 3

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

17-00221-24

202442

59 history that includes a crime listed in s. 775.21(4)(a)1. or s.
60 776.08 at any time, but only if such criminal history has been
61 found to relate to the practice of the applicable profession.

62 2. The applicable board may consider the criminal history
63 of an applicant for licensure under subparagraph (a)3. if such
64 criminal history has been found to relate to good moral
65 character.

66 (f) The applicable board shall approve educational program
67 credits offered to inmates in any correctional institution or
68 correctional facility as vocational training or through an
69 industry certification program for purposes of satisfying
70 applicable training requirements for licensure in a profession
71 under subparagraph (a)1. or subparagraph (a)2.

72 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

SB 42

Bill Number or Topic

2/6/24

Meeting Date

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name ALBERT BALIDO

Phone

Address 201 W. PACE AVE.

Email

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 POLICY INST.

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

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

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

S-001 (08/10/2021)

Feb. 6, 2024

Meeting Date

Criminal Justice

Committee

Name Gus Corbella

Address 101 E College Ave

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate APPEARANCE RECORD

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

42

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-222-6891

Email corbella@gtlaw.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:

FL Rights Restoration Coalition

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

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

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

S-001 (08/10/2021)

Feb. 6, 2024

APPEARANCE RECORD

42

Meeting Date

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name Gus Corbella

Phone 850-222-6891

Address 101 E College Ave

Email corbella@gtlaw.com

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:

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

FL Rights Restoration Coalition

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

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APPEARANCE RECORD

SB
42

2/6/24
Meeting Date

Bill Number or Topic

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Sen Criminal Justice
Committee

Amendment Barcode (if applicable)

Name Katie Bohnett ("Bohnett")

Phone 850-339-9599

Address 2273 Seminole Dr
Street

Email kbohnett@stateandjust.org

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:

Alliance for Safety and Justice

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

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

2/6/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 42

Bill Number or Topic

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CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name

CHRISTIAN CAMARA

Phone

(305) 608-4300

Address

PO Box 122

Email

CHRISTIAN@CHAUSEKCONSULTANTSFL.COM

Street

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:

INSTITUTE FOR JUSTICE

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB42

Bill Number or Topic

2/14/24

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Laurette Philipson - Florida Cares

Phone 561-855-0833

Address 2048 Fonce De Leon Ave

Email laurette@floridacarescharity.org

Street

West Palm Beach FL

33407

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator, Chair Jonathan Martin
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: December 6, 2023

I respectfully request that **Senate Bill #42**, relating to Professional Licensing Requirements for Barbers and Cosmetologists be placed on:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Linda Stewart".

Senator Linda Stewart
Florida Senate, District 17

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 Criminal Justice

BILL: CS/SB 116

INTRODUCER: Criminal Justice Committee and Senator Burgess

SUBJECT: Child Maintenance Restitution

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 116 creates s. 775.088, F.S., authorizing a court to order a defendant to pay child maintenance restitution to the surviving parent or guardian of a minor if the defendant is convicted of violating any offense where the deceased victim of the offense was the parent or guardian of a child.

The bill requires the court to determine an amount that is reasonable and necessary based on specified relevant factors if the defendant is ordered to pay child maintenance restitution.

Relevant factors include, but are not limited to, all of the following:

- The financial needs and resources of the child.
- The financial needs and resources of the surviving parent or guardian of the child including the state if the child is in the custody of the Department of Children and Families.
- The standard of living to which the child is accustomed.
- The physical and emotional condition of the child and the child's educational needs.
- The child's physical and legal custody arrangements.
- The reasonable work-related child care expenses of the surviving parent or guardian.

The bill permits the court to order the clerk of the court to collect, enforce, and dispense child maintenance restitution payments. The bill provides the requirements for the issuance of an income deduction order with an order for restitution and specifies the requirements for notice that is required to accompany income deduction orders. Additionally, the bill provides for the enforcement of income deduction orders.

The bill provides for payments to begin after a defendant's period of incarceration. A defendant who is ordered to pay child maintenance restitution and is incarcerated and unable to pay such restitution may have up to 1 year after release from incarceration to begin payment. If a defendant's child maintenance restitution payments are set to terminate but the defendant's obligation is not paid in full, such payments must continue until the entire arrearage is paid.

The court may modify an order of child maintenance restitution upon finding that such modification is reasonable and necessary, based on a substantial change in circumstance. Additionally, the court may retain jurisdiction over a defendant whom the court has ordered to pay child maintenance restitution until such restitution order is satisfied or until the court orders otherwise.

The bill becomes effective July 1, 2024.

II. Present Situation:

Restitution is a form of redress for a crime victim that may be ordered as part of the sentence issued by a criminal or juvenile court. Restitution's primary purpose is to compensate a victim for lost or destroyed property, and may be monetary or non-monetary in form.¹ In determining monetary restitution, a court must consider: the amount of the loss sustained by the victim;² the defendant's financial resources; the defendant's present and potential future financial needs and earning ability and those of his or her dependents; and any other factors the court deems appropriate.³

Restitution – In General

Restitution is “full or partial compensation paid by a criminal to a victim, not awarded in a civil trial for tort, but ordered as part of a criminal sentence or as a condition of probation.”⁴ “Unlike civil damages, restitution is a criminal sanction. The purpose of restitution is not only to compensate the victim, but also to serve the rehabilitative, deterrent, and retributive goals of the criminal justice system.”⁵

A crime victim has a state constitutional right to restitution. The State Constitution provides that a victim has the “right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.”⁶

A sentencing court must order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense and damage or loss related to the

¹ Section 775.089(7)(a), F.S.

² Section 775.089(6)(a), F.S.

³ Section 775.089(6)(b), F.S.

⁴ BLACK'S L. DICTIONARY (11th ed. 2019).

⁵ *Tolbert v. State*, 268 So.3d 947 (1st DCA 2019).

⁶ Art. I, s. 16(b)(9), FLA. CONST.

defendant's criminal episode, unless the court finds clear and compelling reasons not to order restitution. If ordered, restitution is a mandatory condition of probation.⁷

How Restitution is Proved and Calculated

In general, the fair market value at the time of the offense is the appropriate value for purposes of restitution. However, the Florida Supreme Court in *Hawthorne*⁸ ruled that "a court is not tied to fair market value as the sole standard for determining restitution amounts, but rather may exercise such discretion as required to further the purposes of restitution."⁹ The court found that fair market value can be established either through direct testimony of the victim or through evidence of the following four factors:

- Original market cost;
- Manner in which the item was used;
- The general condition and quality of the item; and
- The percentage of depreciation.¹⁰

A criminal trial and conviction must (unless waived) be heard before a jury and guilt must be proved beyond a reasonable doubt. Restitution, however, is a part of the sentencing process. A sentencing hearing is tried before the judge alone, and the essential facts need only be proved by a preponderance of the evidence.¹¹

Bentley's Law

Bentley's Law requires that drivers under the influence, who cause the death of parents with children below the age of 18, provide financial restitution in the form of child support. This obligation extends not just to the surviving spouse, but also to any relative who assumes the responsibility of raising the affected children.¹² The law was named after the young son of two Missourian parents who were victims of an intoxicated driver.¹³

To date, Tennessee, Missouri, Kentucky, Maine, and Texas have passed legislation modeled after Bentley's Law:

- Tennessee is the first state to pass "Bentley's Law." It passed the Tennessee House and Senate on April 20, 2022, and was renamed "Ethan, Hailey's and Bentley's Law" to add the names of Tennessee Officer Nicholas Galinger's children. It was signed into law on May 25, 2022.¹⁴

⁷ Section 775.089(1)(a), F.S.

⁸ *State v. Hawthorne*, 573 So. 2d 330 (Fla. 1991).

⁹ *Id.* at 333.

¹⁰ *Id.* at 332-33.

¹¹ Section 775.089(7), F.S.

¹² Enjuris, "Bentley's Law: Protecting Children after Dui Tragedies," September 8, 2023, available at, www.enjuris.com/car-accident/bentleys-law-explained/ (last visited on February 3, 2024).

¹³ *Id.*

¹⁴ Tennessee State General Assembly, *HB 1834 (2022)*, available at, <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB1834&GA=112>, (last visited on February 3, 2024).

- “Melanie’s Law” was signed in Kentucky on April 4, 2023. This is similar to Bentley’s Law but expands the restitution requirement to include children whose parents or guardians were severely and permanently injured in an impaired driving crash.¹⁵
- Texas bill HB 393 was signed into law on June 2, 2023.¹⁶
- Maine bill LD 1512 was signed into law on June 23, 2023.¹⁷

III. Effect of Proposed Changes:

The bill creates s. 775.088, F.S., authorizing a court to order a defendant to pay child maintenance restitution to the surviving parent or guardian of a minor if the defendant is convicted of violating the following provisions of law and the deceased victim of the offense was the parent or guardian of a child:

- DUI Manslaughter.¹⁸
- Murder.¹⁹
- Manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.²⁰
- Vehicular Homicide.²¹
- Any offense resulting in the death of a parent or guardian.

The bill requires the court to determine an amount that is reasonable and necessary based on specified relevant factors if the defendant is ordered to pay child maintenance restitution. Relevant factors include, but are not limited to, all of the following:

- The financial needs and resources of the child.
- The financial needs and resources of the surviving parent or guardian of the child including the state if the child is in the custody of the Department of Children and Families.
- The standard of living to which the child is accustomed.
- The physical and emotional condition of the child and the child’s educational needs.
- The child’s physical and legal custody arrangements.
- The reasonable work-related child care expenses of the surviving parent or guardian.

¹⁵ Kentucky General Assembly, *Senate Bill 268 (2023)*, available at, <https://apps.legislature.ky.gov/record/23rs/sb268.html>, (last visited on February 3, 2024).

¹⁶ Texas State Legislature, *H.B. 393 (2023)*, available at, <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB1834&GA=112> (last visited on February 3, 2024).

¹⁷ Maine State Legislature, *L.D. 1512 (2023)*, available at, <https://legiscan.com/ME/bill/LD1512/2023> (last visited February 3, 2024).

¹⁸ Section 316.193(3)(c)3., F.S., Any person who is in violation of this section who operates a vehicle; and who by reason of such operation, causes or contributes to causing the death of any human being or unborn child commits DUI manslaughter.

¹⁹ Section 782.04, F.S.

²⁰ Section 782.07(1), F.S., the killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of ch. 776, F.S., and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

²¹ Section 782.071(1), F.S., Vehicular homicide is the killing of a human being, or the killing of an unborn child by any injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is a felony of the second degree.

The bill permits the court to order the clerk of the court to collect, enforce, and dispense child maintenance restitution payments. The bill provides the requirements for the issuance of an income deduction order with an order for restitution and specifies the requirements for notice that is required to accompany income deduction orders. Additionally, the bill provides for the enforcement of income deduction orders.

The bill provides for payments to begin after a defendant's period of incarceration. A defendant who is ordered to pay child maintenance restitution and is incarcerated and unable to pay such restitution may have up to 1 year after release from incarceration to begin payment. If a defendant's child maintenance restitution payments are set to terminate but the defendant's obligation is not paid in full, such payments must continue until the entire arrearage is paid.

The court may modify an order of child maintenance restitution upon finding that such modification is reasonable and necessary, based on a substantial change in circumstance. Additionally, the court may retain jurisdiction over a defendant whom the court has ordered to pay child maintenance restitution until such restitution order is satisfied or until the court orders otherwise.

The bill becomes effective July 1, 2024.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 775.088 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 February 6, 2024:**

The committee substitute:

- Provides that the court may order a defendant convicted of any offense that resulted in the death of a parent or guardian of a minor child to pay child maintenance restitution to the surviving parent or guardian until such child reaches 18 years of age.

B. Amendments:

None.



362246

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Burgess) recommended the following:

Senate Amendment

Delete line 48

and insert:

782.04, s. 782.07(1), or s.782.071(1), or any offense resulting
in the death of a parent or guardian, to make child maintenance

By Senator Burgess

23-00240-24

2024116__

1 A bill to be entitled
 2 An act relating to child maintenance restitution;
 3 creating s. 775.088, F.S.; defining the term "child
 4 maintenance restitution"; authorizing a court to order
 5 a defendant to pay child maintenance restitution to
 6 the surviving parent or guardian of a minor if the
 7 defendant is convicted of violating specified
 8 provisions of law and the deceased victim of the
 9 offense was the parent or guardian of the child;
 10 requiring monthly payments; providing an exception;
 11 requiring the court to determine an amount that is
 12 reasonable and necessary based on specified relevant
 13 factors if it sentences the defendant to pay child
 14 maintenance restitution; providing for the resolution
 15 of disputes as to the proper amount of child
 16 maintenance restitution; providing for the collection,
 17 disbursement, and enforcement of child maintenance
 18 restitution; providing requirements for the issuance
 19 of income deduction orders with an order for
 20 restitution; specifying requirements for a notice that
 21 is required to accompany income deduction orders;
 22 providing for enforcement of income deduction orders;
 23 prohibiting a person from discharging, refusing to
 24 employ, or taking disciplinary action against an
 25 employee subject to child maintenance restitution;
 26 providing requirements for payors; providing civil
 27 penalties; providing for payments after a defendant's
 28 incarceration; specifying circumstances under which
 29 child maintenance restitution may not be ordered or

Page 1 of 8

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23-00240-24

2024116__

30 under which child maintenance restitution must be an
 31 offset by a judgment award; providing that a court may
 32 modify an order of child maintenance restitution;
 33 providing for jurisdiction of the defendant; providing
 34 an effective date.
 35

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

37
 38 Section 1. Section 775.088, Florida Statutes, is created to
 39 read:

40 775.088 Child maintenance restitution.—

41 (1) As used in this section, the term "child maintenance
 42 restitution" means a court-ordered obligation for monetary
 43 support for the care, maintenance, training, and education of a
 44 child younger than 18 years of age whose parent or guardian is a
 45 deceased victim of an offense specified in subsection (2).

46 (2) In addition to any punishment, the court may order a
 47 defendant convicted of a violation of s. 316.193(3)(c)3., s.
 48 782.04, s. 782.07(1), or s. 782.071(1) to make child maintenance
 49 restitution to the surviving parent or guardian of a minor child
 50 if the deceased victim of the offense was the parent or guardian
 51 of such child. Such obligation must be paid monthly, unless
 52 otherwise ordered by the court, until such child reaches 18
 53 years of age.

54 (3) If a sentencing court orders the defendant to pay child
 55 maintenance restitution, the court must determine an amount that
 56 is reasonable and necessary for the support of each child of the
 57 deceased victim after considering all relevant factors,
 58 including, but not limited to, all of the following:

Page 2 of 8

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

23-00240-24

2024116__

- 59 (a) The financial needs and resources of the child.
 60 (b) The financial needs and resources of the surviving
 61 parent or guardian of the child, including the state if the
 62 child is in the custody of the Department of Children and
 63 Families.
 64 (c) The standard of living to which the child is
 65 accustomed.
 66 (d) The physical and emotional condition of the child and
 67 the child's educational needs.
 68 (e) The child's physical and legal custody arrangements.
 69 (f) The reasonable work-related child care expenses of the
 70 surviving parent or guardian.
 71 (4) Any dispute as to the proper amount of child
 72 maintenance restitution must be resolved by the court by the
 73 preponderance of the evidence. The court may consider hearsay
 74 evidence for this purpose, provided that it finds that the
 75 hearsay evidence has a minimal indicia of reliability. The
 76 burden of demonstrating an amount that is reasonable and
 77 necessary for the support of the victim's child or children is
 78 on the state attorney.
 79 (5) The court may order the clerk of the court to collect,
 80 enforce, and dispense child maintenance restitution payments.
 81 (6) (a) Issuance of income deduction order with an order for
 82 child maintenance restitution.-
 83 1. Upon the entry of an order for restitution, the court
 84 must enter a separate order for income deduction if one has not
 85 been entered.
 86 2. The income deduction order must direct a payor to deduct
 87 from all income due and payable to the defendant the amount

Page 3 of 8

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

23-00240-24

2024116__

- 88 required by the court to meet the defendant's obligation.
 89 3. The income deduction order must be effective as long as
 90 the order for restitution upon which it is based is effective or
 91 until further order of the court.
 92 4. When the court orders the income deduction, the court
 93 shall furnish to the defendant a statement of his or her rights,
 94 remedies, and duties in regard to the income deduction order.
 95 The statement must include all of the following:
 96 a. All fees or interest imposed.
 97 b. The total amount of income to be deducted for each pay
 98 period.
 99 c. A statement that the income deduction order applies to
 100 current and subsequent payors and periods of employment.
 101 d. A statement that a copy of the income deduction order
 102 will be served on the defendant's payor or payors.
 103 e. A statement that the defendant is required to notify the
 104 clerk of the court within 7 days after changes in the
 105 defendant's address or payors, or the addresses of his or her
 106 payors.
 107 (b) Enforcement of income deduction orders.-
 108 1. The clerk of the court or the defendant's probation
 109 officer shall serve an income deduction order and the notice
 110 described in subparagraph 4. to each of the defendant's payors,
 111 unless the defendant has applied for a hearing to contest the
 112 enforcement of the income deduction order.
 113 2.a. Service by or upon any person who is a party to a
 114 proceeding under this paragraph must be made in the manner
 115 prescribed in the Florida Rules of Civil Procedure for service
 116 upon parties.

Page 4 of 8

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2024116__

117 b. Service upon the defendant's payor or successor payor
 118 under this paragraph must be made by prepaid certified mail,
 119 return receipt requested, or in the manner prescribed in chapter
 120 48.

121 3. Within 15 days after having an income deduction order
 122 entered against him or her, the defendant may apply for a
 123 hearing to contest the enforcement of the income deduction order
 124 on the ground of mistake of fact regarding the amount of
 125 restitution owed. The timely request for a hearing stays the
 126 service of an income deduction order on all payors of the
 127 defendant until a hearing is held and a determination is made as
 128 to whether the enforcement of the income deduction order is
 129 proper.

130 4. The notice to each payor may contain only that
 131 information necessary for the payor to comply with the income
 132 deduction order. The notice must:

133 a. Require the payor to deduct from the defendant's income
 134 the amount specified in the income deduction order and to pay
 135 that amount to the clerk of the court;

136 b. Instruct the payor to implement the income deduction
 137 order no later than the first payment date that occurs more than
 138 14 days after the date the income deduction order was served on
 139 the payor;

140 c. Instruct the payor to forward within 2 days after each
 141 payment date to the clerk of the court the amount deducted from
 142 the defendant's income and a statement as to whether the amount
 143 totally or partially satisfies the periodic amount specified in
 144 the income deduction order;

145 d. Specify that, if a payor fails to deduct the proper

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146 amount from the defendant's income, the payor is liable for the
 147 amount the payor should have deducted plus costs, interest, and
 148 reasonable attorney fees;

149 e. State that the income deduction order and the notice to
 150 payor are binding on the payor until further notice by the court
 151 or until the payor no longer provides income to the defendant;

152 f. Instruct the payor that, when he or she no longer
 153 provides income to the defendant, the payor must notify the
 154 clerk of the court and must also provide the defendant's last
 155 known address and the name and address of the defendant's new
 156 payor, if known, and that, if the payor violates this sub-
 157 paragraph, the payor is subject to a civil penalty not to
 158 exceed \$250 for the first violation or \$500 for any subsequent
 159 violation;

160 g. State that the payor may not discharge, refuse to
 161 employ, or take disciplinary action against the defendant
 162 because of an income deduction order and that a violation of
 163 this sub-subparagraph subjects the payor to a civil penalty not
 164 to exceed \$250 for the first violation or \$500 for any
 165 subsequent violation;

166 h. Inform the payor that, when he or she receives income
 167 deduction orders requiring that the income of two or more
 168 defendants be deducted and sent to the same clerk of the court,
 169 the payor may combine the amounts that are to be paid to the
 170 depository in a single payment as long as he or she identifies
 171 the portion of the payment attributable to each defendant; and

172 i. Inform the payor that if the payor receives more than
 173 one income deduction order against the same defendant, he or she
 174 must contact the court for further instructions.

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175 5. The clerk of the court shall enforce income deduction
 176 orders against the defendant's successor payor who is located in
 177 this state in the same manner prescribed in this subsection for
 178 the enforcement of an income deduction order against an original
 179 payor.

180 6. A person may not discharge, refuse to employ, or take
 181 disciplinary action against an employee because of the
 182 enforcement of an income deduction order. An employer who
 183 violates this subparagraph is subject to a civil penalty not to
 184 exceed \$250 for the first violation or \$500 for any subsequent
 185 violation.

186 7. When a payor no longer provides income to a defendant,
 187 the payor must notify the clerk of the court and must provide
 188 the defendant's last known address and the name and address of
 189 the defendant's new payor, if known. A payor who violates this
 190 subparagraph is subject to a civil penalty not to exceed \$250
 191 for the first violation or \$500 for a subsequent violation.

192 (7) A defendant who is ordered to pay child maintenance
 193 restitution and is incarcerated and unable to pay such
 194 restitution may have up to 1 year after release from
 195 incarceration to begin payment. Such defendant must enter into a
 196 payment plan with the clerk of the court to address any
 197 arrearage. If a defendant's child maintenance restitution
 198 payments are set to terminate but the defendant's obligation is
 199 not paid in full, such payments must continue until the entire
 200 arrearage is paid.

201 (8) (a) If the surviving parent or guardian of the child
 202 brings a civil action against the defendant before the
 203 sentencing court orders child maintenance restitution and the

Page 7 of 8

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23-00240-24

2024116__

204 surviving parent or guardian obtains a judgment in a civil suit,
 205 child maintenance restitution may not be ordered under this
 206 section.

207 (b) If the court orders the defendant to make child
 208 maintenance restitution under this section and the surviving
 209 parent or guardian subsequently brings a civil action and
 210 obtains a judgment, the child maintenance restitution order must
 211 be offset by the amount of the judgment awarded in the civil
 212 action.

213 (9) The court may modify an order of child maintenance
 214 restitution upon finding that such modification is reasonable
 215 and necessary, based on a substantial change in circumstance.

216 (10) The court may retain jurisdiction over a defendant
 217 whom the court has ordered to pay child maintenance restitution
 218 until such restitution order is satisfied or until the court
 219 orders otherwise.

220 Section 2. This act shall take effect July 1, 2024.

Page 8 of 8

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The Florida Senate

APPEARANCE RECORD

116

2/6/24

Meeting Date

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name **Kristen Allen**

Phone **850-681-0061**

Address **1018 Thomasville Road, #101**

Email **kristen.allen@madd.org**

Street

Tallahassee

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:

Mothers Against Drunk Driving

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/6/24

Meeting Date

Criminal Justice

Committee

SB 116

Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box 530103

Email aaron.d@flfamily.org

Orlando

FL

32853

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 Family Policy Council

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

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: October 18, 2023

I respectfully request that **Senate Bill # 116**, relating to Child Maintenance Restitution, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

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 Criminal Justice

BILL: CS/SB 118

INTRODUCER: Criminal Justice Committee and Senator Burgess

SUBJECT: Fees/Child Maintenance Restitution

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 118 amends s. 775.088, F.S., to require that notice to a payor must provide that the payor may collect up to \$5 from the defendant's income to reimburse the payor for administrative costs for the first income deduction and up to \$2 for each deduction thereafter.

Section 775.088, F.S., provides for the enforcement of income deduction orders when child maintenance is ordered. The clerk of the court or the defendant's probation officer must serve an income deduction order and the notice to each payor. Such notice must contain only that information necessary for the payor to comply with the income deduction order.

SB 116 is a linked bill that creates s. 775.088, F.S., authorizing a court to order a defendant to pay child maintenance restitution to the surviving parent or guardian of a minor if the defendant is convicted of violating any offense where the deceased victim of the offense was the parent or guardian of a child.

The bill is effective on the same date that SB 116 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

II. Present Situation:

Restitution is a form of redress for a crime victim that may be ordered as part of the sentence issued by a criminal or juvenile court. Restitution's primary purpose is to compensate a victim

for lost or destroyed property, and may be monetary or non-monetary in form.¹ In determining monetary restitution, a court must consider: the amount of the loss sustained by the victim;² the defendant's financial resources; the defendant's present and potential future financial needs and earning ability and those of his or her dependents; and any other factors the court deems appropriate.³

Restitution – In General

Restitution is “full or partial compensation paid by a criminal to a victim, not awarded in a civil trial for tort, but ordered as part of a criminal sentence or as a condition of probation.”⁴ “Unlike civil damages, restitution is a criminal sanction. The purpose of restitution is not only to compensate the victim, but also to serve the rehabilitative, deterrent, and retributive goals of the criminal justice system.”⁵

A crime victim has a state constitutional right to restitution. The State Constitution provides that a victim has the “right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.”⁶

A sentencing court must order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense and damage or loss related to the defendant's criminal episode, unless the court finds clear and compelling reasons not to order restitution. If ordered, restitution is a mandatory condition of probation.⁷

How Restitution is Proved and Calculated

In general, the fair market value at the time of the offense is the appropriate value for purposes of restitution. However, the Florida Supreme Court in *Hawthorne*⁸ ruled that “a court is not tied to fair market value as the sole standard for determining restitution amounts, but rather may exercise such discretion as required to further the purposes of restitution.”⁹ The court found that fair market value can be established either through direct testimony of the victim or through evidence of the following four factors:

- Original market cost;
- Manner in which the item was used;
- The general condition and quality of the item; and
- The percentage of depreciation.¹⁰

¹ Section 775.089(7)(a), F.S.

² Section 775.089(6)(a), F.S.

³ Section 775.089(6)(b), F.S.

⁴ BLACK'S L. DICTIONARY (11th ed. 2019).

⁵ *Tolbert v. State*, 268 So.3d 947 (1st DCA 2019).

⁶ Art. I, s. 16(b)(9), FLA. CONST.

⁷ Section 775.089(1)(a), F.S.

⁸ *State v. Hawthorne*, 573 So. 2d 330 (Fla. 1991).

⁹ *Id.* at 333.

¹⁰ *Id.* at 332-33.

A criminal trial and conviction must (unless waived) be heard before a jury and guilt must be proved beyond a reasonable doubt. Restitution, however, is a part of the sentencing process. A sentencing hearing is tried before the judge alone, and the essential facts need only be proved by a preponderance of the evidence.¹¹

Bentley's Law

Bentley's Law requires that drivers under the influence, who cause the death of parents with children below the age of 18, provide financial restitution in the form of child support. This obligation extends not just to the surviving spouse, but also to any relative who assumes the responsibility of raising the affected children.¹² The law was named after the young son of two Missourian parents who were victims of an intoxicated driver.¹³

To date, Tennessee, Missouri, Kentucky, Maine, and Texas have passed legislation modeled after Bentley's Law:

- Tennessee is the first state to pass "Bentley's Law." It passed the Tennessee House and Senate on April 20, 2022, and was renamed "Ethan, Hailey's and Bentley's Law" to add the names of Tennessee Officer Nicholas Galinger's children. It was signed into law on May 25, 2022.¹⁴
- "Melanie's Law" was signed in Kentucky on April 4, 2023. This is similar to Bentley's Law but expands the restitution requirement to include children whose parents or guardians were severely and permanently injured in an impaired driving crash.¹⁵
- Texas bill HB 393 was signed into law on June 2, 2023.¹⁶
- Maine bill LD 1512 was signed into law on June 23, 2023.¹⁷

III. Effect of Proposed Changes:

The bill amends s. 775.088, F.S., to require that notice to a payor must provide that the payor may collect up to \$5 from the defendant's income to reimburse the payor for administrative costs for the first income deduction and up to \$2 for each deduction thereafter.

Section 775.088, F.S., provides for the enforcement of income deduction orders when child maintenance is ordered. The clerk of the court or the defendant's probation officer must serve an income deduction order and the notice to each payor. Such notice must contain only that information necessary for the payor to comply with the income deduction order.

¹¹ Section 775.089(7), F.S.

¹² Enjuris, "Bentley's Law: Protecting Children after Dui Tragedies," September 8, 2023, available at, www.enjuris.com/car-accident/bentleys-law-explained/ (last visited on February 3, 2024).

¹³ *Id.*

¹⁴ Tennessee State General Assembly, *HB 1834 (2022)*, available at, <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB1834&GA=112>, (last visited on February 3, 2024).

¹⁵ Kentucky General Assembly, *Senate Bill 268 (2023)*, available at, <https://apps.legislature.ky.gov/record/23rs/sb268.html>, (last visited on February 3, 2024).

¹⁶ Texas State Legislature, *H.B. 393 (2023)*, available at, <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB1834&GA=112> (last visited on February 3, 2024).

¹⁷ Maine State Legislature, *L.D. 1512 (2023)*, available at, <https://legiscan.com/ME/bill/LD1512/2023> (last visited February 3, 2024).

SB 116 is a linked bill that creates s. 775.088, F.S., authorizing a court to order a defendant to pay child maintenance restitution to the surviving parent or guardian of a minor if the defendant is convicted of violating any offense where the deceased victim of the offense was the parent or guardian of a child.

The bill is effective on the same date that SB 116 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes 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:

Section 19, Art. VII of the State Constitution limits the authority of the Legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the Legislature. Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject. For purposes of this limitation, the term “fee” is defined, in pertinent part, to mean any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes that a payor may collect up to \$5 from the defendant’s income to reimburse the payor for administrative costs for the first income deduction and up to \$2 for each deduction thereafter.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 775.088 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 February 6, 2024:

The committee substitute:

- Adds the substantive bill number to the fee bill.

- B. Amendments:

None.



869404

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Burgess) recommended the following:

Senate Amendment (with directory amendment)

Delete line 105

and insert:

SB 116 or similar legislation takes effect, if such legislation

===== **D I R E C T O R Y C L A U S E A M E N D M E N T**=====

And the directory clause is amended as follows:

Delete line 11

and insert:



869404

11 | 775.088, Florida Statutes, as created by SB 116, 2024 Regular

By Senator Burgess

23-00238-24

2024118__

1 A bill to be entitled
 2 An act relating to fees; amending s. 775.088, F.S.;
 3 authorizing payors to collect certain administrative
 4 costs from the defendant's income, as a part of the
 5 notice that is required to accompany income deduction
 6 orders; providing a contingent effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraph (b) of subsection (6) of section
 11 775.088, Florida Statutes, as created by SB ____, 2024 Regular
 12 Session, is amended to read:
 13 775.088 Child maintenance restitution.—
 14 (6)
 15 (b) *Enforcement of income deduction orders.*—
 16 1. The clerk of the court or the defendant's probation
 17 officer shall serve an income deduction order and the notice
 18 described in subparagraph 4. to each of the defendant's payors,
 19 unless the defendant has applied for a hearing to contest the
 20 enforcement of the income deduction order.
 21 2.a. Service by or upon any person who is a party to a
 22 proceeding under this paragraph must be made in the manner
 23 prescribed in the Florida Rules of Civil Procedure for service
 24 upon parties.
 25 b. Service upon the defendant's payor or successor payor
 26 under this paragraph must be made by prepaid certified mail,
 27 return receipt requested, or in the manner prescribed in chapter
 28 48.
 29 3. Within 15 days after having an income deduction order

Page 1 of 4

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23-00238-24

2024118__

30 entered against him or her, the defendant may apply for a
 31 hearing to contest the enforcement of the income deduction order
 32 on the ground of mistake of fact regarding the amount of
 33 restitution owed. The timely request for a hearing stays the
 34 service of an income deduction order on all payors of the
 35 defendant until a hearing is held and a determination is made as
 36 to whether the enforcement of the income deduction order is
 37 proper.
 38 4. The notice to each payor may contain only that
 39 information necessary for the payor to comply with the income
 40 deduction order. The notice must:
 41 a. Require the payor to deduct from the defendant's income
 42 the amount specified in the income deduction order and to pay
 43 that amount to the clerk of the court;
 44 b. Instruct the payor to implement the income deduction
 45 order no later than the first payment date that occurs more than
 46 14 days after the date the income deduction order was served on
 47 the payor;
 48 c. Instruct the payor to forward within 2 days after each
 49 payment date to the clerk of the court the amount deducted from
 50 the defendant's income and a statement as to whether the amount
 51 totally or partially satisfies the periodic amount specified in
 52 the income deduction order;
 53 d. Specify that, if a payor fails to deduct the proper
 54 amount from the defendant's income, the payor is liable for the
 55 amount the payor should have deducted plus costs, interest, and
 56 reasonable attorney fees;
 57 e. Provide that the payor may collect up to \$5 from the
 58 defendant's income to reimburse the payor for administrative

Page 2 of 4

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23-00238-24

2024118__

59 costs for the first income deduction and up to \$2 for each
 60 deduction thereafter;

61 f. State that the income deduction order and the notice to
 62 payor are binding on the payor until further notice by the court
 63 or until the payor no longer provides income to the defendant;

64 g.~~f.~~ Instruct the payor that, when he or she no longer
 65 provides income to the defendant, the payor must notify the
 66 clerk of the court and must also provide the defendant's last
 67 known address and the name and address of the defendant's new
 68 payor, if known, and that, if the payor violates this sub-
 69 subparagraph, the payor is subject to a civil penalty not to
 70 exceed \$250 for the first violation or \$500 for any subsequent
 71 violation;

72 h.~~g.~~ State that the payor may not discharge, refuse to
 73 employ, or take disciplinary action against the defendant
 74 because of an income deduction order and that a violation of
 75 this sub-subparagraph subjects the payor to a civil penalty not
 76 to exceed \$250 for the first violation or \$500 for any
 77 subsequent violation;

78 i.~~h.~~ Inform the payor that, when he or she receives income
 79 deduction orders requiring that the income of two or more
 80 defendants be deducted and sent to the same clerk of the court,
 81 the payor may combine the amounts that are to be paid to the
 82 depository in a single payment as long as he or she identifies
 83 the portion of the payment attributable to each defendant; and

84 j.~~i.~~ Inform the payor that if the payor receives more than
 85 one income deduction order against the same defendant, he or she
 86 must contact the court for further instructions.

87 5. The clerk of the court shall enforce income deduction

23-00238-24

2024118__

88 orders against the defendant's successor payor who is located in
 89 this state in the same manner prescribed in this subsection for
 90 the enforcement of an income deduction order against an original
 91 payor.

92 6. A person may not discharge, refuse to employ, or take
 93 disciplinary action against an employee because of the
 94 enforcement of an income deduction order. An employer who
 95 violates this subparagraph is subject to a civil penalty not to
 96 exceed \$250 for the first violation or \$500 for any subsequent
 97 violation.

98 7. When a payor no longer provides income to a defendant,
 99 the payor must notify the clerk of the court and must provide
 100 the defendant's last known address and the name and address of
 101 the defendant's new payor, if known. A payor who violates this
 102 subparagraph is subject to a civil penalty not to exceed \$250
 103 for the first violation or \$500 for a subsequent violation.

104 Section 2. This act shall take effect on the same date that
 105 SB ___ or similar legislation takes effect, if such legislation
 106 is adopted in the same legislative session or an extension
 107 thereof and becomes a law.

The Florida Senate

APPEARANCE RECORD

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

2/6/24

Meeting Date

Criminal Justice

Committee

118

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Kristen Allen**

Phone **850-681-0061**

Address **1018 Thomasville Road, #101**

Email **kristen.allen@madd.org**

Street

Tallahassee

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:

Mothers Against Drunk Driving

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

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: October 18, 2023

I respectfully request that **Senate Bill # 118**, relating to Fees/Child Maintenance Restitution, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

By Senator Rouson

16-00868-24

2024562__

1 A bill to be entitled

2 An act relating to harassment of election workers;
3 creating s. 104.47, F.S.; defining the term "election
4 worker"; prohibiting a person from intimidating,
5 threatening, coercing, harassing, or attempting to
6 intimidate, threaten, coerce, or harass an election
7 worker with specified intent; providing criminal
8 penalties; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 104.47, Florida Statutes, is created to
13 read:

14 104.47 Harassment of election workers.-

15 (1) For the purposes of this section, the term "election
16 worker" means a member of a county canvassing board or an
17 individual who is an election official or poll worker in
18 connection with an election conducted in this state.

19 (2) A person may not intimidate, threaten, coerce, or
20 harass, or attempt to intimidate, threaten, coerce, or harass,
21 an election worker with the intent to impede or interfere with
22 the performance of the election worker's official duties or with
23 the intent to retaliate against the election worker for the
24 performance of his or her official duties.

25 (3) A person who violates this section commits a felony of
26 the third degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 Section 2. This act shall take effect October 1, 2024.



933688

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2024	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 104.0614, Florida Statutes, is created
to read:

104.0614 Harassment of election workers.—

(1) For purposes of this section, the term "election
worker" means a member of a county canvassing board or an
individual who is an election official or poll worker in



933688

11 connection with an election conducted in this state.

12 (2) A person may not intimidate, threaten, coerce, or
13 harass an election worker with the intent to impede or interfere
14 with the performance of the election worker's official duties or
15 with the intent to retaliate against the election worker for
16 performing his or her official duties.

17 (3) A person who violates this section commits a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083.

20 Section 2. This act shall take effect July 1, 2024.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause
25 and insert:

26 A bill to be entitled
27 An act relating to harassment of election workers;
28 creating s. 104.0614, F.S.; defining the term
29 "election worker"; prohibiting a person from
30 intimidating, threatening, coercing, or harassing an
31 election worker with specified intent; providing
32 criminal penalties; providing an effective date.

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 Criminal Justice

BILL: CS/CS/SB 796

INTRODUCER: Criminal Justice Committee; Governmental Oversight and Accountability Committee;
and Senator Avila

SUBJECT: Combatting Human Trafficking

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limonas-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 796 makes several updates that relate to combatting human trafficking in Florida. First, the bill extends the repeal date of the direct-support organization (DSO) for the Statewide Council on Human Trafficking to October 1, 2029.

Second, the bill replaces the national human trafficking hotline with the Florida human trafficking hotline in several sections.

Third, the bill extends the date by which:

- A person licensed or certified under several chapters must post a human trafficking public awareness sign.
- A massage establishment must implement a procedure for reporting suspected human trafficking to the Florida Human Trafficking Hotline.
- A public lodging establishment must post a human trafficking public awareness sign.

Lastly, the bill requires a nongovernmental entity that enters into, renews, or extends a contract with a governmental entity to provide the governmental entity with an affidavit attesting that the nongovernmental entity does not use coercion for labor or services.

The bill has an indeterminate fiscal impact on the private and government sector.

The bill takes effect July 1, 2024.

II. Present Situation:

Human Trafficking

Human trafficking means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.¹ Under federal law, the term “severe forms of trafficking in persons” includes labor² and sex trafficking.^{3,4} Victims can be found in legal and illegal labor industries, including child care, elder care, the drug trade, massage parlors, nail and hair salons, restaurants, hotels, factories, and farms.⁵ In 2021, a total of 2,027 persons were referred to U.S. attorneys for human trafficking offenses.⁶

Human Trafficking in Florida

Florida is ranked the third highest state of reported human trafficking cases in the United States.⁷ Reports of commercially exploited children to the Florida Abuse Hotline for 2022 totaled 3,408 and 3,182 in 2021.⁸ In Florida, 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 labor,⁹ services,¹⁰ or commercial sexual activity,¹¹ commits a crime.¹² The circumstances and associated level of offense are as follows:

¹ Section 787.06 (2)(d), F.S.

²The term “labor trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery. 22 USCA § 7102.

³ The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. 22 USCA § 7102.

⁴ 22 USCA § 7102.

⁵ U.S. Department of Justice, *What is Human Trafficking?* (Jun. 26, 2023), available at <https://www.justice.gov/humantrafficking/what-is-human-trafficking> (last visited February 2, 2024).

⁶ U.S. Department of Justice, *Human Trafficking Data Collection Activities, 2023* (Oct. 2023), available at <https://bjs.ojp.gov/document/htdca23.pdf> (last visited February 2, 2024).

⁷ Florida Alliance to End Human Trafficking, *The Issue*, available at <https://www.floridaallianceendht.com/the-issue/> (last visited February 2, 2024).

⁸ The Office of Program Policy Analysis and Government Accountability, *Annual Report on the Commercial Sexual Exploitation of Children in Florida, 2023* (July 2023), available at <https://oppaga.fl.gov/Documents/Reports/23-08.pdf> (last visited February 2, 2023).

⁹ Section 787.06(2)(e), F.S., defines “labor” as: work of economic or financial value.

¹⁰ Section 787.06(2)(h), F.S., defines “services” as: any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs.

¹¹ Section 787.06(2)(b), F.S., defines “commercial sexual activity” as any violation of ch. 796, F.S., relating to prostitution, or an attempt to commit any such offense, and includes sexually explicit performances and the production of pornography.

¹² Section 787.06(3), F.S.

Statute	Description of Offense	Level of Felony	Offense Severity Ranking
787.06(3)(a)1.	Using for labor or services of any child under the age of 18 or an adult believed by the person to be a child younger than 18 years of age	First	Level 8
787.06(3)(a)2.	Using coercion ¹³ for labor or services of an adult	First	Level 7
787.06(3)(b)	Using coercion for commercial sexual activity of an adult	First	Level 8
787.06(3)(c)1.	For labor or services 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 who is an unauthorized alien	First	Level 9
787.06(3)(c)2.	Using coercion for labor or services of an adult who is an unauthorized alien	First	Level 8
787.06(3)(d)	Using coercion for commercial sexual activity of an adult who is an unauthorized alien	First	Level 9
787.06(3)(e)1.	For labor or services 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	First	Level 8
787.06(3)(e)2.	Using coercion for labor or services who does so by the transfer or transport of an adult from outside this state to within this state	First	Level 7
787.06(3)(f)1.	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	First	Level 9
787.06(3)(f)2.	Using coercion for commercial sexual activity who does so by the transfer or transport of an adult from outside this state to within this state	First	Level 8
787.06(3)(g)	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	Life	Level 10

Criminal Punishment Code

In 1997, the Legislature enacted the Criminal Punishment Code¹⁴ (Code) as Florida’s “primary sentencing policy.”¹⁵ The offense severity ranking chart must be used with the Code worksheet to compute a sentence score for each felony offense who offense was committed on or after

¹³ The term “coercion” means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03, F.S., to any person for the purpose of exploitation of that person. Section. 787.06(2)(a), F.S.

¹⁴ Sections 921.002-921.0027, F.S. The Code is effective for offenses committed on or after October 1, 1998.

¹⁵ See chs. 97-194 and 98-204, L.O.F

October 1, 1998.¹⁶ Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).¹⁷ Points are assigned and accrue based upon the level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the level escalates. Points may be added or multiplied for other factors such as victim injury, commission of certain drug trafficking offenses, and certain violent offenses committed against listed criminal justice professionals performing their duties.¹⁸

Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organization (DSOs) are statutorily created non-profit organizations authorized to carry out specific tasks in support of public entities or public causes.¹⁹ The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO supports.²⁰

In 2014, the Legislature created s. 20.058, F.S., which established a comprehensive set of transparency and reporting requirements for Citizen Support Organizations (CSOs) and Direct-Support Organizations (DSOs).²¹ Specifically, the law requires CSOs and DSOs to annually submit the following information to the appropriate agency by August 1 of each year:²²

- The name, mailing address, telephone number, and website address of the organization;²³
- The statutory authority or executive order that created the organization;²⁴
- A brief description of the mission of, and results obtained by, the organization;²⁵
- A brief description of the organization's plans for the next three fiscal years;²⁶
- A copy of the organization's ethics code;²⁷
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990;²⁸ and
- An attestation, under penalty of perjury, stating that the organization has complied with subsection (4).²⁹

By August 15 of each year, each agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by each CSO and DSO.³⁰ The agencies must also make such information available to the public through their websites.³¹

¹⁶ Section 921.0022, F.S.

¹⁷ 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.

¹⁸ Section 921.0024, F.S.

¹⁹ *See, e.g.*, ss. 16.618, 413.0111, and 1009.983, F.S.

²⁰ *See, e.g.*, 14.29(9), F.S.

²¹ Ch. 2014-96, L.O.F.

²² Section 20.058(1), F.S.

²³ Section 20.058(1)(a), F.S.

²⁴ Section 20.058(1)(b), F.S.

²⁵ Section 20.058(1)(c), F.S.

²⁶ Section 20.058(1)(d), F.S.

²⁷ Section 20.058(1)(e), F.S.

²⁸ Section 20.058(1)(f), F.S.

²⁹ Section 20.058(1)(g), F.S.

³⁰ Section 20.058(3), F.S.

³¹ Section 20.058(2), F.S.

Florida Alliance to End Human Trafficking

The Florida Alliance to End Human Trafficking (Alliance) is the DSO established to provide assistance, fund, and support the Florida Statewide Council on Human Trafficking (Council).³² The purpose of the DSO is to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, property and funds; and make expenditures in support of the statewide effort to end human trafficking.³³ The Alliance operates under a written contract with the Department of Legal Affairs.³⁴ The Alliance is set to repeal October 1, 2024, unless saved from repeal by the Legislature.³⁵

In Fiscal Year 2022-2023, the Alliance:

- Trained over 26,000 individuals with its online human trafficking course;
- Obtained \$500,000 state appropriations to update its training course to include various languages and expand its awareness statewide;
- Provided 15 different awareness trainings for various organizations;
- Hosted a webinar for Human Trafficking Awareness Month; and
- Fundraised \$583,949 in private contributions.³⁶

Financial Information for the Alliance to End Human Trafficking			
<i>Tax year 2020-2021³⁷</i>		<i>Tax year 2021-2022³⁸</i>	
Expenses on salaries, other compensation, and employee benefits	\$21,719	Expenses on employee compensation and benefits	\$86,498
Expenses on professional fees and payments to independent contractors	\$59,500	Total on advertising, promotion, and travel	\$62,095
Total Expenses	\$123, 833	Total Expenses	\$203,279
Total Revenue	\$90,947	Revenue from fundraising events	\$277,237
		Revenue from government grants	\$25,000

³² See s. 16.618, F.S.

³³ Section 16.618(1)(b), F.S.

³⁴ Section 16.618(1)(c), F.S.

³⁵ Section 16.618(12), F.S.

³⁶ Florida Alliance to End Human Trafficking, *2022-2023 Annual Report* (Jul. 27, 2023), available at <https://www.floridaallianceendht.com/wp-content/uploads/2023/10/2022-2023-Annual-Report.pdf> (last visited February 2, 2024).

³⁷ Email from Elizabeth Guzzo, Director of Legislative Affairs, Office of the Attorney General, to Amanda Stokes, Staff Director, Senate Criminal Justice Committee (Oct. 12, 2023, 11:14 EST) (on file with the Senate Committee on Governmental Oversight and Accountability).

³⁸ Email from Elizabeth Guzzo, Director of Legislative Affairs, Office of the Attorney General, to Amanda Stokes, Staff Director, Senate Criminal Justice Committee (Oct. 12, 2023, 11:14 EST) (on file with the Senate Committee on Governmental Oversight and Accountability).

Financial Information for the Alliance to End Human Trafficking			
<i>Tax year 2020-2021³⁷</i>		<i>Tax year 2021-2022³⁸</i>	
		All other contributions	
		Total Revenue	\$371,710
Ending Cash Balance	-32, 886	Ending Cash Balance	\$168,431

Florida Statewide Council on Human Trafficking

The Florida Statewide Council on Human Trafficking (Council) is administratively housed within the Department of Legal Affairs. The purpose of the Council is to enhance the development and coordination of state and local law enforcement and social service responses to fight all forms of human trafficking and to support victims.³⁹ The duties of the Council include:⁴⁰

- Development of recommendations for comprehensive programs and services including recommendations for certification of safe houses and safe foster homes.
- Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within Florida; establish a process to detect such use on a consistent basis; and make recommendations on how to stop, reduce, or prevent social media platforms from being used for such purposes.
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses.
- Hold an annual statewide policy summit with an institution of higher learning.
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in our state.
- Develop overall policy recommendations.

The Council is also required to submit an annual report to the Legislature detailing the preceding fiscal year’s accomplishments and recommendations regarding the development and coordination of state and local law enforcement and social services responses to fight human trafficking and support victims.⁴¹

III. Effect of Proposed Changes:

Section 1 amends s. 16.618, F.S., to extend the repeal date of the direct-support organization (DSO) for the Statewide Council on Human Trafficking to October 1, 2029.

Section 3 extends the date by which a person licensed or certified under several chapters must post a human trafficking public awareness sign.

Section 4 extends the date by which a massage establishment must implement a procedure for reporting suspected human trafficking to the Florida Human Trafficking Hotline.

³⁹ Section 16.617(1), F.S.

⁴⁰ Office of Attorney General, Florida Statewide Council on Human Trafficking, *available at* <https://www.myfloridalegal.com/human-trafficking/council> (last visited February 2, 2024).

⁴¹ Section 16.617(5), F.S.

Section 5 extends the date by which a public lodging establishment must post a human trafficking public awareness sign.

Sections 2, 3, 4, 5, and 7 amend ss. 394.875, 456.0341, 480.043, 509.096, and 787. 29, F.S., respectively, to replace references to the national human trafficking hotline requirement with the Florida human trafficking hotline. Sections 3, 4, and 5 require that all of the new requirements be met by January 1, 2025.

Section 6 amends s. 787.06, F.S., to require a nongovernmental entity that enters into, renews, or extends a contract with a governmental entity to provide the governmental entity with an affidavit attesting that the nongovernmental entity does not use coercion for labor or services. The affidavit must be signed by an officer or representative of the nongovernmental entity under penalty of perjury. Section 837.06, F.S., provides that the penalty for perjury for knowingly making a false statement in writing, with the intent to mislead a public servant shall be guilty of a misdemeanor of the second degree.⁴²

Section 8 provides that the bill will take effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

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.

⁴² A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a \$500 fine, as provided in s. 775.082 and s. 775.083, F.S.

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

None.

B. Private Sector Impact:

Public lodging and massage establishments may incur costs associated with the training required by this bill. There may also be minor costs to crisis stabilization units, residential treatment facilities, residential treatment centers for children and adolescents, massage establishments, public lodging establishments, and strip clubs or other adult entertainment establishments associated with updating the human trafficking awareness signs to contain the Florida Human Trafficking Hotline number, instead of the national hotline. Each person licensed or certified under ch. 457, ch. 458, ch. 459, ch. 460, ch. 461, ch. 463, ch. 465, ch. 466, ch. 468, ch. 480, or ch. 486, F.S., may incur minor costs associated with updating the human trafficking awareness signs to include the Florida Human Trafficking Hotline number, instead of the national hotline.

C. Government Sector Impact:

The Department of Transportation may incur minor costs associated with updating the human trafficking awareness signs to include the Florida Human Trafficking Hotline number, instead of the national hotline in every rest area, turnpike service plaza, weigh station, primary airport, passenger rail station, and welcome center that is open to the public.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.618, 394.875, 456.0341, 480.043, 509.096, 787.06, and 787.29.

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 Criminal Justice on February 6, 2024:

The committee substitute:

- Removes language increasing the members of the direct-support organization.
- Removes language requiring all employees of establishments who are on the premises and regularly interact with guests to receive training on human trafficking awareness.

CS by Governmental Oversight and Accountability on January 22, 2024:

The committee substitute:

- Specifies that the nongovernmental entities must attest that they do not use coercion *for* labor or services.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Avila) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (12) of section 16.618, Florida
Statutes, is amended to read:

16.618 Direct-support organization.—

(12) This section is repealed October 1, 2029 ~~2024~~, unless
reviewed and saved from repeal by the Legislature.

Section 2. Paragraph (b) of subsection (8) of section



11 394.875, Florida Statutes, is amended to read:

12 394.875 Crisis stabilization units, residential treatment
13 facilities, and residential treatment centers for children and
14 adolescents; authorized services; license required.—

15 (8)

16 (b) Residential treatment centers for children and
17 adolescents must conspicuously place signs on their premises to
18 warn children and adolescents of the dangers of human
19 trafficking and to encourage the reporting of individuals
20 observed attempting to engage in human trafficking activity. The
21 signs must contain the telephone number for the Florida Human
22 Trafficking Hotline, 1-855-FLA-SAFE, ~~the National Human~~
23 ~~Trafficking Hotline~~ or such other number that the Department of
24 Law Enforcement uses to detect and stop human trafficking. The
25 department, in consultation with the agency, shall specify, at a
26 minimum, the content of the signs by rule.

27 Section 3. Subsection (3) of section 456.0341, Florida
28 Statutes, is amended to read:

29 456.0341 Requirements for instruction on human
30 trafficking.—The requirements of this section apply to each
31 person licensed or certified under chapter 457; chapter 458;
32 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
33 chapter 466; part II, part III, part V, or part X of chapter
34 468; chapter 480; or chapter 486.

35 (3) By January 1, 2025 ~~2021~~, the licensees or
36 certificateholders shall post in their place of work in a
37 conspicuous place accessible to employees a sign at least 11
38 inches by 15 inches in size, printed in a clearly legible font
39 and in at least a 32-point type, which substantially states in



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40 English and Spanish:

41
42 "If you or someone you know is being forced to engage in an
43 activity and cannot leave, whether it is prostitution,
44 housework, farm work, factory work, retail work, restaurant
45 work, or any other activity, call the Florida Human Trafficking
46 Hotline, 1-855-FLA-SAFE, the National Human Trafficking Resource
47 Center at 888-373-7888 or text INFO or HELP to 233-733 to access
48 help and services. Victims of slavery and human trafficking are
49 protected under United States and Florida law."

50 Section 4. Subsection (13) of section 480.043, Florida
51 Statutes, is amended to read:

52 480.043 Massage establishments; requisites; licensure;
53 inspection; human trafficking awareness training and policies.-

54 (13) By January 1, 2025 ~~2021~~, a massage establishment shall
55 implement a procedure for reporting suspected human trafficking
56 to the Florida Human Trafficking Hotline, 1-855-FLA-SAFE, the
57 ~~National Human Trafficking Hotline~~ or to a local law enforcement
58 agency and shall post in a conspicuous place in the
59 establishment which is accessible to employees a sign with the
60 relevant provisions of the reporting procedure.

61 Section 5. Subsections (1) and (3) of section 509.096,
62 Florida Statutes, are amended to read:

63 509.096 Human trafficking awareness training and policies
64 for ~~employees of~~ public lodging establishments; enforcement.-

65 (1) A public lodging establishment shall:

66 (a) Provide annual training regarding human trafficking
67 awareness to employees of the establishment who perform
68 housekeeping duties in the rental units or who work at the front



69 desk or reception area where guests ordinarily check in or check
70 out. Such training must also be provided for new employees
71 within 60 days after they begin their employment in those roles,
72 ~~or by January 1, 2021, whichever occurs later.~~ Each employee
73 must submit to the hiring establishment a signed and dated
74 acknowledgment of having received the training, which the
75 establishment must provide to the Department of Business and
76 Professional Regulation upon request. The establishment may keep
77 such acknowledgment electronically.

78 (b) ~~By January 1, 2021,~~ Implement a procedure for the
79 reporting of suspected human trafficking to the National Human
80 Trafficking Hotline or to a local law enforcement agency.

81 (c) By January 1, 2025 ~~2021~~, post in a conspicuous location
82 in the establishment which is accessible to employees a human
83 trafficking public awareness sign at least 11 inches by 15
84 inches in size, printed in an easily legible font and in at
85 least 32-point type, which states in English and Spanish and any
86 other language predominantly spoken in that area which the
87 department deems appropriate substantially the following:

88
89 "If you or someone you know is being forced to engage in an
90 activity and cannot leave, whether it is prostitution,
91 housework, farm work, factory work, retail work, restaurant
92 work, or any other activity, call the Florida Human Trafficking
93 Hotline, 1-855-FLA-SAFE, ~~the National Human Trafficking Resource~~
94 ~~Center at 888-373-7888 or text INFO or HELP to 233-733~~ to access
95 help and services. Victims of slavery and human trafficking are
96 protected under United States and Florida law."

97 (3) ~~For a violation committed on or after July 1, 2023,~~ The



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98 division shall impose an administrative fine of \$2,000 per day
99 on a public lodging establishment that is not in compliance with
100 this section and remit the fines to the direct-support
101 organization established under s. 16.618, unless the division
102 receives adequate written documentation from the public lodging
103 establishment which provides assurance that each deficiency will
104 be corrected within 45 days after the division provided the
105 public lodging establishment with notice of its violation. For a
106 second or subsequent violation of this subsection ~~committed on~~
107 ~~or after July 1, 2023~~, the division may not provide a correction
108 period to a public lodging establishment and must impose the
109 applicable administrative fines.

110 Section 6. Subsection (13) is added to section 787.06,
111 Florida Statutes, to read:

112 787.06 Human trafficking.—

113 (13) When a contract is executed, renewed, or extended
114 between a nongovernmental entity and a governmental entity, the
115 nongovernmental entity must provide the governmental entity with
116 an affidavit signed by an officer or a representative of the
117 nongovernmental entity under penalty of perjury attesting that
118 the nongovernmental entity does not use coercion for labor or
119 services as defined in this section. For purposes of this
120 subsection, the term "governmental entity" has the same meaning
121 as in s. 287.138(1).

122 Section 7. Subsection (4) of section 787.29, Florida
123 Statutes, is amended to read:

124 787.29 Human trafficking public awareness signs.—

125 (4) The required public awareness sign must be at least 8.5
126 inches by 11 inches in size, must be printed in at least a 16-



127 point type, and must state substantially the following in
128 English and Spanish:

129
130 "If you or someone you know is being forced to engage in an
131 activity and cannot leave—whether it is prostitution, housework,
132 farm work, factory work, retail work, restaurant work, or any
133 other activity—call the Florida Human Trafficking Hotline, 1-
134 855-FLA-SAFE, ~~the National Human Trafficking Resource Center at~~
135 ~~1-888-373-7888 or text INFO or HELP to 233-733~~ to access help
136 and services. Victims of slavery and human trafficking are
137 protected under United States and Florida law."

138 Section 8. This act shall take effect July 1, 2024.

139
140 ===== T I T L E A M E N D M E N T =====

141 And the title is amended as follows:

142 Delete everything before the enacting clause
143 and insert:

144 A bill to be entitled

145 An act relating to anti-human trafficking; amending s.
146 16.618, F.S.; extending the future repeal date of the
147 direct-support organization for the Statewide Council
148 on Human Trafficking; amending ss. 394.875, 456.0341,
149 and 480.043, F.S.; revising the hotline telephone
150 number to be included in human trafficking awareness
151 signs; amending s. 509.096, F.S.; deleting obsolete
152 provisions; revising the hotline telephone number to
153 be included in human trafficking awareness signs;
154 amending s. 787.06, F.S.; requiring that contractors
155 with governmental entities attest that they do not use



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156 coercion for labor or services; defining the term
157 "governmental entity"; amending s. 787.29, F.S.;
158 revising the hotline telephone number to be included
159 in human trafficking awareness signs; providing an
160 effective date.

By the Committee on Governmental Oversight and Accountability;
and Senator Avila

585-02361-24

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1 A bill to be entitled
2 An act relating to combatting human trafficking;
3 amending s. 16.618, F.S.; revising the membership of
4 the board of directors of the direct-support
5 organization for the Statewide Council on Human
6 Trafficking; extending the future repeal date of the
7 direct-support organization; amending ss. 394.875,
8 456.0341, and 480.043, F.S.; revising the hotline
9 telephone number to be included in human trafficking
10 awareness signs to the Florida Human Trafficking
11 Hotline, rather than the National Human Trafficking
12 Hotline; amending s. 509.096, F.S.; revising and
13 providing human trafficking awareness training and
14 policies for public lodging establishments; removing
15 obsolete provisions; requiring public lodging
16 establishments to retain and provide certain proof of
17 compliance; revising the hotline telephone number to
18 be included in human trafficking awareness signs to
19 the Florida Human Trafficking Hotline, rather than the
20 National Human Trafficking Hotline; amending s.
21 787.06, F.S.; requiring that contractors with
22 governmental entities attest that they do not use
23 coercion for labor or services; providing a
24 definition; amending s. 787.29, F.S.; revising the
25 hotline telephone number to be included in human
26 trafficking awareness signs to the Florida Human
27 Trafficking Hotline, rather than the National Human
28 Trafficking Hotline; providing an effective date.
29

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

31
32 Section 1. Subsections (3) and (12) of section 16.618,
33 Florida Statutes, are amended to read:

34 16.618 Direct-support organization.—

35 (3) The board of directors of the direct-support
36 organization shall consist of 17 ~~13~~ members. Each member of the
37 board of directors shall be appointed to a 4-year term; ~~however,~~
38 ~~for the purpose of providing staggered terms, the appointees of~~
39 ~~the President of the Senate and the appointees of the Speaker of~~
40 ~~the House of Representatives shall each initially be appointed~~
41 ~~to 2-year terms, and the Attorney General shall initially~~
42 ~~appoint 2 members to serve 2-year terms. All subsequent~~
43 ~~appointments shall be for 4-year terms.~~ Any vacancy that occurs
44 must be filled in the same manner as the original appointment
45 and is for the unexpired term of that seat. The board of
46 directors shall be appointed as follows:

47 (a) Two members appointed by the executive director of the
48 Department of Law Enforcement, both of whom must have law
49 enforcement backgrounds with experience and knowledge in the
50 area of human trafficking.

51 (b) Three members appointed by the Attorney General, one of
52 whom must be a survivor of human trafficking and one of whom
53 must be a mental health expert.

54 (c) Four members appointed by the President of the Senate.

55 (d) Four members appointed by the Speaker of the House of
56 Representatives.

57 (e) Four members appointed by the board of directors.

58 (12) This section is repealed October 1, 2029 ~~2024~~, unless

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59 reviewed and saved from repeal by the Legislature.

60 Section 2. Paragraph (b) of subsection (8) of section
61 394.875, Florida Statutes, is amended to read:

62 394.875 Crisis stabilization units, residential treatment
63 facilities, and residential treatment centers for children and
64 adolescents; authorized services; license required.—

65 (8)

66 (b) Residential treatment centers for children and
67 adolescents must conspicuously place signs on their premises to
68 warn children and adolescents of the dangers of human
69 trafficking and to encourage the reporting of individuals
70 observed attempting to engage in human trafficking activity. The
71 signs must contain the telephone number for the Florida Human
72 Trafficking Hotline, 1-855-FLA-SAFE, the National Human
73 Trafficking Hotline or such other number that the Department of
74 Law Enforcement uses to detect and stop human trafficking. The
75 department, in consultation with the agency, shall specify, at a
76 minimum, the content of the signs by rule.

77 Section 3. Subsection (3) of section 456.0341, Florida
78 Statutes, is amended to read:

79 456.0341 Requirements for instruction on human
80 trafficking.—The requirements of this section apply to each
81 person licensed or certified under chapter 457; chapter 458;
82 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
83 chapter 466; part II, part III, part V, or part X of chapter
84 468; chapter 480; or chapter 486.

85 (3) By January 1, 2025 ~~2024~~, the licensees or
86 certificateholders shall post in their place of work in a
87 conspicuous place accessible to employees a sign at least 11

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88 inches by 15 inches in size, printed in a clearly legible font
89 and in at least a 32-point type, which substantially states in
90 English and Spanish:

91
92 "If you or someone you know is being forced to engage in an
93 activity and cannot leave, whether it is prostitution,
94 housework, farm work, factory work, retail work, restaurant
95 work, or any other activity, call the Florida Human Trafficking
96 Hotline, 1-855-FLA-SAFE, the National Human Trafficking Resource
97 Center at 888-373-7888 or text INFO or HELP to 233-733 to access
98 help and services. Victims of slavery and human trafficking are
99 protected under United States and Florida law."

100 Section 4. Subsection (13) of section 480.043, Florida
101 Statutes, is amended to read:

102 480.043 Massage establishments; requisites; licensure;
103 inspection; human trafficking awareness training and policies.—
104 (13) By January 1, 2025 ~~2024~~, a massage establishment shall
105 implement a procedure for reporting suspected human trafficking
106 to the Florida Human Trafficking Hotline, 1-855-FLA-SAFE, the
107 National Human Trafficking Hotline or to a local law enforcement
108 agency and shall post in a conspicuous place in the
109 establishment which is accessible to employees a sign with the
110 relevant provisions of the reporting procedure.

111 Section 5. Section 509.096, Florida Statutes, is amended to
112 read:

113 509.096 Human trafficking awareness training and policies
114 for ~~employees of~~ public lodging establishments; enforcement.—

115 (1) A public lodging establishment shall:

116 (a) Provide annual training regarding human trafficking

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117 awareness to all employees of the establishment who are on the
 118 premises and regularly interact with guests perform housekeeping
 119 duties in the rental units or who work at the front desk or
 120 reception area where guests ordinarily check in or check out.
 121 Such training must also be provided for new employees within 60
 122 days after they begin their employment ~~in those roles, or by~~
 123 ~~January 1, 2021, whichever occurs later.~~ Each employee must
 124 submit to the hiring establishment a signed and dated
 125 acknowledgment of having received the training, ~~which the~~
 126 ~~establishment must provide to the Department of Business and~~
 127 ~~Professional Regulation upon request.~~ The establishment may keep
 128 such acknowledgment electronically. The establishment shall
 129 retain proof of compliance with this paragraph and provide such
 130 proof to the Department of Business and Professional Regulation
 131 upon request.

132 (b) ~~By January 1, 2021,~~ Implement a procedure for the
 133 reporting of suspected human trafficking to the National Human
 134 Trafficking Hotline or to a local law enforcement agency.

135 (c) By January 1, 2025 ~~2024~~, post in a conspicuous location
 136 in the establishment which is accessible to employees a human
 137 trafficking public awareness sign at least 11 inches by 15
 138 inches in size, printed in an easily legible font and in at
 139 least 32-point type, which states in English and Spanish and any
 140 other language predominantly spoken in that area which the
 141 department deems appropriate substantially the following:

142
 143 "If you or someone you know is being forced to engage in an
 144 activity and cannot leave, whether it is prostitution,
 145 housework, farm work, factory work, retail work, restaurant

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146 work, or any other activity, call the Florida Human Trafficking
 147 Hotline, 1-855-FLA-SAFE, the National Human Trafficking Resource
 148 Center at 888-373-7888 or text INFO or HELP to 233-733 to access
 149 help and services. Victims of slavery and human trafficking are
 150 protected under United States and Florida law."

151 (2) The human trafficking awareness training required under
 152 paragraph (1) (a) must be submitted to and approved by the
 153 Department of Business and Professional Regulation and must
 154 include all of the following:

155 (a) The definition of human trafficking and the difference
 156 between the two forms of human trafficking: sex trafficking and
 157 labor trafficking.

158 (b) Guidance specific to the public lodging sector
 159 concerning how to identify individuals who may be victims of
 160 human trafficking.

161 (c) Guidance concerning the role of the employees of a
 162 public lodging establishment in reporting and responding to
 163 suspected human trafficking.

164 (3) ~~For a violation committed on or after July 1, 2023,~~ The
 165 division shall impose an administrative fine of \$2,000 per day
 166 on a public lodging establishment that is not in compliance with
 167 this section and remit the fines to the direct-support
 168 organization established under s. 16.618, unless the division
 169 receives adequate written documentation from the public lodging
 170 establishment which provides assurance that each deficiency will
 171 be corrected within 45 days after the division provided the
 172 public lodging establishment with notice of its violation. For a
 173 second or subsequent violation of this subsection ~~committed on~~
 174 ~~or after July 1, 2023,~~ the division may not provide a correction

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175 period to a public lodging establishment and must impose the
176 applicable administrative fines.

177 (4) This section does not establish a private cause of
178 action. This section does not alter or limit any other existing
179 remedies available to survivors of human trafficking.

180 Section 6. Subsection (13) is added to section 787.06,
181 Florida Statutes, to read:

182 787.06 Human trafficking.—

183 (13) When a contract is executed, renewed, or extended
184 between a nongovernmental entity and a governmental entity, the
185 nongovernmental entity must provide the governmental entity with
186 an affidavit, signed by an officer or a representative of the
187 nongovernmental entity under penalty of perjury, attesting that
188 the nongovernmental entity does not use coercion for labor or
189 services as those terms are defined in this section. For
190 purposes of this subsection, the term "governmental entity" has
191 the same meaning as in s. 287.138(1).

192 Section 7. Subsection (4) of section 787.29, Florida
193 Statutes, is amended to read:

194 787.29 Human trafficking public awareness signs.—

195 (4) The required public awareness sign must be at least 8.5
196 inches by 11 inches in size, must be printed in at least a 16-
197 point type, and must state substantially the following in
198 English and Spanish:

199

200 "If you or someone you know is being forced to engage in an
201 activity and cannot leave—whether it is prostitution, housework,
202 farm work, factory work, retail work, restaurant work, or any
203 other activity—call the Florida Human Trafficking Hotline, 1-

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204 ~~855-FLA-SAFE, the National Human Trafficking Resource Center at~~
205 ~~1-888-373-7888 or text INFO or HELP to 233-733 to access help~~
206 and services. Victims of slavery and human trafficking are
207 protected under United States and Florida law."

208 Section 8. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

2-4-2024

Meeting Date

Crim/Justice

Committee

SB 796

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Mike Johnson

Phone

407 947 5417

Address

312 Tanager St

Street

Email

shjohn@aol.com

City

Plantation FL 32701

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

The Florida Senate

APPEARANCE RECORD

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

06 Feb 2024

Meeting Date

Criminal Justice

Committee

CS/SB

AW
~~796~~ 796

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ami Nibhanu pudy

Phone

407 388 5698

Address

512 Ballantyne Ct

Street

Email

yosemiteami@gmail.com

City

Lake Mary FL 32746

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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CS/SB 794

Bill Number or Topic

2/6/24

Meeting Date

CS

Committee

Amendment Barcode (if applicable)

Name

Wendy Burnett

Phone

Address

101 Little Wakulla Ct

Email

Street

LONGWOOD FL

32779

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

SB 796

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paces del Mar

Email

Street

Casselberry FL 32707

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 796

Bill Number or Topic

2/6/24

Meeting Date

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name LIBBY GUZZO

Phone 850-245-0155

Address CAPITOL - PL01

Street

Email LIBBY.GUZZO@MYFLORIDALEGAL.COM

Tallahassee

City

FL

State

32399

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:

OFFICE OF ATTORNEY GENERAL

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)



SENATOR Bryan Avila
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Government Oversight and Accountability, Chair
Appropriations
Appropriations Committee on Education
Appropriations Committee of Health and Human
Services
Education Pre-K 12
Ethics and Elections
Health Policy
Select Committee on Resiliency
Joint Select Committee on Collective Bargaining

January 23, 2024

Honorable Senator Jonathan Martin
Committee on Criminal Justice

Honorable Chair Martin:

I respectfully request SB 796 Combating Human Trafficking be placed on the next committee agenda.

SB 796 Combatting Human Trafficking; Revising the membership of the board of directors of the direct-support organization for the Statewide Council on Human Trafficking; revising the hotline telephone number to be included in human trafficking awareness signs to the Florida Human Trafficking Hotline, rather than the National Human Trafficking Hotline; revising and providing human trafficking awareness training and policies for public lodging establishments; requiring that contractors with governmental entities attest that they do not use coercion of labor or services.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

Senator Bryan Avila
Florida Senate, District 39

CC: Amanda Stokes, Staff Director
Sue Arnold, Committee Administrative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 326 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: www.flsenate.gov

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

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 Criminal Justice

BILL: CS/SB 852

INTRODUCER: Criminal Justice Committee and Senators Calatayud and Book

SUBJECT: Interpersonal Violence Injunction Petitions

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 852 amends three interpersonal violence injunction statutes to make filing a petition for injunctive relief less burdensome. The bill deletes the current requirement that the petitioner appear in person before a notary or deputy court clerk and swear that the statements made in a petition for an interpersonal violence injunction are true. Instead, the bill requires that the petitioner declare in writing that the statements are true under the penalty of perjury.

The bill adds that for an interpersonal injunction issued after July 1, 2025, the clerk of court must provide to the Department of Highway Safety and Motor Vehicles that such an injunction was issued and update the Department of Highway Safety and Motor Vehicles when an injunction is no longer in place. The bill requires such information to be entered into the Driver and Vehicle Information Database.

The changes made in the bill do not affect the penalty for making a false statement in a petition for an interpersonal violence injunction. The penalty remains a third degree felony.

The bill takes effect July 1, 2024.

II. Present Situation:

Filing Sworn Petitions for Injunctive Relief

Interpersonal violence is a term that includes domestic violence, repeat violence, sexual violence, dating violence, and stalking. Under current law, victims who seek an injunction in circuit court for protection against forms of interpersonal violence are required to file a “sworn” petition with the court.¹ The petition requires that the victim personally appear before an authority, either a notary public or deputy clerk of court,² and swear that the statements in the petition are true. The petition must include the signature of the authorized person whom the petitioner appeared before and was sworn. The statements contained in the petition are made under penalty of perjury, as provided in s. 837.02, F.S., which is punishable as a third degree felony.³

There are currently two methods to affirm the truth of a statement made in a legal document. The first method is by providing a written verification and the second is by appearing before a notary public and swearing that the information contained in the document is true. Personally appearing before a notary has the added feature that the notary verifies the person’s identity.

The requirement to personally appear and be sworn has created an obstacle for petitioners on at least two fronts. In addition to the challenge of locating a notary, a petitioner must often bear the cost of paying for the notary’s services. Because many of the petitioners are proceeding pro se as victims of domestic violence, this requirement poses an obstacle to them completing the process in a timely and cost-effective manner.⁴

The DIY Florida E-Portal⁵ is a website initiated by the Florida Supreme Court to permit individuals greater access to the court system. By answering specific guided questions, people may generate legal documents that can either be filed electronically or in person with a local clerk of court. The “Florida Interpersonal Violence Interviews” is a category on the webpage that asks a series of questions to guide people through interviews that will help them access the necessary petition forms for filing injunctions against interpersonal violence.

However, even pleadings or other legal documents that require the acknowledgement of a notary public or deputy clerk of court cannot be completed solely through the DIY Florida portal. Filers must first download the form, print it, have the form notarized, then upload the form for e-filing or personally take the form to the clerk of court’s office to obtain the deputy clerk’s signature. Because this process is burdensome and even costly if a notary fee is involved, the Office of the

¹ The domestic violence injunction provisions are contained in s. 741.30, F.S., the repeat violence, sexual violence, or dating violence injunction provisions are contained in s. 784.046, F.S., and the stalking injunction provisions are contained in s. 784.0485, F.S.

² For example, see Florida Supreme Court approved form “*Instructions for Florida Supreme Court Approved Family Law Form 12.980(t), Petition for Injunction for Protection Against Stalking*,” pages 1 and 7 (Aug. 2023), which allows for a deputy clerk signature. https://www.flcourts.gov/content/download/685974/file_pdf/980t-%208.28.pdf (last visited Feb. 1, 2024).

³ A third degree felony is punishable by a term of imprisonment that does not exceed 5 years (s. 775.082(3)(e), F.S.) and a fine that does not exceed \$5,000 (s. 775.083(1)(c), F.S.).

⁴ Office of the State Courts Administrator, *2024 Judicial Impact Statement for SB 852*, (Jan. 14, 2024) (on file with the Senate Committee on Judiciary).

⁵ DIY Florida (Do It Yourself) <https://help.flcourts.gov/DIY-Florida> (last visited Jan. 31, 2023).

State Courts Administrator states that few litigants have used the portal to file petitions for injunctions against interpersonal violence.⁶

III. Effect of Proposed Changes:

The bill amends the injunction petition provisions of s. 741.30, F.S., relating to domestic violence, s. 784.046, F.S., relating to repeat violence, sexual violence, or dating violence, and s. 784.0485, F.S., relating to stalking. The bill replaces the requirement that the petition be sworn before a notary or deputy court clerk with a requirement that the petition be “verified” by written declaration. This declaration, which is part of the statutory petition forms, requires a petitioner to sign his or her name after the following statement:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

A person who makes a false declaration is guilty of the crime of perjury by false written declaration which is a third degree felony.⁷ This is the same penalty that currently exists for making a false statement in a notarized or sworn petition. A person who makes a false statement in a notarized or sworn petition commits perjury in official proceedings under s. 837.02, F.S. Perjury in official proceedings occurs when someone makes a false statement, which he or she does not believe to be true, under oath in an official proceeding with regard to any material matter.

The bill adds that for an interpersonal injunction issued after July 1, 2025, the clerk of court must provide to the Department of Highway Safety and Motor Vehicles that such an injunction was issued and update the Department of Highway Safety and Motor Vehicles when an injunction is no longer in place. The bill requires such information to be entered into the Driver and Vehicle Information Database.

The bill does away with the requirement that an official, either a notary or deputy court clerk, personally verify the identity of the person petitioning for an interpersonal violence injunction.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ See *supra*, note 3.

⁷ A third degree felony is punishable by a term of imprisonment that does not exceed 5 years (s. 775.082(3)(e), F.S.) and a fine that does not exceed \$5,000 (s. 775.083(1)(c), F.S.).

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 will allow petitioners for an interpersonal violence injunction to save time and possibly money because they will no longer be required to submit “sworn” petitions which involve locating a notary and possibly paying a notary fee. If petitioners use the DIY Florida E-Portal, they will be allowed to complete their documents online without downloading forms, seeking authorized signatures, and uploading the forms for filing.

C. Government Sector Impact:

The Office of the State Courts Administrator does not anticipate that this change will impact the judicial or court workload.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Office of the State Courts Administrator believes that the bill will require amendments to a number of family law rules and forms to update instructions, remove the current provisions relating to acknowledgement by a notary or clerk, and make conforming changes.⁹

⁸ Office of the State Courts Administrator, *2024 Judicial Impact Statement for SB 852* (Jan. 14, 2024) on file with the Senate Committee on Judiciary.

⁹ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.30, 784.046, 784.0485, 39.301, 39.504, 61.45, 741.29, 741.2902, 741.31, 790.233, 61.1825, 61.1827, 394.4597, 394.4598, 397.6978, 784.048, 790.065, 901.15, 921.141, 921.1425, 28.2221, 57.105, 741.315, 790.401, 934.03, 934.425, 784.047, and 784.0487.

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 February 6, 2024:

The committee substitute:

- Requires the clerk of court to inform the Department of Highway Safety and Motor vehicles of an injunction issued after July 1, 2025, so that it may be included in the Driver and Vehicle Information Database.
- Requires the clerk of court to update the Department of Highway Safety and Motor vehicles when an injunction issued after July 1, 2025, is no longer in place.

- B. **Amendments:**

None.



536232

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 429

and insert:

Section 1. Paragraph (a) of subsection (1), subsection (3), and subsection (8) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification



536232

11 system; enforcement; public records exemption.-

12 (1) There is created a cause of action for an injunction
13 for protection against domestic violence.

14 (a) Any person described in paragraph (e), who is either
15 the victim of domestic violence as defined in s. 741.28 or has
16 reasonable cause to believe he or she is in imminent danger of
17 becoming the victim of any act of domestic violence, has
18 standing in the circuit court to file a verified ~~sworn~~ petition
19 for an injunction for protection against domestic violence.

20 (3) (a) The verified ~~sworn~~ petition must allege the
21 existence of such domestic violence and must include the
22 specific facts and circumstances upon the basis of which relief
23 is sought.

24 (b) The verified ~~sworn~~ petition shall be in substantially
25 the following form:

26

27

PETITION FOR

28

INJUNCTION FOR PROTECTION

29

AGAINST DOMESTIC VIOLENCE

30

31 ~~Before me,~~ The undersigned ~~authority,~~ ~~personally appeared~~
32 Petitioner ...(Name)..., declares under penalty of perjury ~~who~~
33 ~~has been sworn and says~~ that the following statements are true:

34 (a) Petitioner resides at: ...(address)...

35 (Petitioner may furnish address to the court in a separate
36 confidential filing if, for safety reasons, the petitioner
37 requires the location of the current residence to be
38 confidential.)

39 (b) Respondent resides at: ...(last known address)...



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40 (c) Respondent's last known place of employment: ... (name
41 of business and address)...

42 (d) Physical description of respondent:.....

43 Race.....

44 Sex.....

45 Date of birth.....

46 Height.....

47 Weight.....

48 Eye color.....

49 Hair color.....

50 Distinguishing marks or scars.....

51 (e) Aliases of respondent:.....

52 (f) Respondent is the spouse or former spouse of the
53 petitioner or is any other person related by blood or marriage
54 to the petitioner or is any other person who is or was residing
55 within a single dwelling unit with the petitioner, as if a
56 family, or is a person with whom the petitioner has a child in
57 common, regardless of whether the petitioner and respondent are
58 or were married or residing together, as if a family.

59 (g) The following describes any other cause of action
60 currently pending between the petitioner and respondent:.....

61

62 The petitioner should also describe any previous or pending
63 attempts by the petitioner to obtain an injunction for
64 protection against domestic violence in this or any other
65 circuit, and the results of that attempt:.....

66

67 Case numbers should be included if available.

68 (h) Petitioner is either a victim of domestic violence or



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69 has reasonable cause to believe he or she is in imminent danger
70 of becoming a victim of domestic violence because respondent
71 has: ...(mark all sections that apply and describe in the spaces
72 below the incidents of violence or threats of violence,
73 specifying when and where they occurred, including, but not
74 limited to, locations such as a home, school, place of
75 employment, or visitation exchange)...

76

77

78committed or threatened to commit domestic violence
79 defined in s. 741.28, Florida Statutes, as any assault,
80 aggravated assault, battery, aggravated battery, sexual assault,
81 sexual battery, stalking, aggravated stalking, kidnapping, false
82 imprisonment, or any criminal offense resulting in physical
83 injury or death of one family or household member by another.
84 With the exception of persons who are parents of a child in
85 common, the family or household members must be currently
86 residing or have in the past resided together in the same single
87 dwelling unit.

88previously threatened, harassed, stalked, or physically
89 abused the petitioner.

90attempted to harm the petitioner or family members or
91 individuals closely associated with the petitioner.

92threatened to conceal, kidnap, or harm the petitioner's
93 child or children.

94intentionally injured or killed a family pet.

95used, or has threatened to use, against the petitioner
96 any weapons such as guns or knives.

97physically restrained the petitioner from leaving the



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98 home or calling law enforcement.

99 a criminal history involving violence or the threat of
100 violence (if known).

101 another order of protection issued against him or her
102 previously or from another jurisdiction (if known).

103 destroyed personal property, including, but not limited
104 to, telephones or other communication equipment, clothing, or
105 other items belonging to the petitioner.

106 engaged in a pattern of abusive, threatening,
107 intimidating, or controlling behavior composed of a series of
108 acts over a period of time, however short.

109 engaged in any other behavior or conduct that leads the
110 petitioner to have reasonable cause to believe he or she is in
111 imminent danger of becoming a victim of domestic violence.

112 (i) Petitioner alleges the following additional specific
113 facts: ...(mark appropriate sections)...

114 A minor child or minor children reside with the
115 petitioner whose names and ages are as follows:

116
117 Petitioner needs the exclusive use and possession of
118 the dwelling that the parties share.

119 Petitioner is unable to obtain safe alternative housing
120 because:

121
122 Petitioner genuinely fears that respondent imminently
123 will abuse, remove, or hide the minor child or children from
124 petitioner because:

125
126 (j) Petitioner genuinely fears imminent domestic violence



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127 by respondent.

128 (k) Petitioner seeks an injunction: ... (mark appropriate
129 section or sections)...

130Immediately restraining the respondent from committing
131 any acts of domestic violence.

132Restraining the respondent from committing any acts of
133 domestic violence.

134Awarding to the petitioner the temporary exclusive use
135 and possession of the dwelling that the parties share or
136 excluding the respondent from the residence of the petitioner.

137Providing a temporary parenting plan, including a
138 temporary time-sharing schedule, with regard to the minor child
139 or children of the parties which might involve prohibiting or
140 limiting time-sharing or requiring that it be supervised by a
141 third party.

142Establishing temporary support for the minor child or
143 children or the petitioner.

144Directing the respondent to participate in a batterers'
145 intervention program.

146Providing any terms the court deems necessary for the
147 protection of a victim of domestic violence, or any minor
148 children of the victim, including any injunctions or directives
149 to law enforcement agencies.

150

151 (c) Every petition for an injunction against domestic
152 violence must contain, directly above the signature line, a
153 statement in all capital letters and bold type not smaller than
154 the surrounding text, as follows:

155



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156 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
157 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
158 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
159 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
160 SECTION 92.525 ~~837.02~~, FLORIDA STATUTES.

161 ... (initials) ...

162 (d) If the verified ~~sworn~~ petition seeks to determine a
163 parenting plan and time-sharing schedule with regard to the
164 minor child or children of the parties, the verified ~~sworn~~
165 petition must be accompanied by or must incorporate the
166 allegations required by s. 61.522 of the Uniform Child Custody
167 Jurisdiction and Enforcement Act.

168 (8) (a) 1. Within 24 hours after the court issues an
169 injunction for protection against domestic violence, the clerk
170 of the court shall electronically transmit a copy of the
171 petition, financial affidavit, Uniform Child Custody
172 Jurisdiction and Enforcement Act affidavit, if any, notice of
173 hearing, and temporary injunction, if any, to the sheriff or a
174 law enforcement agency of the county where the respondent
175 resides or can be found, who shall serve it upon the respondent
176 as soon thereafter as possible on any day of the week and at any
177 time of the day or night. An electronic copy of an injunction
178 must be certified by the clerk of the court, and the electronic
179 copy must be served in the same manner as a certified copy. Upon
180 receiving an electronic copy of the injunction, the sheriff must
181 verify receipt with the sender before attempting to serve it
182 upon the respondent. In addition, if the sheriff is in
183 possession of an injunction for protection that has been
184 certified by the clerk of the court, the sheriff may



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185 electronically transmit a copy of that injunction to a law
186 enforcement officer who shall serve it in the same manner as a
187 certified copy. The clerk of the court is responsible for
188 furnishing to the sheriff such information on the respondent's
189 physical description and location as is required by the
190 department to comply with the verification procedures set forth
191 in this section. Notwithstanding any other law to the contrary,
192 the chief judge of each circuit, in consultation with the
193 appropriate sheriff, may authorize a law enforcement agency
194 within the jurisdiction to effect service. A law enforcement
195 agency serving injunctions pursuant to this section must use
196 service and verification procedures consistent with those of the
197 sheriff.

198 2. For an injunction issued after July 1, 2025, the clerk
199 of the court must provide to the Department of Highway Safety
200 and Motor Vehicles that such an injunction was issued, and must
201 update the Department of Highway Safety and Motor Vehicles when
202 such an injunction is no longer in place. Such information must
203 be included in the Driver and Vehicle Information Database.

204 ~~3.2.~~ When an injunction is issued, if the petitioner
205 requests the assistance of a law enforcement agency, the court
206 may order that an officer from the appropriate law enforcement
207 agency accompany the petitioner and assist in placing the
208 petitioner in possession of the dwelling or residence, or
209 otherwise assist in the execution or service of the injunction.
210 A law enforcement officer must accept a copy of an injunction
211 for protection against domestic violence, certified by the clerk
212 of the court, from the petitioner and immediately serve it upon
213 a respondent who has been located but not yet served.



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214 ~~4.3.~~ All orders issued, changed, continued, extended, or
215 vacated subsequent to the original service of documents
216 enumerated under subparagraph 1. must be certified by the clerk
217 of the court and delivered to the parties at the time of the
218 entry of the order. The parties may acknowledge receipt of such
219 order in writing on the face of the original order. In the event
220 a party fails or refuses to acknowledge the receipt of a
221 certified copy of an order, the clerk shall note on the original
222 order that service was effected. If delivery at the hearing is
223 not possible, the clerk shall mail certified copies of the order
224 to the parties at the last known address of each party. Service
225 by mail is complete upon mailing. When an order is served
226 pursuant to this subsection, the clerk shall prepare a written
227 certification to be placed in the court file specifying the
228 time, date, and method of service and shall notify the sheriff.
229

230 If the respondent has been served previously with the
231 temporary injunction and has failed to appear at the initial
232 hearing on the temporary injunction, any subsequent petition for
233 injunction seeking an extension of time may be served on the
234 respondent by the clerk of the court by certified mail in lieu
235 of personal service by a law enforcement officer.

236 Section 2. Subsections (2), (4), and paragraph (a) of
237 subsection (8) of section 784.046, Florida Statutes, are amended
238 to read:

239 784.046 Action by victim of repeat violence, sexual
240 violence, or dating violence for protective injunction; dating
241 violence investigations, notice to victims, and reporting;
242 pretrial release violations; public records exemption.-



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243 (2) There is created a cause of action for an injunction
244 for protection in cases of repeat violence, there is created a
245 separate cause of action for an injunction for protection in
246 cases of dating violence, and there is created a separate cause
247 of action for an injunction for protection in cases of sexual
248 violence.

249 (a) Any person who is the victim of repeat violence or the
250 parent or legal guardian of any minor child who is living at
251 home and who seeks an injunction for protection against repeat
252 violence on behalf of the minor child has standing in the
253 circuit court to file a verified ~~sworn~~ petition for an
254 injunction for protection against repeat violence.

255 (b) Any person who is the victim of dating violence and has
256 reasonable cause to believe he or she is in imminent danger of
257 becoming the victim of another act of dating violence, or any
258 person who has reasonable cause to believe he or she is in
259 imminent danger of becoming the victim of an act of dating
260 violence, or the parent or legal guardian of any minor child who
261 is living at home and who seeks an injunction for protection
262 against dating violence on behalf of that minor child, has
263 standing in the circuit court to file a verified ~~sworn~~ petition
264 for an injunction for protection against dating violence.

265 (c) A person who is the victim of sexual violence or the
266 parent or legal guardian of a minor child who is living at home
267 who is the victim of sexual violence has standing in the circuit
268 court to file a verified ~~sworn~~ petition for an injunction for
269 protection against sexual violence on his or her own behalf or
270 on behalf of the minor child if:

271 1. The person has reported the sexual violence to a law



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272 enforcement agency and is cooperating in any criminal proceeding
273 against the respondent, regardless of whether criminal charges
274 based on the sexual violence have been filed, reduced, or
275 dismissed by the state attorney; or

276 2. The respondent who committed the sexual violence against
277 the victim or minor child was sentenced to a term of
278 imprisonment in state prison for the sexual violence and the
279 respondent's term of imprisonment has expired or is due to
280 expire within 90 days following the date the verified petition
281 is filed.

282 (d) A cause of action for an injunction may be sought
283 whether or not any other petition, complaint, or cause of action
284 is currently available or pending between the parties.

285 (e) A cause of action for an injunction does not require
286 that the petitioner be represented by an attorney.

287 (4) (a) The verified ~~sworn~~ petition shall allege the
288 incidents of repeat violence, sexual violence, or dating
289 violence and shall include the specific facts and circumstances
290 that form the basis upon which relief is sought. With respect to
291 a minor child who is living at home, the parent or legal
292 guardian seeking the protective injunction on behalf of the
293 minor child must:

294 1. Have been an eyewitness to, or have direct physical
295 evidence or affidavits from eyewitnesses of, the specific facts
296 and circumstances that form the basis upon which relief is
297 sought, if the party against whom the protective injunction is
298 sought is also a parent, stepparent, or legal guardian of the
299 minor child; or

300 2. Have reasonable cause to believe that the minor child is



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301 a victim of repeat violence, sexual violence, or dating violence
302 to form the basis upon which relief is sought, if the party
303 against whom the protective injunction is sought is a person
304 other than a parent, stepparent, or legal guardian of the minor
305 child.

306 (b) The verified ~~sworn~~ petition must be in substantially
307 the following form:

308
309 PETITION FOR INJUNCTION FOR PROTECTION
310 AGAINST REPEAT VIOLENCE, SEXUAL
311 VIOLENCE, OR DATING VIOLENCE
312

313 ~~Before me,~~ The undersigned ~~authority,~~ ~~personally appeared~~
314 Petitioner ...(Name)..., declares under penalty of perjury ~~who~~
315 ~~has been sworn and says~~ that the following statements are true:
316

317 1. Petitioner resides at ...(address)... (A petitioner for
318 an injunction for protection against sexual violence may furnish
319 an address to the court in a separate confidential filing if,
320 for safety reasons, the petitioner requires the location of his
321 or her current residence to be confidential pursuant to s.
322 119.071(2)(j), Florida Statutes.)

323 2. Respondent resides at ...(address)....

324 3.a. Petitioner has suffered repeat violence as
325 demonstrated by the fact that the respondent has:

326 ...(enumerate incidents of violence)...

327
328
329



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330

331
332 b. Petitioner has suffered sexual violence as demonstrated
333 by the fact that the respondent has: ...(enumerate incident of
334 violence and include incident report number from law enforcement
335 agency or attach notice of inmate release)...

336
337
338
339

340
341 c. Petitioner is a victim of dating violence and has
342 reasonable cause to believe that he or she is in imminent danger
343 of becoming the victim of another act of dating violence or has
344 reasonable cause to believe that he or she is in imminent danger
345 of becoming a victim of dating violence, as demonstrated by the
346 fact that the respondent has: ...(list the specific incident or
347 incidents of violence and describe the length of time of the
348 relationship, whether it has been in existence during the last 6
349 months, the nature of the relationship of a romantic or intimate
350 nature, the frequency and type of interaction, and any other
351 facts that characterize the relationship)...

352
353
354
355

356
357 4. Petitioner genuinely fears repeat violence by the
358 respondent.



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359 5. Petitioner seeks: an immediate injunction against the
360 respondent, enjoining him or her from committing any further
361 acts of violence; an injunction enjoining the respondent from
362 committing any further acts of violence; and an injunction
363 providing any terms the court deems necessary for the protection
364 of the petitioner and the petitioner's immediate family,
365 including any injunctions or directives to law enforcement
366 agencies.

367 (c) Every petition for an injunction against repeat
368 violence, sexual violence, or dating violence must contain the
369 following statement directly above the signature line, in all
370 capital letters and bold type not smaller than the surrounding
371 text:

372
373 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
374 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
375 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
376 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
377 SECTION 92.525, FLORIDA STATUTES.

378 (8) (a) 1. Within 24 hours after the court issues an
379 injunction for protection against repeat violence, sexual
380 violence, or dating violence, the clerk of the court shall
381 electronically transmit a copy of the petition, notice of
382 hearing, and temporary injunction, if any, to the sheriff or a
383 law enforcement agency of the county where the respondent
384 resides or can be found, who shall serve it upon the respondent
385 as soon thereafter as possible on any day of the week and at any
386 time of the day or night. An electronic copy of an injunction
387 must be certified by the clerk of the court, and the electronic



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388 copy must be served in the same manner as a certified copy. Upon
389 receiving an electronic copy of the injunction, the sheriff must
390 verify receipt with the sender before attempting to serve it
391 upon the respondent. In addition, if the sheriff is in
392 possession of an injunction for protection that has been
393 certified by the clerk of the court, the sheriff may
394 electronically transmit a copy of that injunction to a law
395 enforcement officer who shall serve it in the same manner as a
396 certified copy. The clerk of the court is responsible for
397 furnishing to the sheriff such information on the respondent's
398 physical description and location as is required by the
399 department to comply with the verification procedures set forth
400 in this section. Notwithstanding any other law to the contrary,
401 the chief judge of each circuit, in consultation with the
402 appropriate sheriff, may authorize a law enforcement agency
403 within the chief judge's jurisdiction to effect this type of
404 service and to receive a portion of the service fee. A person
405 may not serve or execute an injunction issued under this section
406 unless the person is a law enforcement officer as defined in
407 chapter 943.

408 2. For an injunction issued after July 1, 2025, the clerk
409 of the court must provide to the Department of Highway Safety
410 and Motor Vehicles that such an injunction was issued, and must
411 update the Department of Highway Safety and Motor Vehicles when
412 such an injunction is no longer in place. Such information must
413 be included in the Driver and Vehicle Information Database.

414 3.2. When an injunction is issued, if the petitioner
415 requests the assistance of a law enforcement agency, the court
416 may order that an officer from the appropriate law enforcement



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417 agency accompany the petitioner and assist in the execution or
418 service of the injunction. A law enforcement officer must accept
419 a copy of an injunction for protection against repeat violence,
420 sexual violence, or dating violence, certified by the clerk of
421 the court, from the petitioner and immediately serve it upon a
422 respondent who has been located but not yet served.

423 Section 3. Paragraph (a) of subsection (1), paragraphs (a),
424 (b), and (f) of subsection (3), and paragraph (a) of subsection
425 (8) of section 784.0485, Florida Statutes, are amended to read:

426 784.0485 Stalking; injunction; powers and duties of court
427 and clerk; petition; notice and hearing; temporary injunction;
428 issuance of injunction; statewide verification system;
429 enforcement.—

430 (1) There is created a cause of action for an injunction
431 for protection against stalking. For the purposes of injunctions
432 for protection against stalking under this section, the offense
433 of stalking shall include the offense of cyberstalking.

434 (a) A person who is the victim of stalking or the parent or
435 legal guardian of a minor child who is living at home who seeks
436 an injunction for protection against stalking on behalf of the
437 minor child has standing in the circuit court to file a verified
438 ~~sworn~~ petition for an injunction for protection against
439 stalking.

440 (3) (a) The verified ~~sworn~~ petition shall allege the
441 existence of such stalking and shall include the specific facts
442 and circumstances for which relief is sought.

443 (b) The verified ~~sworn~~ petition shall be in substantially
444 the following form:
445



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PETITION FOR INJUNCTION
FOR PROTECTION AGAINST STALKING

~~Before me,~~ The undersigned authority, personally
~~appeared~~ Petitioner ... (Name) ..., declares under
penalty of perjury ~~who has been sworn and says~~ that
the following statements are true:

1. Petitioner resides at: ...(address) ...
(Petitioner may furnish the address to the court in a
separate confidential filing if, for safety reasons,
the petitioner requires the location of the current
residence to be confidential.)
2. Respondent resides at: ...(last known address) ...
3. Respondent's last known place of employment:
...(name of business and address) ...
4. Physical description of respondent:
5. Race:
6. Sex:
7. Date of birth:
8. Height:
9. Weight:
10. Eye color:
11. Hair color:
12. Distinguishing marks or scars:
13. Aliases of respondent:

(f) Every petition for an injunction against stalking must
contain, directly above the signature line, a statement in all
capital letters and bold type not smaller than the surrounding



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475 text, as follows:

476

477 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
478 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
479 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
480 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
481 SECTION 92.525 ~~837.02~~, FLORIDA STATUTES.

482

483 ... (initials) ...

484

485 (8)(a)1. Within 24 hours after the court issues an
486 injunction for protection against stalking, the clerk of the
487 court shall electronically transmit a copy of the petition,
488 notice of hearing, and temporary injunction, if any, to the
489 sheriff or a law enforcement agency of the county where the
490 respondent resides or can be found, who shall serve it upon the
491 respondent as soon thereafter as possible on any day of the week
492 and at any time of the day or night. An electronic copy of an
493 injunction must be certified by the clerk of the court, and the
494 electronic copy must be served in the same manner as a certified
495 copy. Upon receiving an electronic copy of the injunction, the
496 sheriff must verify receipt with the sender before attempting to
497 serve it on the respondent. In addition, if the sheriff is in
498 possession of an injunction for protection that has been
499 certified by the clerk of the court, the sheriff may
500 electronically transmit a copy of that injunction to a law
501 enforcement officer who shall serve it in the same manner as a
502 certified copy. The clerk of the court shall furnish to the
503 sheriff such information concerning the respondent's physical
description and location as is required by the Department of Law



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504 Enforcement to comply with the verification procedures set forth
505 in this section. Notwithstanding any other law, the chief judge
506 of each circuit, in consultation with the appropriate sheriff,
507 may authorize a law enforcement agency within the jurisdiction
508 to effect service. A law enforcement agency serving injunctions
509 pursuant to this section must use service and verification
510 procedures consistent with those of the sheriff.

511 2. For an injunction issued after July 1, 2025, the clerk
512 of the court must provide to the Department of Highway Safety
513 and Motor Vehicles that such an injunction was issued, and must
514 update the Department of Highway Safety and Motor Vehicles when
515 such an injunction is no longer in place. Such information must
516 be included in the Driver and Vehicle Information Database.

517 ~~3.2.~~ If an injunction is issued and the petitioner requests
518 the assistance of a law enforcement agency, the court may order
519 that an officer from the appropriate law enforcement agency
520 accompany the petitioner to assist in the execution or service
521 of the injunction. A law enforcement officer must accept a copy
522 of an injunction for protection against stalking, certified by
523 the clerk of the court, from the petitioner and immediately
524 serve it upon a respondent who has been located but not yet
525 served.

526 ~~4.3.~~ An order issued, changed, continued, extended, or
527 vacated subsequent to the original service of documents
528 enumerated under subparagraph 1. must be certified by the clerk
529 of the court and delivered to the parties at the time of the
530 entry of the order. The parties may acknowledge receipt of such
531 order in writing on the face of the original order. If a party
532 fails or refuses to acknowledge the receipt of a certified copy



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533 of an order, the clerk shall note on the original order that
534 service was effected. If delivery at the hearing is not
535 possible, the clerk shall mail certified copies of the order to
536 the parties at the last known address of each party. Service by
537 mail is complete upon mailing. When an order is served pursuant
538 to this subsection, the clerk shall prepare a written
539 certification to be placed in the court file specifying the
540 time, date, and method of service and shall notify the sheriff.

541 ~~5.4.~~ If the respondent has been served previously with a
542 temporary injunction and has failed to appear at the initial
543 hearing on the temporary injunction, any subsequent petition for
544 injunction seeking an extension of time may be served on the
545 respondent by the clerk of the court by certified mail in lieu
546 of personal service by a law enforcement officer.

547
548 ===== T I T L E A M E N D M E N T =====

549 And the title is amended as follows:

550 Delete line 10

551 and insert:

552 swear to, certain statements; requiring the clerk of
553 the court to include an injunction in the Driver and
554 Vehicle Information Database; conforming provisions to

By Senator Calatayud

38-00709-24

2024852__

1 A bill to be entitled
 2 An act relating to interpersonal violence injunction
 3 petitions; amending ss. 741.30, 784.046, and 784.0485,
 4 F.S.; revising a requirement that petitions for
 5 injunction for protection against domestic violence,
 6 repeat violence, sexual violence, or dating violence,
 7 and stalking, respectively, be verified, rather than
 8 sworn to; revising the form for such petitions for
 9 injunction to require a person to verify, rather than
 10 swear to, certain statements; conforming provisions to
 11 changes made by the act; reenacting ss. 39.301(9)(b)
 12 and (10)(a), 39.504(4)(b) and (5), 61.45(4) and
 13 (7)(b), 741.29(1), 741.2902(2), and 741.31(4), F.S.,
 14 relating to initiation of protective investigations,
 15 injunctions and penalties, court-ordered parenting
 16 plans, investigation of domestic violence incidents,
 17 legislative intent with respect to the judiciary's
 18 role in domestic violence cases, violation of an
 19 injunction for protection against domestic violence,
 20 and respectively, to incorporate the amendment made to
 21 s. 741.30, F.S., in references thereto; reenacting ss.
 22 61.1825(3)(a), 61.1827(1), 394.4597(2)(e),
 23 394.4598(2)(g) and (h), 397.6978(2)(g) and (h),
 24 784.048(4), 790.065(2)(c), 901.15(6), (7), and (13),
 25 921.141(6)(p), and 921.1425(7)(j), F.S., relating to
 26 the State Case Registry, identifying information
 27 concerning applicants for and recipients of child
 28 support services, persons to be notified for
 29 involuntary patients, guardian advocates, guardian

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

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2024852__

30 advocates for patients incompetent to consent,
 31 penalties for stalking, the sale and delivery of
 32 firearms, arrest by an officer without a warrant, the
 33 sentence of death or life imprisonment for capital
 34 felonies, and the sentence of death or life
 35 imprisonment for capital sexual battery, respectively,
 36 to incorporate the amendments made to ss. 741.30 and
 37 784.046, F.S., in references thereto; reenacting s.
 38 790.233(1), F.S., relating to prohibited possession of
 39 a firearm or ammunition for certain persons subject to
 40 an injunction, to incorporate the amendments made in
 41 ss. 741.30 and 784.0485, F.S., in references thereto;
 42 reenacting ss. 28.2221(8)(a), (b), and (c), 57.105(8),
 43 741.315(2), 790.401(2)(e) and (3)(c) and (e),
 44 934.03(2)(1), and 934.425(3), F.S., relating to
 45 electronic access to official records, attorney fees
 46 and sanctions, recognition of foreign protection
 47 orders, petitions for a risk protection order,
 48 prohibited interception and disclosure of wire, oral,
 49 or electronic communications, and installation of
 50 tracking devices or tracking applications,
 51 respectively, to incorporate the amendments made to
 52 ss. 741.30, 784.046, and 784.0485, F.S., in references
 53 thereto; reenacting s. 784.047(1), F.S., relating to
 54 penalties for violating protective injunctions against
 55 violators, to incorporate the amendment made to s.
 56 784.046, F.S., in a reference thereto; reenacting s.
 57 784.0487(4)(a), F.S., relating to violation of an
 58 injunction for protection against stalking or

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

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59 cyberstalking, to incorporate the amendment made to s.
60 784.0485, F.S., in a reference thereto; providing an
61 effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Paragraph (a) of subsection (1) and subsection
66 (3) of section 741.30, Florida Statutes, are amended to read:
67 741.30 Domestic violence; injunction; powers and duties of
68 court and clerk; petition; notice and hearing; temporary
69 injunction; issuance of injunction; statewide verification
70 system; enforcement; public records exemption.-

71 (1) There is created a cause of action for an injunction
72 for protection against domestic violence.

73 (a) Any person described in paragraph (e), who is either
74 the victim of domestic violence as defined in s. 741.28 or has
75 reasonable cause to believe he or she is in imminent danger of
76 becoming the victim of any act of domestic violence, has
77 standing in the circuit court to file a verified sworn petition
78 for an injunction for protection against domestic violence.

79 (3) (a) The verified sworn petition must allege the
80 existence of such domestic violence and must include the
81 specific facts and circumstances upon the basis of which relief
82 is sought.

83 (b) The verified sworn petition shall be in substantially
84 the following form:

85
86 PETITION FOR
87 INJUNCTION FOR PROTECTION

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88 AGAINST DOMESTIC VIOLENCE

89
90 ~~Before me,~~ The undersigned authority, ~~personally appeared~~
91 Petitioner ... (Name) ..., declares under penalty of perjury ~~who~~
92 ~~has been sworn and says~~ that the following statements are true:

93 (a) Petitioner resides at: ... (address)...

94 (Petitioner may furnish address to the court in a separate
95 confidential filing if, for safety reasons, the petitioner
96 requires the location of the current residence to be
97 confidential.)

98 (b) Respondent resides at: ... (last known address)...

99 (c) Respondent's last known place of employment: ... (name
100 of business and address)...

101 (d) Physical description of respondent:.....

102 Race.....

103 Sex.....

104 Date of birth.....

105 Height.....

106 Weight.....

107 Eye color.....

108 Hair color.....

109 Distinguishing marks or scars.....

110 (e) Aliases of respondent:.....

111 (f) Respondent is the spouse or former spouse of the
112 petitioner or is any other person related by blood or marriage
113 to the petitioner or is any other person who is or was residing
114 within a single dwelling unit with the petitioner, as if a
115 family, or is a person with whom the petitioner has a child in
116 common, regardless of whether the petitioner and respondent are

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117 or were married or residing together, as if a family.

118 (g) The following describes any other cause of action
119 currently pending between the petitioner and respondent:.....
120

121 The petitioner should also describe any previous or pending
122 attempts by the petitioner to obtain an injunction for
123 protection against domestic violence in this or any other
124 circuit, and the results of that attempt:.....
125
126 Case numbers should be included if available.

127 (h) Petitioner is either a victim of domestic violence or
128 has reasonable cause to believe he or she is in imminent danger
129 of becoming a victim of domestic violence because respondent
130 has: ...(mark all sections that apply and describe in the spaces
131 below the incidents of violence or threats of violence,
132 specifying when and where they occurred, including, but not
133 limited to, locations such as a home, school, place of
134 employment, or visitation exchange)...

135
136
137 ...committed or threatened to commit domestic violence
138 defined in s. 741.28, Florida Statutes, as any assault,
139 aggravated assault, battery, aggravated battery, sexual assault,
140 sexual battery, stalking, aggravated stalking, kidnapping, false
141 imprisonment, or any criminal offense resulting in physical
142 injury or death of one family or household member by another.
143 With the exception of persons who are parents of a child in
144 common, the family or household members must be currently
145 residing or have in the past resided together in the same single

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146 dwelling unit.

147 ...previously threatened, harassed, stalked, or physically
148 abused the petitioner.

149 ...attempted to harm the petitioner or family members or
150 individuals closely associated with the petitioner.

151 ...threatened to conceal, kidnap, or harm the petitioner's
152 child or children.

153 ...intentionally injured or killed a family pet.

154 ...used, or has threatened to use, against the petitioner
155 any weapons such as guns or knives.

156 ...physically restrained the petitioner from leaving the
157 home or calling law enforcement.

158 ...a criminal history involving violence or the threat of
159 violence (if known).

160 ...another order of protection issued against him or her
161 previously or from another jurisdiction (if known).

162 ...destroyed personal property, including, but not limited
163 to, telephones or other communication equipment, clothing, or
164 other items belonging to the petitioner.

165 ...engaged in a pattern of abusive, threatening,
166 intimidating, or controlling behavior composed of a series of
167 acts over a period of time, however short.

168 ...engaged in any other behavior or conduct that leads the
169 petitioner to have reasonable cause to believe he or she is in
170 imminent danger of becoming a victim of domestic violence.

171 (i) Petitioner alleges the following additional specific
172 facts: ...(mark appropriate sections)...

173 ...A minor child or minor children reside with the
174 petitioner whose names and ages are as follows:

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....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because:

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: ...(mark appropriate section or sections)...

....Immediately restraining the respondent from committing any acts of domestic violence.

....Restraining the respondent from committing any acts of domestic violence.

....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

....Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers'

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intervention program.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence must contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~937.02~~, FLORIDA STATUTES.

...(initials)...

(d) If the verified ~~sworn~~ petition seeks to determine a parenting plan and time-sharing schedule with regard to the minor child or children of the parties, the verified ~~sworn~~ petition must be accompanied by or must incorporate the allegations required by s. 61.522 of the Uniform Child Custody Jurisdiction and Enforcement Act.

Section 2. Subsections (2) and (4) of section 784.046, Florida Statutes, are amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting;

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233 pretrial release violations; public records exemption.-

234 (2) There is created a cause of action for an injunction
235 for protection in cases of repeat violence, there is created a
236 separate cause of action for an injunction for protection in
237 cases of dating violence, and there is created a separate cause
238 of action for an injunction for protection in cases of sexual
239 violence.

240 (a) Any person who is the victim of repeat violence or the
241 parent or legal guardian of any minor child who is living at
242 home and who seeks an injunction for protection against repeat
243 violence on behalf of the minor child has standing in the
244 circuit court to file a verified ~~sworn~~ petition for an
245 injunction for protection against repeat violence.

246 (b) Any person who is the victim of dating violence and has
247 reasonable cause to believe he or she is in imminent danger of
248 becoming the victim of another act of dating violence, or any
249 person who has reasonable cause to believe he or she is in
250 imminent danger of becoming the victim of an act of dating
251 violence, or the parent or legal guardian of any minor child who
252 is living at home and who seeks an injunction for protection
253 against dating violence on behalf of that minor child, has
254 standing in the circuit court to file a verified ~~sworn~~ petition
255 for an injunction for protection against dating violence.

256 (c) A person who is the victim of sexual violence or the
257 parent or legal guardian of a minor child who is living at home
258 who is the victim of sexual violence has standing in the circuit
259 court to file a verified ~~sworn~~ petition for an injunction for
260 protection against sexual violence on his or her own behalf or
261 on behalf of the minor child if:

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262 1. The person has reported the sexual violence to a law
263 enforcement agency and is cooperating in any criminal proceeding
264 against the respondent, regardless of whether criminal charges
265 based on the sexual violence have been filed, reduced, or
266 dismissed by the state attorney; or

267 2. The respondent who committed the sexual violence against
268 the victim or minor child was sentenced to a term of
269 imprisonment in state prison for the sexual violence and the
270 respondent's term of imprisonment has expired or is due to
271 expire within 90 days following the date the verified petition
272 is filed.

273 (d) A cause of action for an injunction may be sought
274 whether or not any other petition, complaint, or cause of action
275 is currently available or pending between the parties.

276 (e) A cause of action for an injunction does not require
277 that the petitioner be represented by an attorney.

278 (4) (a) The verified ~~sworn~~ petition shall allege the
279 incidents of repeat violence, sexual violence, or dating
280 violence and shall include the specific facts and circumstances
281 that form the basis upon which relief is sought. With respect to
282 a minor child who is living at home, the parent or legal
283 guardian seeking the protective injunction on behalf of the
284 minor child must:

285 1. Have been an eyewitness to, or have direct physical
286 evidence or affidavits from eyewitnesses of, the specific facts
287 and circumstances that form the basis upon which relief is
288 sought, if the party against whom the protective injunction is
289 sought is also a parent, stepparent, or legal guardian of the
290 minor child; or

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291 2. Have reasonable cause to believe that the minor child is
292 a victim of repeat violence, sexual violence, or dating violence
293 to form the basis upon which relief is sought, if the party
294 against whom the protective injunction is sought is a person
295 other than a parent, stepparent, or legal guardian of the minor
296 child.

297 (b) The verified ~~sworn~~ petition must be in substantially
298 the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, OR DATING VIOLENCE

304 ~~Before me,~~ The undersigned authority, ~~personally appeared~~
305 Petitioner ...(Name)..., declares under penalty of perjury ~~who~~
306 ~~has been sworn and says~~ that the following statements are true:

308 1. Petitioner resides at ...(address)... (A petitioner for
309 an injunction for protection against sexual violence may furnish
310 an address to the court in a separate confidential filing if,
311 for safety reasons, the petitioner requires the location of his
312 or her current residence to be confidential pursuant to s.
313 119.071(2)(j), Florida Statutes.)

314 2. Respondent resides at ...(address)...

315 3.a. Petitioner has suffered repeat violence as
316 demonstrated by the fact that the respondent has:

317 ...(enumerate incidents of violence)...
318
319

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323 b. Petitioner has suffered sexual violence as demonstrated
324 by the fact that the respondent has: ...(enumerate incident of
325 violence and include incident report number from law enforcement
326 agency or attach notice of inmate release)...

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331 c. Petitioner is a victim of dating violence and has
332 reasonable cause to believe that he or she is in imminent danger
333 of becoming the victim of another act of dating violence or has
334 reasonable cause to believe that he or she is in imminent danger
335 of becoming a victim of dating violence, as demonstrated by the
336 fact that the respondent has: ...(list the specific incident or
337 incidents of violence and describe the length of time of the
338 relationship, whether it has been in existence during the last 6
339 months, the nature of the relationship of a romantic or intimate
340 nature, the frequency and type of interaction, and any other
341 facts that characterize the relationship)...

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347
348 4. Petitioner genuinely fears repeat violence by the

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349 respondent.

350 5. Petitioner seeks: an immediate injunction against the
351 respondent, enjoining him or her from committing any further
352 acts of violence; an injunction enjoining the respondent from
353 committing any further acts of violence; and an injunction
354 providing any terms the court deems necessary for the protection
355 of the petitioner and the petitioner's immediate family,
356 including any injunctions or directives to law enforcement
357 agencies.

358 (c) Every petition for an injunction against repeat
359 violence, sexual violence, or dating violence must contain the
360 following statement directly above the signature line, in all
361 capital letters and bold type not smaller than the surrounding
362 text:

363
364 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
365 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
366 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
367 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
368 SECTION 92.525, FLORIDA STATUTES.

369 Section 3. Paragraph (a) of subsection (1) and paragraphs
370 (a), (b), and (f) of subsection (3) of section 784.0485, Florida
371 Statutes, are amended to read:

372 784.0485 Stalking; injunction; powers and duties of court
373 and clerk; petition; notice and hearing; temporary injunction;
374 issuance of injunction; statewide verification system;
375 enforcement.—

376 (1) There is created a cause of action for an injunction
377 for protection against stalking. For the purposes of injunctions

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378 for protection against stalking under this section, the offense
379 of stalking shall include the offense of cyberstalking.

380 (a) A person who is the victim of stalking or the parent or
381 legal guardian of a minor child who is living at home who seeks
382 an injunction for protection against stalking on behalf of the
383 minor child has standing in the circuit court to file a verified
384 ~~sworn~~ petition for an injunction for protection against
385 stalking.

386 (3) (a) The verified ~~sworn~~ petition shall allege the
387 existence of such stalking and shall include the specific facts
388 and circumstances for which relief is sought.

389 (b) The verified ~~sworn~~ petition shall be in substantially
390 the following form:

391
392 PETITION FOR INJUNCTION
393 FOR PROTECTION AGAINST STALKING

394
395 ~~Before me,~~ The undersigned authority, personally
396 ~~appeared~~ Petitioner ... (Name)..., declares under
397 penalty of perjury ~~who has been sworn and says~~ that
398 the following statements are true:

- 399
400 1. Petitioner resides at: ... (address) ...
401 (Petitioner may furnish the address to the court in a
402 separate confidential filing if, for safety reasons,
403 the petitioner requires the location of the current
404 residence to be confidential.)
405 2. Respondent resides at: ... (last known address) ...
406 3. Respondent's last known place of employment:

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407 ...(name of business and address)...

408 4. Physical description of respondent:

409 5. Race:

410 6. Sex:

411 7. Date of birth:

412 8. Height:

413 9. Weight:

414 10. Eye color:

415 11. Hair color:

416 12. Distinguishing marks or scars:

417 13. Aliases of respondent:

418 (f) Every petition for an injunction against stalking must

419 contain, directly above the signature line, a statement in all

420 capital letters and bold type not smaller than the surrounding

421 text, as follows:

422

423 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND

424 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT

425 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE

426 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN

427 SECTION 92.525 ~~937.02~~, FLORIDA STATUTES.

428

429 ...(initials)...

430 Section 4. For the purpose of incorporating the amendment

431 made by this act to section 741.30, Florida Statutes, in

432 references thereto, paragraph (b) of subsection (9) and

433 paragraph (a) of subsection (10) of section 39.301, Florida

434 Statutes, are reenacted to read:

435 39.301 Initiation of protective investigations.-

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436 (9)

437 (b) For each report received from the central abuse

438 hotline, the department shall determine the protective,

439 treatment, and ameliorative services necessary to safeguard and

440 ensure the child's safety and well-being and development, and

441 cause the delivery of those services through the early

442 intervention of the department or its agent. If a delay or

443 disability of the child is suspected, the parent must be

444 referred to a local child developmental screening program, such

445 as the Child Find program of the Florida Diagnostic and Learning

446 Resource System, for screening of the child. As applicable,

447 child protective investigators must inform parents and

448 caregivers how and when to use the injunction process under s.

449 741.30 to remove a perpetrator of domestic violence from the

450 home as an intervention to protect the child.

451 1. If the department determines that the interests of the

452 child and the public will be best served by providing the child

453 care or other treatment voluntarily accepted by the child and

454 the parents or legal custodians, the parent or legal custodian

455 and child may be referred for such care, case management, or

456 other community resources.

457 2. If the department determines that the child is in need

458 of protection and supervision, the department may file a

459 petition for dependency.

460 3. If a petition for dependency is not being filed by the

461 department, the person or agency originating the report shall be

462 advised of the right to file a petition pursuant to this part.

463 4. At the close of an investigation, the department shall

464 provide to the person who is alleged to have caused the abuse,

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 465 neglect, or abandonment and the parent or legal custodian a
 466 summary of findings from the investigation and provide
 467 information about their right to access confidential reports in
 468 accordance with s. 39.202.

469 (10) (a) The department's training program for staff
 470 responsible for responding to reports accepted by the central
 471 abuse hotline must also ensure that child protective responders:

472 1. Know how to fully inform parents or legal custodians of
 473 their rights and options, including opportunities for audio or
 474 video recording of child protective responder interviews with
 475 parents or legal custodians or children.

476 2. Know how and when to use the injunction process under s.
 477 39.504 or s. 741.30 to remove a perpetrator of domestic violence
 478 from the home as an intervention to protect the child.

479 3. Know how to explain to the parent, legal custodian, or
 480 person who is alleged to have caused the abuse, neglect, or
 481 abandonment the results of the investigation and to provide
 482 information about his or her right to access confidential
 483 reports in accordance with s. 39.202, prior to closing the case.

484 Section 5. For the purpose of incorporating the amendment
 485 made by this act to section 741.30, Florida Statutes, in
 486 references thereto, paragraph (b) of subsection (4) and
 487 subsection (5) of section 39.504, Florida Statutes, are
 488 reenacted to read:

489 39.504 Injunction; penalty.—

490 (4) If an injunction is issued under this section, the
 491 primary purpose of the injunction must be to protect and promote
 492 the best interests of the child, taking the preservation of the
 493 child's immediate family into consideration.

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 494 (b) Upon proper pleading, the court may award the following
 495 relief in a temporary ex parte or final injunction:

496 1. Exclusive use and possession of the dwelling to the
 497 caregiver or exclusion of the alleged or actual offender from
 498 the residence of the caregiver.

499 2. Temporary support for the child or other family members.

500 3. The costs of medical, psychiatric, and psychological
 501 treatment for the child incurred due to the abuse, and similar
 502 costs for other family members.

503
 504 This paragraph does not preclude an adult victim of domestic
 505 violence from seeking protection for himself or herself under s.
 506 741.30.

507 (5) Service of process on the respondent shall be carried
 508 out pursuant to s. 741.30. The department shall deliver a copy
 509 of any injunction issued pursuant to this section to the
 510 protected party or to a parent, caregiver, or individual acting
 511 in the place of a parent who is not the respondent. Law
 512 enforcement officers may exercise their arrest powers as
 513 provided in s. 901.15(6) to enforce the terms of the injunction.

514 Section 6. For the purpose of incorporating the amendment
 515 made by this act to section 741.30, Florida Statutes, in
 516 references thereto, subsection (4) and paragraph (b) of
 517 subsection (7) of section 61.45, Florida Statutes, are reenacted
 518 to read:

519 61.45 Court-ordered parenting plan; risk of violation;
 520 bond.—

521 (4) In assessing the need for a bond or other security, the
 522 court may consider any reasonable factor bearing upon the risk

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523 that a party may violate a parenting plan by removing a child
524 from this state or country or by concealing the whereabouts of a
525 child, including but not limited to whether:

526 (a) A court has previously found that a party previously
527 removed a child from Florida or another state in violation of a
528 parenting plan, or whether a court had found that a party has
529 threatened to take a child out of Florida or another state in
530 violation of a parenting plan;

531 (b) The party has strong family and community ties to
532 Florida or to other states or countries, including whether the
533 party or child is a citizen of another country;

534 (c) The party has strong financial reasons to remain in
535 Florida or to relocate to another state or country;

536 (d) The party has engaged in activities that suggest plans
537 to leave Florida, such as quitting employment; sale of a
538 residence or termination of a lease on a residence, without
539 efforts to acquire an alternative residence in the state;
540 closing bank accounts or otherwise liquidating assets; applying
541 for a passport or visa; or obtaining travel documents for the
542 respondent or the child;

543 (e) Either party has had a history of domestic violence as
544 either a victim or perpetrator, child abuse or child neglect
545 evidenced by criminal history, including but not limited to,
546 arrest, an injunction for protection against domestic violence
547 issued after notice and hearing under s. 741.30, medical
548 records, affidavits, or any other relevant information;

549 (f) The party has a criminal record;

550 (g) The party is likely to take the child to a country
551 that:

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552 1. Is not a party to the Hague Convention on the Civil
553 Aspects of International Child Abduction and does not provide
554 for the extradition of an abducting parent or for the return of
555 an abducted child;

556 2. Is a party to the Hague Convention on the Civil Aspects
557 of International Child Abduction, but:

558 a. The Hague Convention on the Civil Aspects of
559 International Child Abduction is not in force between this
560 country and that country;

561 b. Is noncompliant or demonstrating patterns of
562 noncompliance according to the most recent compliance report
563 issued by the United States Department of State; or

564 c. Lacks legal mechanisms for immediately and effectively
565 enforcing a return order under the Hague Convention on the Civil
566 Aspects of International Child Abduction;

567 3. Poses a risk that the child's physical or emotional
568 health or safety would be endangered in the country because of
569 specific circumstances relating to the child or because of human
570 rights violations committed against children;

571 4. Has laws or practices that would:

572 a. Enable the respondent, without due cause, to prevent the
573 petitioner from contacting the child;

574 b. Restrict the petitioner from freely traveling to or
575 exiting from the country because of the petitioner's gender,
576 nationality, marital status, or religion; or

577 c. Restrict the child's ability to legally leave the
578 country after the child reaches the age of majority because of a
579 child's gender, nationality, or religion;

580 5. Is included by the United States Department of State on

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581 a current list of state sponsors of terrorism;

582 6. Does not have an official United States diplomatic
583 presence in the country; or

584 7. Is engaged in active military action or war, including a
585 civil war, to which the child may be exposed;

586 (h) The party is undergoing a change in immigration or
587 citizenship status that would adversely affect the respondent's
588 ability to remain in this country legally;

589 (i) The party has had an application for United States
590 citizenship denied;

591 (j) The party has forged or presented misleading or false
592 evidence on government forms or supporting documents to obtain
593 or attempt to obtain a passport, a visa, travel documents, a
594 social security card, a driver license, or other government-
595 issued identification card or has made a misrepresentation to
596 the United States government;

597 (k) The party has used multiple names to attempt to mislead
598 or defraud;

599 (l) The party has been diagnosed with a mental health
600 disorder that the court considers relevant to the risk of
601 abduction; or

602 (m) The party has engaged in any other conduct that the
603 court considers relevant to the risk of abduction.

604 (7)

605 (b) This section, including the requirement to post a bond
606 or other security, does not apply to a parent who, in a
607 proceeding to order or modify a parenting plan or time-sharing
608 schedule, is determined by the court to be a victim of an act of
609 domestic violence or provides the court with reasonable cause to

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610 believe that he or she is about to become the victim of an act
611 of domestic violence, as defined in s. 741.28. An injunction for
612 protection against domestic violence issued pursuant to s.
613 741.30 for a parent as the petitioner which is in effect at the
614 time of the court proceeding shall be one means of demonstrating
615 sufficient evidence that the parent is a victim of domestic
616 violence or is about to become the victim of an act of domestic
617 violence, as defined in s. 741.28, and shall exempt the parent
618 from this section, including the requirement to post a bond or
619 other security. A parent who is determined by the court to be
620 exempt from the requirements of this section must meet the
621 requirements of s. 787.03(6) if an offense of interference with
622 the parenting plan or time-sharing schedule is committed.

623 Section 7. For the purpose of incorporating the amendment
624 made by this act to section 741.30, Florida Statutes, in a
625 reference thereto, subsection (1) of section 741.29, Florida
626 Statutes, is reenacted to read:

627 741.29 Domestic violence; investigation of incidents;
628 notice to victims of legal rights and remedies; reporting.-

629 (1) Any law enforcement officer who investigates an alleged
630 incident of domestic violence shall assist the victim to obtain
631 medical treatment if such is required as a result of the alleged
632 incident to which the officer responds. Any law enforcement
633 officer who investigates an alleged incident of domestic
634 violence shall advise the victim of such violence that there is
635 a domestic violence center from which the victim may receive
636 services. The law enforcement officer shall give the victim
637 immediate notice of the legal rights and remedies available on a
638 standard form developed and distributed by the department. As

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639 necessary, the department shall revise the Legal Rights and
 640 Remedies Notice to Victims to include a general summary of s.
 641 741.30 using simple English as well as Spanish, and shall
 642 distribute the notice as a model form to be used by all law
 643 enforcement agencies throughout the state. The notice shall
 644 include:

645 (a) The resource listing, including telephone number, for
 646 the area domestic violence center designated by the Department
 647 of Children and Families; and

648 (b) A copy of the following statement: "IF YOU ARE THE
 649 VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to
 650 file a criminal complaint. You also have the right to go to
 651 court and file a petition requesting an injunction for
 652 protection from domestic violence which may include, but need
 653 not be limited to, provisions which restrain the abuser from
 654 further acts of abuse; direct the abuser to leave your
 655 household; prevent the abuser from entering your residence,
 656 school, business, or place of employment; award you custody of
 657 your minor child or children; and direct the abuser to pay
 658 support to you and the minor children if the abuser has a legal
 659 obligation to do so."

660 Section 8. For the purpose of incorporating the amendment
 661 made by this act to section 741.30, Florida Statutes, in a
 662 reference thereto, subsection (2) of section 741.2902, Florida
 663 Statutes, is reenacted to read:

664 741.2902 Domestic violence; legislative intent with respect
 665 to judiciary's role.—

666 (2) It is the intent of the Legislature, with respect to
 667 injunctions for protection against domestic violence, issued

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668 pursuant to s. 741.30, that the court shall:

669 (a) Recognize that the petitioner's safety may require
 670 immediate removal of the respondent from their joint residence
 671 and that there can be inherent danger in permitting the
 672 respondent partial or periodic access to the residence.

673 (b) Ensure that the parties have a clear understanding of
 674 the terms of the injunction, the penalties for failure to
 675 comply, and that the parties cannot amend the injunction
 676 verbally, in writing, or by invitation to the residence.

677 (c) Ensure that the parties have knowledge of legal rights
 678 and remedies including, but not limited to, visitation, child
 679 support, retrieving property, counseling, and enforcement or
 680 modification of the injunction.

681 (d) Consider temporary child support when the pleadings
 682 raise the issue and in the absence of other support orders.

683 (e) Consider supervised visitation, withholding visitation,
 684 or other arrangements for visitation that will best protect the
 685 child and petitioner from harm.

686 (f) Enforce, through a civil or criminal contempt
 687 proceeding, a violation of an injunction for protection against
 688 domestic violence.

689 (g) Consider requiring the perpetrator to complete a
 690 batterers' intervention program. It is preferred that such
 691 program meet the requirements specified in s. 741.325.

692 Section 9. For the purpose of incorporating the amendment
 693 made by this act to section 741.30, Florida Statutes, in a
 694 reference thereto, paragraph (a) of subsection (4) of section
 695 741.31, Florida Statutes, is reenacted to read:

696 741.31 Violation of an injunction for protection against

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697 domestic violence.-

698 (4) (a) A person who willfully violates an injunction for
699 protection against domestic violence issued pursuant to s.
700 741.30, or a foreign protection order accorded full faith and
701 credit pursuant to s. 741.315, by:

702 1. Refusing to vacate the dwelling that the parties share;

703 2. Going to, or being within 500 feet of, the petitioner's
704 residence, school, place of employment, or a specified place
705 frequented regularly by the petitioner and any named family or
706 household member;

707 3. Committing an act of domestic violence against the
708 petitioner;

709 4. Committing any other violation of the injunction through
710 an intentional unlawful threat, word, or act to do violence to
711 the petitioner;

712 5. Telephoning, contacting, or otherwise communicating with
713 the petitioner directly or indirectly, unless the injunction
714 specifically allows indirect contact through a third party;

715 6. Knowingly and intentionally coming within 100 feet of
716 the petitioner's motor vehicle, whether or not that vehicle is
717 occupied;

718 7. Defacing or destroying the petitioner's personal
719 property, including the petitioner's motor vehicle; or

720 8. Refusing to surrender firearms or ammunition if ordered
721 to do so by the court

722
723 commits a misdemeanor of the first degree, punishable as
724 provided in s. 775.082 or s. 775.083, except as provided in
725 paragraph (c).

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726 Section 10. For the purpose of incorporating the amendments
727 made by this act to sections 741.30 and 784.0485, Florida
728 Statutes, in references thereto, subsection (1) of section
729 790.233, Florida Statutes, is reenacted to read:

730 790.233 Possession of firearm or ammunition prohibited when
731 person is subject to an injunction against committing acts of
732 domestic violence, stalking, or cyberstalking; penalties.-

733 (1) A person may not have in his or her care, custody,
734 possession, or control any firearm or ammunition if the person
735 has been issued a final injunction that is currently in force
736 and effect, restraining that person from committing acts of
737 domestic violence, as issued under s. 741.30 or from committing
738 acts of stalking or cyberstalking, as issued under s. 784.0485.

739 Section 11. For the purpose of incorporating the amendments
740 made by this act to sections 741.30 and 784.046, Florida
741 Statutes, in references thereto, paragraph (a) of subsection (3)
742 of section 61.1825, Florida Statutes, is reenacted to read:

743 61.1825 State Case Registry.-

744 (3) (a) For the purpose of this section, a family violence
745 indicator must be placed on a record when:

746 1. A party executes a sworn statement requesting that a
747 family violence indicator be placed on that party's record which
748 states that the party has reason to believe that release of
749 information to the Federal Case Registry may result in physical
750 or emotional harm to the party or the child; or

751 2. A temporary or final injunction for protection against
752 domestic violence has been granted pursuant to s. 741.30(6), an
753 injunction for protection against domestic violence has been
754 issued by a court of a foreign state pursuant to s. 741.315, or

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755 a temporary or final injunction for protection against repeat
 756 violence has been granted pursuant to s. 784.046; or
 757 3. The department has received information on a Title IV-D
 758 case from the Domestic, Dating, Sexual, and Repeat Violence
 759 Injunction Statewide Verification System, established pursuant
 760 to s. 784.046(8)(b), that a court has granted a party a domestic
 761 violence or repeat violence injunction.
 762 Section 12. For the purpose of incorporating the amendments
 763 made by this act to sections 741.30 and 784.046, Florida
 764 Statutes, in references thereto, subsection (1) of section
 765 61.1827, Florida Statutes, is reenacted to read:
 766 61.1827 Identifying information concerning applicants for
 767 and recipients of child support services.—
 768 (1) Any information that reveals the identity of applicants
 769 for or recipients of child support services, including the name,
 770 address, and telephone number of such persons, held by a non-
 771 Title IV-D county child support enforcement agency is
 772 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 773 of the State Constitution. The use or disclosure of such
 774 information by the non-Title IV-D county child support
 775 enforcement agency is limited to the purposes directly connected
 776 with:
 777 (a) Any investigation, prosecution, or criminal or civil
 778 proceeding connected with the administration of any non-Title
 779 IV-D county child support enforcement program;
 780 (b) Mandatory disclosure of identifying and location
 781 information as provided in s. 61.13(7) by the non-Title IV-D
 782 county child support enforcement agency when providing non-Title
 783 IV-D services;

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784 (c) Mandatory disclosure of information as required by ss.
 785 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the
 786 Social Security Act; or
 787 (d) Disclosure to an authorized person, as defined in 45
 788 C.F.R. s. 303.15, for purposes of enforcing any state or federal
 789 law with respect to the unlawful taking or restraint of a child
 790 or making or enforcing a parenting plan. As used in this
 791 paragraph, the term "authorized person" includes a parent with
 792 whom the child does not currently reside, unless a court has
 793 entered an order under s. 741.30, s. 741.31, or s. 784.046.
 794 Section 13. For the purpose of incorporating the amendments
 795 made by this act to sections 741.30 and 784.046, Florida
 796 Statutes, in references thereto, paragraph (e) of subsection (2)
 797 of section 394.4597, Florida Statutes, is reenacted to read:
 798 394.4597 Persons to be notified; patient's representative.—
 799 (2) INVOLUNTARY PATIENTS.—
 800 (e) The following persons are prohibited from selection as
 801 a patient's representative:
 802 1. A professional providing clinical services to the
 803 patient under this part.
 804 2. The licensed professional who initiated the involuntary
 805 examination of the patient, if the examination was initiated by
 806 professional certificate.
 807 3. An employee, an administrator, or a board member of the
 808 facility providing the examination of the patient.
 809 4. An employee, an administrator, or a board member of a
 810 treatment facility providing treatment for the patient.
 811 5. A person providing any substantial professional services
 812 to the patient, including clinical services.

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813 6. A creditor of the patient.

814 7. A person subject to an injunction for protection against
815 domestic violence under s. 741.30, whether the order of
816 injunction is temporary or final, and for which the patient was
817 the petitioner.

818 8. A person subject to an injunction for protection against
819 repeat violence, stalking, sexual violence, or dating violence
820 under s. 784.046, whether the order of injunction is temporary
821 or final, and for which the patient was the petitioner.

822 Section 14. For the purpose of incorporating the amendments
823 made by this act to sections 741.30 and 784.046, Florida
824 Statutes, in references thereto, paragraphs (g) and (h) of
825 subsection (2) of section 394.4598, Florida Statutes, are
826 reenacted to read:

827 394.4598 Guardian advocate.—

828 (2) The following persons are prohibited from appointment
829 as a patient's guardian advocate:

830 (g) A person subject to an injunction for protection
831 against domestic violence under s. 741.30, whether the order of
832 injunction is temporary or final, and for which the patient was
833 the petitioner.

834 (h) A person subject to an injunction for protection
835 against repeat violence, stalking, sexual violence, or dating
836 violence under s. 784.046, whether the order of injunction is
837 temporary or final, and for which the patient was the
838 petitioner.

839 Section 15. For the purpose of incorporating the amendments
840 made by this act to sections 741.30 and 784.046, Florida
841 Statutes, in references thereto, paragraphs (g) and (h) of

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842 subsection (2) of section 397.6978, Florida Statutes, are
843 reenacted to read:

844 397.6978 Guardian advocate; patient incompetent to consent;
845 substance abuse disorder.—

846 (2) The following persons are prohibited from appointment
847 as a patient's guardian advocate:

848 (g) A person subject to an injunction for protection
849 against domestic violence under s. 741.30, whether the order of
850 injunction is temporary or final, and for which the individual
851 was the petitioner.

852 (h) A person subject to an injunction for protection
853 against repeat violence, stalking, sexual violence, or dating
854 violence under s. 784.046, whether the order of injunction is
855 temporary or final, and for which the individual was the
856 petitioner.

857 Section 16. For the purpose of incorporating the amendments
858 made by this act to sections 741.30 and 784.046, Florida
859 Statutes, in references thereto, subsection (4) of section
860 784.048, Florida Statutes, is reenacted to read:

861 784.048 Stalking; definitions; penalties.—

862 (4) A person who, after an injunction for protection
863 against repeat violence, sexual violence, or dating violence
864 pursuant to s. 784.046, or an injunction for protection against
865 domestic violence pursuant to s. 741.30, or after any other
866 court-imposed prohibition of conduct toward the subject person
867 or that person's property, knowingly, willfully, maliciously,
868 and repeatedly follows, harasses, or cyberstalks another person
869 commits the offense of aggravated stalking, a felony of the
870 third degree, punishable as provided in s. 775.082, s. 775.083,

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871 or s. 775.084.

872 Section 17. For the purpose of incorporating the amendments
873 made by this act to sections 741.30 and 784.046, Florida
874 Statutes, in references thereto, paragraph (c) of subsection (2)
875 of section 790.065, Florida Statutes, is reenacted to read:

876 790.065 Sale and delivery of firearms.—

877 (2) Upon receipt of a request for a criminal history record
878 check, the Department of Law Enforcement shall, during the
879 licensee's call or by return call, forthwith:

880 (c)1. Review any records available to it to determine
881 whether the potential buyer or transferee has been indicted or
882 has had an information filed against her or him for an offense
883 that is a felony under either state or federal law, or, as
884 mandated by federal law, has had an injunction for protection
885 against domestic violence entered against the potential buyer or
886 transferee under s. 741.30, has had an injunction for protection
887 against repeat violence entered against the potential buyer or
888 transferee under s. 784.046, or has been arrested for a
889 dangerous crime as specified in s. 907.041(5)(a) or for any of
890 the following enumerated offenses:

- 891 a. Criminal anarchy under ss. 876.01 and 876.02.
- 892 b. Extortion under s. 836.05.
- 893 c. Explosives violations under s. 552.22(1) and (2).
- 894 d. Controlled substances violations under chapter 893.
- 895 e. Resisting an officer with violence under s. 843.01.
- 896 f. Weapons and firearms violations under this chapter.
- 897 g. Treason under s. 876.32.
- 898 h. Assisting self-murder under s. 782.08.
- 899 i. Sabotage under s. 876.38.

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900 j. Stalking or aggravated stalking under s. 784.048.

901
902 If the review indicates any such indictment, information, or
903 arrest, the department shall provide to the licensee a
904 conditional nonapproval number.

905 2. Within 24 working hours, the department shall determine
906 the disposition of the indictment, information, or arrest and
907 inform the licensee as to whether the potential buyer is
908 prohibited from receiving or possessing a firearm. For purposes
909 of this paragraph, "working hours" means the hours from 8 a.m.
910 to 5 p.m. Monday through Friday, excluding legal holidays.

911 3. The office of the clerk of court, at no charge to the
912 department, shall respond to any department request for data on
913 the disposition of the indictment, information, or arrest as
914 soon as possible, but in no event later than 8 working hours.

915 4. The department shall determine as quickly as possible
916 within the allotted time period whether the potential buyer is
917 prohibited from receiving or possessing a firearm.

918 5. If the potential buyer is not so prohibited, or if the
919 department cannot determine the disposition information within
920 the allotted time period, the department shall provide the
921 licensee with a conditional approval number.

922 6. If the buyer is so prohibited, the conditional
923 nonapproval number shall become a nonapproval number.

924 7. The department shall continue its attempts to obtain the
925 disposition information and may retain a record of all approval
926 numbers granted without sufficient disposition information. If
927 the department later obtains disposition information which
928 indicates:

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929 a. That the potential buyer is not prohibited from owning a
930 firearm, it shall treat the record of the transaction in
931 accordance with this section; or

932 b. That the potential buyer is prohibited from owning a
933 firearm, it shall immediately revoke the conditional approval
934 number and notify local law enforcement.

935 8. During the time that disposition of the indictment,
936 information, or arrest is pending and until the department is
937 notified by the potential buyer that there has been a final
938 disposition of the indictment, information, or arrest, the
939 conditional nonapproval number shall remain in effect.

940 Section 18. For the purpose of incorporating the amendments
941 made by this act to sections 741.30 and 784.046, Florida
942 Statutes, in references thereto, subsections (6), (7), and (13)
943 of section 901.15, Florida Statutes, are reenacted to read:

944 901.15 When arrest by officer without warrant is lawful.—A
945 law enforcement officer may arrest a person without a warrant
946 when:

947 (6) There is probable cause to believe that the person has
948 committed a criminal act according to s. 790.233 or according to
949 s. 741.31, s. 784.047, or s. 825.1036 which violates an
950 injunction for protection entered pursuant to s. 741.30, s.
951 784.046, or s. 825.1035 or a foreign protection order accorded
952 full faith and credit pursuant to s. 741.315, over the objection
953 of the petitioner, if necessary.

954 (7) There is probable cause to believe that the person has
955 committed an act of domestic violence, as defined in s. 741.28,
956 or dating violence, as provided in s. 784.046. The decision to
957 arrest shall not require consent of the victim or consideration

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958 of the relationship of the parties. It is the public policy of
959 this state to strongly discourage arrest and charges of both
960 parties for domestic violence or dating violence on each other
961 and to encourage training of law enforcement and prosecutors in
962 these areas. A law enforcement officer who acts in good faith
963 and exercises due care in making an arrest under this
964 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
965 foreign order of protection accorded full faith and credit
966 pursuant to s. 741.315, is immune from civil liability that
967 otherwise might result by reason of his or her action.

968 (13) There is probable cause to believe that the person has
969 committed an act that violates a condition of pretrial release
970 provided in s. 903.047 when the original arrest was for an act
971 of domestic violence as defined in s. 741.28, or when the
972 original arrest was for an act of dating violence as defined in
973 s. 784.046.

974 Section 19. For the purpose of incorporating the amendments
975 made by this act to sections 741.30 and 784.046, Florida
976 Statutes, in references thereto, paragraph (p) of subsection (6)
977 of section 921.141, Florida Statutes, is reenacted to read:

978 921.141 Sentence of death or life imprisonment for capital
979 felonies; further proceedings to determine sentence.—

980 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
981 limited to the following:

982 (p) The capital felony was committed by a person subject to
983 an injunction issued pursuant to s. 741.30 or s. 784.046, or a
984 foreign protection order accorded full faith and credit pursuant
985 to s. 741.315, and was committed against the petitioner who
986 obtained the injunction or protection order or any spouse,

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987 child, sibling, or parent of the petitioner.
 988 Section 20. For the purpose of incorporating the amendments
 989 made by this act to sections 741.30 and 784.046, Florida
 990 Statutes, in references thereto, paragraph (j) of subsection (7)
 991 of section 921.1425, Florida Statutes, is reenacted to read:
 992 921.1425 Sentence of death or life imprisonment for capital
 993 sexual battery; further proceedings to determine sentence.—
 994 (7) AGGRAVATING FACTORS.—Aggravating factors shall be
 995 limited to the following:
 996 (j) The capital felony was committed by a person subject to
 997 an injunction issued pursuant to s. 741.30 or s. 784.046, or a
 998 foreign protection order accorded full faith and credit pursuant
 999 to s. 741.315, and was committed against the petitioner who
 1000 obtained the injunction or protection order or any spouse,
 1001 child, sibling, or parent of the petitioner.
 1002 Section 21. For the purpose of incorporating the amendments
 1003 made by this act to sections 741.30, 784.046, and 784.0485,
 1004 Florida Statutes, in references thereto, paragraphs (a), (b),
 1005 and (c) of subsection (8) of section 28.2221, Florida Statutes,
 1006 are reenacted to read:
 1007 28.2221 Electronic access to official records.—
 1008 (8) (a) Each county recorder or clerk of the court must make
 1009 the identity of each respondent against whom a final judgment
 1010 for an injunction for the protection of a minor under s. 741.30,
 1011 s. 784.046, or s. 784.0485 is entered, as well as the fact that
 1012 a final judgment for an injunction for the protection of a minor
 1013 under s. 741.30, s. 784.046, or s. 784.0485 has been entered
 1014 against that respondent, publicly available on an Internet
 1015 website for general public display, which may include the

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1016 Internet website required by this section, unless the respondent
 1017 is a minor.
 1018 (b) Any information specified in this subsection not made
 1019 available by the county recorder or clerk of the court on a
 1020 publicly available Internet website for general public display
 1021 before July 1, 2021, must be made publicly available on an
 1022 Internet website if the affected party identifies the
 1023 information and requests that such information be added to a
 1024 publicly available Internet website for general public display.
 1025 Such request must be in writing and delivered by mail,
 1026 facsimile, or electronic transmission or in person to the county
 1027 recorder or clerk of the court. The request must specify the
 1028 case number assigned to the final judgment for an injunction for
 1029 the protection of a minor under s. 741.30, s. 784.046, or s.
 1030 784.0485. A fee may not be charged for the addition of
 1031 information pursuant to such request.
 1032 (c) No later than 30 days after July 1, 2021, notice of the
 1033 right of any affected party to request the addition of
 1034 information to a publicly available Internet website pursuant to
 1035 this subsection shall be conspicuously and clearly displayed by
 1036 the county recorder or clerk of the court on the publicly
 1037 available Internet website on which images or copies of the
 1038 county's public records are placed and in the office of each
 1039 county recorder or clerk of the court. Such notice must contain
 1040 appropriate instructions for making the addition of information
 1041 request in person, by mail, by facsimile, or by electronic
 1042 transmission. The notice must state, in substantially similar
 1043 form, that any person has a right to request that a county
 1044 recorder or clerk of the court add information to a publicly

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1045 available Internet website if that information involves the
 1046 identity of a respondent against whom a final judgment for an
 1047 injunction for the protection of a minor under s. 741.30, s.
 1048 784.046, or s. 784.0485 is entered, unless the respondent is a
 1049 minor. Such request must be made in writing and delivered by
 1050 mail, facsimile, or electronic transmission or in person to the
 1051 county recorder or clerk of the court. The request must specify
 1052 the case number assigned to the final judgment for an injunction
 1053 for the protection of a minor under s. 741.30, s. 784.046, or s.
 1054 784.0485. A fee may not be charged for the addition of a
 1055 document pursuant to such request.

Section 22. For the purpose of incorporating the amendments
 made by this act to sections 741.30, 784.046, and 784.0485,
 Florida Statutes, in references thereto, subsection (8) of
 section 57.105, Florida Statutes, is reenacted to read:

57.105 Attorney's fee; sanctions for raising unsupported
 claims or defenses; exceptions; service of motions; damages for
 delay of litigation.—

(8) Attorney fees may not be awarded under this section in
 proceedings for an injunction for protection pursuant to s.
 741.30, s. 784.046, or s. 784.0485, unless the court finds by
 clear and convincing evidence that the petitioner knowingly made
 a false statement or allegation in the petition or that the
 respondent knowingly made a false statement or allegation in an
 asserted defense, with regard to a material matter as defined in
 s. 837.011(3).

Section 23. For the purpose of incorporating the amendments
 made by this act to sections 741.30, 784.046, and 784.0485,
 Florida Statutes, in references thereto, subsection (2) of

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1074 section 741.315, Florida Statutes, is reenacted to read:
 1075 741.315 Recognition of foreign protection orders.—
 1076 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
 1077 protection against domestic violence issued by a court of a
 1078 foreign state must be accorded full faith and credit by the
 1079 courts of this state and enforced by a law enforcement agency as
 1080 if it were the order of a Florida court issued under s. 741.30,
 1081 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,
 1082 and provided that the court had jurisdiction over the parties
 1083 and the matter and that reasonable notice and opportunity to be
 1084 heard was given to the person against whom the order is sought
 1085 sufficient to protect that person's right to due process. Ex
 1086 parte foreign injunctions for protection are not eligible for
 1087 enforcement under this section unless notice and opportunity to
 1088 be heard have been provided within the time required by the
 1089 foreign state or tribal law, and in any event within a
 1090 reasonable time after the order is issued, sufficient to protect
 1091 the respondent's due process rights.

Section 24. For the purpose of incorporating the amendments
 made by this act to sections 741.30, 784.046, and 784.0485,
 Florida Statutes, in references thereto, paragraph (e) of
 subsection (2) and paragraphs (c) and (e) of subsection (3) of
 section 790.401, Florida Statutes, are reenacted to read:

790.401 Risk protection orders.—

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created
 an action known as a petition for a risk protection order.

(e) A petition must:

1. Allege that the respondent poses a significant danger of
 causing personal injury to himself or herself or others by

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1103 having a firearm or any ammunition in his or her custody or
 1104 control or by purchasing, possessing, or receiving a firearm or
 1105 any ammunition, and must be accompanied by an affidavit made
 1106 under oath stating the specific statements, actions, or facts
 1107 that give rise to a reasonable fear of significant dangerous
 1108 acts by the respondent;

1109 2. Identify the quantities, types, and locations of all
 1110 firearms and ammunition the petitioner believes to be in the
 1111 respondent's current ownership, possession, custody, or control;
 1112 and

1113 3. Identify whether there is a known existing protection
 1114 order governing the respondent under s. 741.30, s. 784.046, or
 1115 s. 784.0485 or under any other applicable statute.

1116 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

1117 (c) In determining whether grounds for a risk protection
 1118 order exist, the court may consider any relevant evidence,
 1119 including, but not limited to, any of the following:

1120 1. A recent act or threat of violence by the respondent
 1121 against himself or herself or others, whether or not such
 1122 violence or threat of violence involves a firearm.

1123 2. An act or threat of violence by the respondent within
 1124 the past 12 months, including, but not limited to, acts or
 1125 threats of violence by the respondent against himself or herself
 1126 or others.

1127 3. Evidence of the respondent being seriously mentally ill
 1128 or having recurring mental health issues.

1129 4. A violation by the respondent of a risk protection order
 1130 or a no contact order issued under s. 741.30, s. 784.046, or s.
 1131 784.0485.

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1132 5. A previous or existing risk protection order issued
 1133 against the respondent.

1134 6. A violation of a previous or existing risk protection
 1135 order issued against the respondent.

1136 7. Whether the respondent, in this state or any other
 1137 state, has been convicted of, had adjudication withheld on, or
 1138 pled nolo contendere to a crime that constitutes domestic
 1139 violence as defined in s. 741.28.

1140 8. Whether the respondent has used, or has threatened to
 1141 use, against himself or herself or others any weapons.

1142 9. The unlawful or reckless use, display, or brandishing of
 1143 a firearm by the respondent.

1144 10. The recurring use of, or threat to use, physical force
 1145 by the respondent against another person or the respondent
 1146 stalking another person.

1147 11. Whether the respondent, in this state or any other
 1148 state, has been arrested for, convicted of, had adjudication
 1149 withheld on, or pled nolo contendere to a crime involving
 1150 violence or a threat of violence.

1151 12. Corroborated evidence of the abuse of controlled
 1152 substances or alcohol by the respondent.

1153 13. Evidence of recent acquisition of firearms or
 1154 ammunition by the respondent.

1155 14. Any relevant information from family and household
 1156 members concerning the respondent.

1157 15. Witness testimony, taken while the witness is under
 1158 oath, relating to the matter before the court.

1159 (e) In a hearing under this section, the rules of evidence
 1160 apply to the same extent as in a domestic violence injunction

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1161 proceeding under s. 741.30.

1162 Section 25. For the purpose of incorporating the amendments
1163 made by this act to sections 741.30, 784.046, and 784.0485,
1164 Florida Statutes, in references thereto, paragraph (1) of
1165 subsection (2) of section 934.03, Florida Statutes, is reenacted
1166 to read:

1167 934.03 Interception and disclosure of wire, oral, or
1168 electronic communications prohibited.—

1169 (2)

1170 (1) It is lawful under this section and ss. 934.04-934.09
1171 for a person who is protected under an active temporary or final
1172 injunction for repeat violence, sexual violence, or dating
1173 violence under s. 784.046; stalking under s. 784.0485; domestic
1174 violence under s. 741.30; or any other court-imposed prohibition
1175 of conduct toward the person to intercept and record a wire,
1176 oral, or electronic communication received in violation of such
1177 injunction or court order. A recording authorized under this
1178 paragraph may be provided to a law enforcement agency, an
1179 attorney, or a court for the purpose of evidencing a violation
1180 of an injunction or court order if the subject of the injunction
1181 or court order prohibiting contact has been served the
1182 injunction or is on notice that the conduct is prohibited. A
1183 recording authorized under this paragraph may not be otherwise
1184 disseminated or shared.

1185 Section 26. For the purpose of incorporating the amendments
1186 made by this act to sections 741.30, 784.046, and 784.0485,
1187 Florida Statutes, in references thereto, subsection (3) of
1188 section 934.425, Florida Statutes, is reenacted to read:

1189 934.425 Installation of tracking devices or tracking

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

38-00709-24

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1190 applications; exceptions; penalties.—

1191 (3) For purposes of this section, a person's consent is
1192 presumed to be revoked if:

1193 (a) The consenting person and the person to whom consent
1194 was given are lawfully married and one person files a petition
1195 for dissolution of marriage from the other; or

1196 (b) The consenting person or the person to whom consent was
1197 given files an injunction for protection against the other
1198 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
1199 784.0485.

1200 Section 27. For the purpose of incorporating the amendment
1201 made by this act to section 784.046, Florida Statutes, in a
1202 reference thereto, subsection (1) of section 784.047, Florida
1203 Statutes, is reenacted to read:

1204 784.047 Penalties for violating protective injunction
1205 against violators.—

1206 (1) A person who willfully violates an injunction for
1207 protection against repeat violence, sexual violence, or dating
1208 violence, issued pursuant to s. 784.046, or a foreign protection
1209 order accorded full faith and credit pursuant to s. 741.315 by:

1210 (a) Refusing to vacate the dwelling that the parties share;
1211 (b) Going to, or being within 500 feet of, the petitioner's
1212 residence, school, place of employment, or a specified place
1213 frequented regularly by the petitioner and any named family or
1214 household member;

1215 (c) Committing an act of repeat violence, sexual violence,
1216 or dating violence against the petitioner;

1217 (d) Committing any other violation of the injunction
1218 through an intentional unlawful threat, word, or act to do

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1219 violence to the petitioner;

1220 (e) Telephoning, contacting, or otherwise communicating
1221 with the petitioner directly or indirectly, unless the
1222 injunction specifically allows indirect contact through a third
1223 party;

1224 (f) Knowingly and intentionally coming within 100 feet of
1225 the petitioner's motor vehicle, whether or not that vehicle is
1226 occupied;

1227 (g) Defacing or destroying the petitioner's personal
1228 property, including the petitioner's motor vehicle; or

1229 (h) Refusing to surrender firearms or ammunition if ordered
1230 to do so by the court,

1231

1232 commits a misdemeanor of the first degree, punishable as
1233 provided in s. 775.082 or s. 775.083, except as provided in
1234 subsection (2).

1235 Section 28. For the purpose of incorporating the amendment
1236 made by this act to section 784.0485, Florida Statutes, in a
1237 reference thereto, paragraph (a) of subsection (4) of section
1238 784.0487, Florida Statutes, is reenacted to read:

1239 784.0487 Violation of an injunction for protection against
1240 stalking or cyberstalking.—

1241 (4) (a) A person who willfully violates an injunction for
1242 protection against stalking or cyberstalking issued pursuant to
1243 s. 784.0485, or a foreign protection order accorded full faith
1244 and credit pursuant to s. 741.315, by:

1245 1. Going to, or being within 500 feet of, the petitioner's
1246 residence, school, place of employment, or a specified place
1247 frequented regularly by the petitioner and any named family

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

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2024852__

1248 members or individuals closely associated with the petitioner;

1249 2. Committing an act of stalking against the petitioner;

1250 3. Committing any other violation of the injunction through
1251 an intentional unlawful threat, word, or act to do violence to
1252 the petitioner;

1253 4. Telephoning, contacting, or otherwise communicating with
1254 the petitioner, directly or indirectly, unless the injunction
1255 specifically allows indirect contact through a third party;

1256 5. Knowingly and intentionally coming within 100 feet of
1257 the petitioner's motor vehicle, whether or not that vehicle is
1258 occupied;

1259 6. Defacing or destroying the petitioner's personal
1260 property, including the petitioner's motor vehicle; or

1261 7. Refusing to surrender firearms or ammunition if ordered
1262 to do so by the court,

1263

1264 commits a misdemeanor of the first degree, punishable as
1265 provided in s. 775.082 or s. 775.083, except as provided in
1266 paragraph (b).

1267 Section 29. This act shall take effect July 1, 2024.

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The Florida Senate

APPEARANCE RECORD

SB 852 ⁸⁵²

Bill Number or Topic

2/6/24

Meeting Date

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

Colin Baldetti

Phone

904 466 3489

Address

2393 Continental Ave

Email

cjb21a@fsr.edu

Street

Tallahassee

State

FL

Zip

32304

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

852

2/6/24

Meeting Date

Bill Number or Topic

CRIMINAL JUSTICE

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

Committee

Amendment Barcode (if applicable)

Name

LISA HURLEY

Phone

850.224.5081

Address

311 E. Park Ave.

Email

lhurley@smithbrinkandweyers.com

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:

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

FAMILY LAW SECTION, FL BAR

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 852

February 6, 2024

Meeting Date

Criminal Justice

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sean Burnfin**

Phone **(850) 922-0358**

Address **500 South Duval Street**

Email **burnfins@flcourts.org**

Street

Tallahassee

Florida

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:

State Courts System

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

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

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 Criminal Justice

BILL: CS/SB 888

INTRODUCER: Criminal Justice Committee and Senator Perry

SUBJECT: Property Rights

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Stokes</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 888 creates a new procedure for a property owner to request that a sheriff's officer remove an unauthorized person from residential real property. It provides that an owner of residential property may request that the sheriff immediately remove an unauthorized person from the owner's property. An unauthorized person is someone not authorized to occupy the property who is not a tenant nor an immediate family member.

An owner starts the process by first asking the unauthorized person to leave. The owner must then contact the sheriff and file a complaint under penalty of perjury listing the relevant facts that show eligibility for relief. The form is in the bill. If the complaint shows that the owner is eligible for relief and the sheriff can verify ownership of the property, the sheriff must remove the unauthorized person. The property owner must pay the sheriff the civil eviction fee plus an hourly rate if a deputy must stand by and keep the peace while the unauthorized person is removed.

A person wrongfully removed pursuant to this procedure has a cause of action against the owner for three times the fair market rent, damages, costs, and attorney fees.

The bill provides that a person is presumed to be a transient occupant if he or she is unable to produce at least one specified document.

Additionally, the bill creates three new crimes relating to unlawfully occupying a dwelling or fraudulently advertising property for sale or lease.

The bill is effective July 1, 2024.

II. Present Situation:

The Founders of this country recognized that the protection of private property is indispensable to the promotion of individual freedom.¹ John Adams said that “[p]roperty must be secured, or liberty cannot exist.”² The right to exclude others is “one of the most treasured” rights of property ownership.³ The right to exclude is “universally held to be a fundamental element of the property right,” and is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.”⁴

A squatter is a person who unlawfully occupies real property and refuses to leave when asked. By refusing to leave, the squatter violates the landowner’s right to exclude and the landowner’s freedom to enjoy the property as he or she wants.

Legal Remedies to Remove a Squatter

The existing legal remedies to remove a squatter are:

Criminal Trespass

Section 810.08, F.S., provides that a person commits the criminal offense of trespass in a structure or conveyance if the person:

without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so.⁵

Where a criminal trespass is occurring, a law enforcement officer arrests the trespasser and immediately restores the real property owner to possession of the real property, without cost.

However, where the criminal trespass offense is not readily observable because the trespasser claims ownership or lease rights, a law enforcement officer may decline to arrest or remove the person from the property and view the dispute as a “civil matter.” In that situation, the law enforcement officer will not force the unwanted person to surrender possession of the property without a court order.

¹ *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2071, 210 L. Ed. 2d 369 (2021).

² *Id.*, citing *Discourses on Davila*, in 6 Works of John Adams 280 (C. Adams ed. 1851).

³ *Cedar Point Nursery*, citing *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 435 (1982).

⁴ *Cedar Point Nursery* at 2072; citing *Kaiser Aetna v. United States*, 444 U.S. 164, 176, 179–180 (1979).

⁵ Section 810.08(1), F.S.

Unlawful Detainer

“Unlawful detention” means possessing real property, even if the possession is temporary or applies only to a portion of the real property, without the consent of a person entitled to possession of the real property or after the withdrawal of consent by such person.⁶

Where an unlawful detention occurs, the person entitled to possession may bring a civil action for unlawful detainer. An unlawful detainer action is filed in county court⁷ and is entitled to the summary procedure of s. 51.011, F.S., for expedited review by the court.⁸ If the person to be served is not found at the usual place of residence, the process server may serve a summons by posting a copy in a conspicuous place on the property.⁹

If the owner or rightful resident prevails in the action, the clerk of court will issue a writ of possession to the sheriff describing the premises and commanding the Sheriff to put him or her in possession of the property.¹⁰ In addition to the delay caused by the time it takes to obtain and serve a writ of possession, the property owner or rightful resident must pay a number of fees and costs.

Landlord-Tenant Eviction

Some landowners looking to remove a squatter treat the person like a tenant and use the landlord-tenant eviction process. Eviction of a tenant can be for violation of lease terms, expiration of the lease, or nonpayment of rent. First, the landlord must deliver or post a notice to vacate by a date certain (3 days for non-payment of rent, 7 days for any other cause). If the tenant does not vacate (or cure the problem), the landlord may file a civil action for eviction.

An eviction action is filed in county court¹¹ and is entitled to the summary procedure of s. 51.011, F.S., for expedited review by the court. At this point forward, the court procedure for eviction is the same as an action for unlawful detainer (see previous section).

Transient Occupant Law

In 2015, the Legislature addressed squatters by creating a nonjudicial civil remedy for removal by law enforcement officers of a transient occupant to address squatters.¹² It was amended in 2018.¹³ A transient occupant is “a person whose residency in real property intended for residential use has occurred for a brief length of time, is not pursuant to a lease, and whose

⁶ Section 82.01(4), F.S.

⁷ Section 34.011(2), F.S.

⁸ Section 82.03(4), F.S. Under the summary procedure of s. 51.011, F.S., all defenses of law or fact are required to be contained in the defendant’s answer which must be filed within five days after service of process of the plaintiff’s complaint. If the answer incorporates a counterclaim, the plaintiff must include all defenses of law or fact in his or her answer to the counterclaim and serve it within five days after service of the counterclaim. No other pleadings are permitted, and all defensive motions, including motions to quash, are heard by the court prior to trial. Postponements are not permitted for discovery, and the procedure also provides for an immediate trial, if requested.

⁹ Section 82.05, F.S.

¹⁰ Section 82.091, F.S.

¹¹ Section 34.011(2), F.S.

¹² Chapter 2015-89, Laws of Fla.; codified as s. 82.035, F.S.

¹³ Chapters 2018-83 and 2018-94, Laws of Fla.

occupancy was intended as transient in nature.” The statute lists the following factors for consideration of whether an occupancy was intended as transient:

- The person does not have an ownership interest, financial interest, or leasehold interest in the property entitling him or her to occupancy of the property.
- The person does not have any property utility subscriptions.
- The person cannot produce documentation, correspondence, or identification cards sent or issued by a government agency, including, but not limited to, the Department of Highway Safety and Motor Vehicles or the supervisor of elections, which show that the person used the property address as an address of record with the agency within the previous 12 months.
- The person pays minimal or no rent for his or her stay at the property.
- The person does not have a designated space of his or her own, such as a room, at the property.
- The person has minimal, if any, personal belongings at the property.
- The person has an apparent permanent residence elsewhere.¹⁴

If the property owner is able to convince the law enforcement officer that an occupant of the property qualifies as a transient occupant, and if the owner has asked the transient occupant to leave, the law enforcement officer may direct the transient occupant to immediately leave.¹⁵

The property owner initiates the process by contacting a law enforcement agency. The property owner must file an affidavit that sets forth the facts and addresses each of the factors listed above.¹⁶ No fees are required.

A person wrongfully removed pursuant to this statute has a cause of action for wrongful removal against the person who requested the removal, and may recover injunctive relief and compensatory damages. However, a wrongfully removed person does not have a cause of action against the law enforcement officer or the agency employing the law enforcement officer absent a showing of bad faith by the law enforcement officer.¹⁷ The statute includes process and procedure regarding the personal property of the transient occupant.¹⁸

Ineffectiveness of Existing Remedies

Existing legal remedies to remove a squatter are considered ineffective by some members of the public.¹⁹ Squatters go so far as to publish how to avoid law enforcement officers and how to

¹⁴ Section 82.035(1)(a), F.S.

¹⁵ Section 82.035(3), F.S.

¹⁶ *Id.*

¹⁷ Section 82.035(3)(b), F.S.

¹⁸ Section 82.035(5), F.S.

¹⁹ Andrew Mark Miller, *Squatters torment homeowners across US with no resolution in sight: 'It's a problem,'* FOX NEWS (Mar. 21, 2023), <https://www.foxnews.com/us/squatters-torment-homeowners-across-u-s-with-no-resolution-sight-problem>.

destroy a home while squatting.²⁰ Some landowners have resorted to dangerous self-help eviction.²¹ Squatters have caused significant damage to properties.²²

Property Crimes

Florida criminalizes various behavior related to fraudulently obtaining or damaging property that a person does not own.

Section 817.03, F.S., provides that any person who makes or causes to be made any false statement, in writing, relating to his or her financial condition, assets or liabilities, or relating to the financial condition, assets or liabilities of any firm or corporation in which such person has a financial interest, or for whom he or she is acting, with a fraudulent intent of obtaining credit, goods, money or other property, and by such false statement obtain credit, goods, money or other property, is guilty of a first degree misdemeanor.²³

Section 806.13, F.S., provides criminal penalties for acts of criminal mischief. A person commits criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

If the damage to the property is:

- Two-hundred dollars or less, it is a second degree misdemeanor.²⁴
- Greater than \$200 but less than \$1,000, it is a first degree misdemeanor.
- One thousand dollars or greater, or if there is interruption or impairment of a business operation or public communications, transportation, supply of water, gas or power, or other public service which costs \$1,000 or more in labor and supplies to restore, it is a third degree felony.²⁵

III. Effect of Proposed Changes:

The bill creates s. 82.036, F.S., to provide a limited alternative remedy to remove unauthorized persons from residential real property. The remedy is a nonjudicial process. The bill makes the finding that the right to exclude others from entering, and the right to direct others to immediately vacate, residential real property are the most important real property rights. The bill

²⁰ Your Homeless Friend Kai, *How to squat. How to live rent free*, YOUTUBE, <https://www.youtube.com/watch?v=6qZxirdaBFs> [warning - foul language] (last visited Jan. 31, 2024).

²¹ Outside the Box with Flash, *How I removed squatters in less than a day* YOUTUBE <https://www.youtube.com/watch?v=uhz5r1JKwjs> (last visited Jan. 31, 2024); Emma Colton, *Armed Florida man confronts squatter who took over house while he was overseas: police*, FOX NEWS (Jan 15, 2023), <https://www.foxnews.com/us/armed-florida-man-confronts-squatter-who-took-over-house-while-he-was-overseas-police>.

²² Kassy Dillon, *Army reservist battles squatter living in home after she was called up for active duty*, FOX NEWS (Sept. 17, 2023), <https://www.foxnews.com/media/army-reservist-battles-squatter-renting-home-called-active-duty>; Andrew Mark Miller, *Squatters torment homeowners across US with no resolution in sight: 'It's a problem,'* FOX NEWS (Mar. 21, 2023), <https://www.foxnews.com/us/squatters-torment-homeowners-across-u-s-with-no-resolution-sight-problem>.

²³ A first degree misdemeanor is punishable by up to 1 year in the county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

²⁴ *Id.* A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

²⁵ A third degree felony is punishable by up to 5 years' incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

further finds that existing remedies regarding unauthorized persons who unlawfully remain on residential real property fail to adequately protect the rights of the property owner and fail to adequately discourage theft and vandalism. The intent of the bill is to quickly restore possession of residential real property to the lawful owner of the property when the property is being unlawfully occupied, and to thereby preserve property rights while limiting the opportunity for criminal activity.

A property owner or his or her authorized agent may request the sheriff of the county in which the property is located to immediately remove a person or persons unlawfully occupying a residential dwelling if all of the following are met:

- The person requesting relief is the property owner or authorized agent of the property owner;
- The real property that is being occupied includes a residential dwelling;
- An unauthorized person or persons have unlawfully entered and remain or continue to reside on the property owner's property;
- The real property was not open to members of the public at the time the unauthorized person or persons entered;
- The unauthorized person or persons have been directed to leave the real property;
- The unauthorized person or persons are not current or former tenants pursuant to a written or oral rental agreement authorized by the property owner;
- The unauthorized person or persons are not immediate family members of the property owner; and
- There is no pending litigation related to the real property between the property owner and any known unauthorized person.

The bill creates a complaint form for use in requesting relief. Upon receipt of the complaint, the bill requires the sheriff to verify that the person submitting the complaint is the record owner of the real property or the authorized agent of the owner and appears otherwise entitled to relief under this section.

If verified, the sheriff must serve a notice to immediately vacate on the unlawful occupants and must put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of possession under s. 30.231, F.S. Currently, that fee is \$90. After the sheriff serves the notice to immediately vacate, the property owner or authorized agent may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by to keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. This rate varies by county. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage. The property owner or his or her authorized agent is not liable to an unlawful occupant

or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

A person may bring a civil cause of action for wrongful removal under this section. A person harmed by a wrongful removal under this bill may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees. The court must advance the cause on the calendar.

The bill provides that it does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

The bill provides that a person is presumed to be a transient occupant if he or she is unable to produce at least one of the following documents:

- A notarized lease that includes the name and signature of the owner of the property.
- A receipt or other reliable evidence demonstrating that the person has paid to the owner or the owner's representative rent for the last rent payment period.
- Written evidence of actual possession for at least 7 years based on a written claim of a conveyance of the property or a decree or judgment providing a claim of title.
- Written evidence of payment of all outstanding taxes and special improvement liens levied against the property by the state, county, and municipality and written evidence of a return filed with the Department of Revenue.

Additionally, the bill creates three new crimes relating to unlawfully occupying a dwelling or fraudulently advertising property for sale or lease.

The bill amends s. 806.13, F.S., to provide that a person who unlawfully detains or occupies or trespasses upon a residential dwelling and who intentionally damages the dwelling causing \$1,000 or more in damages commits a second degree felony.²⁶

The bill amends s. 817.03, F.S., to provide that any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights commits a first degree misdemeanor.

The bill creates s. 817.0311, F.S., to provide that a person who lists or advertises residential real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he or she has no lawful ownership in the property or leasehold interest in the property, commits a first degree felony.²⁷

The bill is effective July 1, 2024.

²⁶ A second degree felony is generally punishable by no more than 15 years in state prison and a fine not exceeding \$10,000, as provided in s. 775.082 and s. 775.083, F.S.

²⁷ A first degree felony is generally punishable by no more than 30 years in state prison and a fine not exceeding \$10,000, as provided in s. 775.082 and s. 775.083, 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:

The expedited removal of unlawful occupants of residential property will be far less costly to property owners in terms of time and legal fees than other potentially applicable judicial procedures. Additionally, the expedited procedures may reduce the opportunity for unlawful occupants to damage the property.

C. Government Sector Impact:

The bill will likely result in a small increase in sheriff workloads.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 82.036 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 February 6, 2024:

The committee substitute:

- Provides that a person is presumed to be transient if he or she is unable to produce specified documents.
- Creates a second degree felony crime of criminal mischief for persons who cause \$1,000 damage to a residential dwelling that he or she is unlawfully occupying.
- Creates a first degree misdemeanor crime of making a false statement to obtain or detain real property.
- Creates a first degree felony for the fraudulent sale or lease of residential real property.

- B. **Amendments:**

None.



521814

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1) and (3) of section 82.035,
Florida Statutes, are amended to read:

82.035 Remedy for unlawful detention by a transient
occupant of residential property; recovery of transient
occupant's personal belongings.—

(1) As used in this section, the term "transient occupant"



521814

11 means a person whose residency in real property intended for
12 residential use has occurred for a brief length of time, is not
13 pursuant to a lease, and whose occupancy was intended as
14 transient in nature.

15 (a) 1. Factors that establish that a person is a transient
16 occupant include, but are not limited to:

17 a.1. The person does not have an ownership interest,
18 financial interest, or leasehold interest in the property
19 entitling him or her to occupancy of the property.

20 b.2. The person does not have any property utility
21 subscriptions.

22 c.3. The person cannot produce documentation,
23 correspondence, or identification cards sent or issued by a
24 government agency, including, but not limited to, the Department
25 of Highway Safety and Motor Vehicles or the supervisor of
26 elections, which show that the person used the property address
27 as an address of record with the agency within the previous 12
28 months.

29 d.4. The person pays minimal or no rent for his or her stay
30 at the property.

31 e.5. The person does not have a designated space of his or
32 her own, such as a room, at the property.

33 f.6. The person has minimal, if any, personal belongings at
34 the property.

35 g.7. The person has an apparent permanent residence
36 elsewhere.

37 2. A person is presumed to be a transient occupant if he or
38 she is unable to produce at least one of the following:

39 a. A notarized lease that includes the name and signature



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40 of the owner of the property.

41 b. A receipt or other reliable evidence demonstrating that
42 the person has paid to the owner or the owner's representative
43 rent for the last rent payment period. For monthly rental
44 tenancies and rental tenancies for any lesser period of time, a
45 receipt or other reliable evidence must be dated within the last
46 60 days.

47 c. Written evidence of actual possession for at least 7
48 years based upon a written claim of a conveyance of the property
49 or a decree or judgment providing a claim of title.

50 d. Written evidence of payment of all outstanding taxes and
51 special improvement liens levied against the property by the
52 state, county, and municipality and written evidence of a return
53 filed with the Department of Revenue as required by s. 95.18.

54 (b) Minor contributions made for the purchase of household
55 goods, or minor contributions towards other household expenses,
56 do not establish residency.

57 (3) Any law enforcement officer may, upon receipt of a
58 sworn affidavit of the party entitled to possession that a
59 person who is a transient occupant is unlawfully detaining
60 residential property, direct a transient occupant to surrender
61 possession of residential property. The sworn affidavit must set
62 forth the facts, including any of the applicable factors listed
63 in subparagraph (1)(a)1. or the inability to produce documents
64 as provided in subparagraph (1)(a)2. ~~paragraph (1)(a),~~ which
65 establish that a transient occupant is unlawfully detaining
66 residential property.

67 (a) A person who fails to comply with the direction of the
68 law enforcement officer to surrender possession or occupancy



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69 violates s. 810.08. In any prosecution of a violation of s.
70 810.08 related to this section, whether the defendant was
71 properly classified as a transient occupant is not an element of
72 the offense, the state is not required to prove that the
73 defendant was in fact a transient occupant, and the defendant's
74 status as a permanent resident is not an affirmative defense.

75 (b) A person wrongfully removed pursuant to this subsection
76 has a cause of action for wrongful removal against the person
77 who requested the removal, and may recover injunctive relief and
78 compensatory damages. However, a wrongfully removed person does
79 not have a cause of action against the law enforcement officer
80 or the agency employing the law enforcement officer absent a
81 showing of bad faith by the law enforcement officer.

82 Section 2. Section 82.036, Florida Statutes, is created to
83 read:

84 82.036 Limited alternative remedy to remove unauthorized
85 persons from residential real property.-

86 (1) The Legislature finds that the right to exclude others
87 from entering, and the right to direct others to immediately
88 vacate, residential real property are the most important real
89 property rights. The Legislature further finds that existing
90 remedies regarding unauthorized persons who unlawfully remain on
91 residential real property fail to adequately protect the rights
92 of the property owner and fail to adequately discourage theft
93 and vandalism. The intent of this section is to quickly restore
94 possession of residential real property to the lawful owner of
95 the property when the property is being unlawfully occupied and
96 to thereby preserve property rights while limiting the
97 opportunity for criminal activity.



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98 (2) A property owner or his or her authorized agent may
99 request from the sheriff of the county in which the property is
100 located the immediate removal of a person or persons unlawfully
101 occupying a residential dwelling pursuant to this section if all
102 of the following conditions are met:

103 (a) The requesting person is the property owner or
104 authorized agent of the property owner;

105 (b) The real property that is being occupied includes a
106 residential dwelling;

107 (c) An unauthorized person or persons have unlawfully
108 entered and remain or continue to reside on the property owner's
109 property;

110 (d) The real property was not open to members of the public
111 at the time the unauthorized person or persons entered;

112 (e) The property owner has directed the unauthorized person
113 to leave the property;

114 (f) The unauthorized person or persons are not current or
115 former tenants pursuant to a written or oral rental agreement
116 authorized by the property owner;

117 (g) The unauthorized person or persons are not immediate
118 family members of the property owner; and

119 (h) There is no pending litigation related to the real
120 property between the property owner and any known unauthorized
121 person.

122 (3) To request the immediate removal of an unlawful
123 occupant of a residential dwelling, the property owner or his or
124 her authorized agent must submit a complaint by presenting a
125 completed and verified Complaint to Remove Persons Unlawfully
126 Occupying Residential Real Property to the sheriff of the county



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127 in which the real property is located. The submitted complaint
128 must be in substantially the following form:

129
130 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
131 RESIDENTIAL REAL PROPERTY
132

133 I, the owner or authorized agent of the owner of the real
134 property located at, declare under the penalty of
135 perjury that (initial each box):

136 1. I am the owner of the real property or the
137 authorized agent of the owner of the real property.

138 2. I purchased the property on

139 3. The real property is a residential dwelling.

140 4. An unauthorized person or persons have unlawfully
141 entered and are remaining or residing unlawfully on the real
142 property.

143 5. The real property was not open to members of the
144 public at the time the unauthorized person or persons entered.

145 6. I have directed the unauthorized person or persons
146 to leave the real property, but they have not done so.

147 7. The person or persons are not current or former
148 tenants pursuant to any valid lease authorized by the property
149 owner, and any lease that may be produced by an occupant is
150 fraudulent.

151 8. The unauthorized person or persons sought to be
152 removed are not an owner or a co-owner of the property and have
153 not been listed on the title to the property unless the person
154 or persons have engaged in title fraud.

155 9. The unauthorized person or persons are not



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156 immediate family members of the property owner.

157 10. There is no litigation related to the real
158 property pending between the property owner and any person
159 sought to be removed.

160 11. I understand that a person or persons removed from
161 the property pursuant to this procedure may bring a cause of
162 action against me for any false statements made in this
163 complaint, or for wrongfully using this procedure, and that as a
164 result of such action I may be held liable for actual damages,
165 penalties, costs, and reasonable attorney fees.

166 12. I am requesting the sheriff to immediately remove
167 the unauthorized person or persons from the residential
168 property.

169 13. A copy of my valid government-issued
170 identification is attached, or I am an agent of the property
171 owner, and documents evidencing my authority to act on the
172 property owner's behalf are attached.

173
174 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
175 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
176 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
177 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

178
179 ...(Signature of Property Owner or Agent of Owner)...

180
181 (4) Upon receipt of the complaint, the sheriff shall verify
182 that the person submitting the complaint is the record owner of
183 the real property or the authorized agent of the owner and
184 appears otherwise entitled to relief under this section. If



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185 verified, the sheriff shall, without delay, serve a notice to
186 immediately vacate on all the unlawful occupants and shall put
187 the owner in possession of the real property. Service may be
188 accomplished by hand delivery of the notice to an occupant or by
189 posting the notice on the front door or entrance of the
190 dwelling. The sheriff shall also attempt to verify the
191 identities of all persons occupying the dwelling and note the
192 identities on the return of service. If appropriate, the sheriff
193 may arrest any person found in the dwelling for trespass,
194 outstanding warrants, or any other legal cause.

195 (5) The sheriff is entitled to the same fee for service of
196 the notice to immediately vacate as if the sheriff were serving
197 a writ of possession under s. 30.231. After the sheriff serves
198 the notice to immediately vacate, the property owner or
199 authorized agent may request that the sheriff stand by to keep
200 the peace while the property owner or agent of the owner changes
201 the locks and removes the personal property of the unlawful
202 occupants from the premises to or near the property line. When
203 such a request is made, the sheriff may charge a reasonable
204 hourly rate, and the person requesting the sheriff to stand by
205 and keep the peace is responsible for paying the reasonable
206 hourly rate set by the sheriff. The sheriff is not liable to the
207 unlawful occupant or any other party for loss, destruction, or
208 damage of property. The property owner or his or her authorized
209 agent is not liable to an unlawful occupant or any other party
210 for the loss, destruction, or damage to the personal property
211 unless the removal was wrongful.

212 (6) A person may bring a civil cause of action for wrongful
213 removal under this section. A person harmed by a wrongful



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214 removal under this section may be restored to possession of the
215 real property and may recover actual costs and damages incurred,
216 statutory damages equal to triple the fair market rent of the
217 dwelling, court costs, and reasonable attorney fees. The court
218 shall advance the cause on the calendar.

219 (7) This section does not limit the rights of a property
220 owner or limit the authority of a law enforcement officer to
221 arrest an unlawful occupant for trespassing, vandalism, theft,
222 or other crimes.

223 Section 3. Present subsections (4) through (11) of section
224 806.13, Florida Statutes, are redesignated as subsections (5)
225 through (12), respectively, a new subsection (4) is added to
226 that section, and present subsection (10) of that section is
227 amended, to read:

228 806.13 Criminal mischief; penalties; penalty for minor.—

229 (4) A person who unlawfully detains or occupies or
230 trespasses upon a residential dwelling and who intentionally
231 damages the dwelling causing \$1,000 or more in damages commits a
232 felony of the second degree, punishable as provided in s.
233 775.082, s. 775.083, or s. 775.084.

234 (11)~~(10)~~ A minor whose driver license or driving privilege
235 is revoked, suspended, or withheld under subsection (10) ~~(9)~~ may
236 elect to reduce the period of revocation, suspension, or
237 withholding by performing community service at the rate of 1 day
238 for each hour of community service performed. In addition, if
239 the court determines that due to a family hardship, the minor's
240 driver license or driving privilege is necessary for employment
241 or medical purposes of the minor or a member of the minor's
242 family, the court shall order the minor to perform community



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243 service and reduce the period of revocation, suspension, or
244 withholding at the rate of 1 day for each hour of community
245 service performed. As used in this subsection, the term
246 "community service" means cleaning graffiti from public
247 property.

248 Section 4. Section 817.03, Florida Statutes, is amended to
249 read:

250 817.03 Making false statement to obtain property or credit
251 or to detain real property.—

252 (1) Any person who shall make or cause to be made any false
253 statement, in writing, relating to his or her financial
254 condition, assets or liabilities, or relating to the financial
255 condition, assets or liabilities of any firm or corporation in
256 which such person has a financial interest, or for whom he or
257 she is acting, with a fraudulent intent of obtaining credit,
258 goods, money or other property, and shall by such false
259 statement obtain credit, goods, money or other property, commits
260 ~~shall be guilty of~~ a misdemeanor of the first degree, punishable
261 as provided in s. 775.082 or s. 775.083.

262 (2) Any person who, with the intent to detain or remain
263 upon real property, knowingly and willfully presents to another
264 person a false document purporting to be a valid lease
265 agreement, deed, or other instrument conveying real property
266 rights commits a misdemeanor of the first degree, punishable as
267 provided in s. 775.082 or s. 775.083.

268 Section 5. Section 817.0311, Florida Statutes, is created
269 to read:

270 817.0311 Fraudulent sale or lease of residential real
271 property.—A person who lists or advertises residential real



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272 property for sale knowing that the purported seller has no legal
273 title or authority to sell the property, or rents or leases the
274 property to another person knowing that he or she has no lawful
275 ownership in the property or leasehold interest in the property,
276 commits a felony of the first degree, punishable as provided in
277 s. 775.082, s. 775.083, or s. 775.084.

278 Section 6. This act shall take effect July 1, 2024.

279

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

281 And the title is amended as follows:

282 Delete everything before the enacting clause

283 and insert:

284 A bill to be entitled

285 An act relating to property rights; amending s.

286 82.035, F.S.; providing that a person is presumed to

287 be a transient occupant if he or she is unable to

288 produce specified documentation; making a technical

289 change; creating s. 82.036, F.S.; providing

290 legislative findings; authorizing property owners or

291 their authorized agents to request assistance from the

292 sheriff from where the property is located for

293 immediately removing unauthorized occupants from a

294 residential dwelling under certain conditions;

295 requiring such owners or agents to submit a specified

296 completed and verified complaint to the sheriff of the

297 county in which the real property is located;

298 specifying requirements for the form of the complaint;

299 requiring the sheriff to verify the identity of the

300 person submitting the complaint; requiring the sheriff



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301 to hand deliver a notice to immediately vacate to the
302 unlawful occupant or to post such notice in a
303 specified manner and to attempt to verify and note the
304 identity of all occupants; authorizing a sheriff to
305 arrest an unauthorized occupant for legal cause;
306 providing that sheriffs are entitled to a specified
307 fee for service of such notice; authorizing the owner
308 or agent to request that the sheriff stand by while
309 the owner or agent takes possession of the property;
310 authorizing the sheriff to charge a reasonable hourly
311 rate; providing that the sheriff is not liable to any
312 party for loss, destruction, or damage; providing that
313 the property owner or agent is not liable to any party
314 for the loss or destruction of, or damage to, personal
315 property unless it was wrongfully removed; providing
316 civil remedies; providing construction; amending s.
317 806.13, F.S.; providing criminal penalties for a
318 person who unlawfully detains, or occupies or
319 trespasses upon, a residential dwelling and who
320 intentionally damages the dwelling causing at least a
321 specified amount damages; amending s. 817.03, F.S.;
322 providing criminal penalties for any person who
323 knowingly and willfully presents a false document
324 purporting to be a valid lease agreement, deed, or
325 other instrument conveying real property rights;
326 creating s. 817.0311, F.S.; providing criminal
327 penalties for a person who lists or advertises for
328 sale, or rents or leases, residential real property
329 under certain circumstances; providing criminal



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330

penalties; providing an effective date.

By Senator Perry

9-00993-24

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1 A bill to be entitled
 2 An act relating to property rights; creating s.
 3 82.036, F.S.; providing legislative findings;
 4 authorizing property owners or their authorized agents
 5 to request assistance from law enforcement in
 6 immediately removing unauthorized occupants from a
 7 residential dwelling under certain conditions;
 8 requiring such owners or agents to submit a completed
 9 complaint form to the sheriff of the county in which
 10 the property is located; specifying requirements for
 11 the complaint form; requiring the sheriff to verify
 12 the identity of the person submitting the complaint
 13 form; requiring the sheriff to serve a notice to
 14 immediately vacate on the unauthorized occupant;
 15 authorizing a sheriff to arrest an unauthorized
 16 occupant for legal cause; authorizing the sheriff to
 17 collect the same fee as for service of a writ of
 18 possession; authorizing the owner or agent to request
 19 that the sheriff stand by while the owner or agent
 20 takes possession of the property; authorizing the
 21 sheriff to charge a reasonable hourly rate for a
 22 certain purpose; providing civil remedies; providing
 23 construction; providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Section 82.036, Florida Statutes, is created to
 28 read:
 29 82.036 Limited alternative remedy to remove unauthorized

Page 1 of 6

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

9-00993-24

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30 persons from residential real property.-
 31 (1) The Legislature finds that the right to exclude others
 32 from entering, and the right to direct others to immediately
 33 vacate, residential real property are the most important real
 34 property rights. The Legislature further finds that existing
 35 remedies regarding unauthorized persons who unlawfully remain on
 36 residential real property fail to adequately protect the rights
 37 of the property owner and fail to adequately discourage theft
 38 and vandalism. The intent of this section is to quickly restore
 39 possession of residential real property to the lawful owner of
 40 the property when the property is being unlawfully occupied by a
 41 trespasser or squatter, and to thereby preserve property rights
 42 while limiting the opportunity for theft and vandalism.
 43 (2) A property owner or his or her authorized agent may
 44 request from the sheriff of the county in which the property is
 45 located the immediate removal of a person or persons unlawfully
 46 occupying a residential dwelling pursuant to this section if all
 47 of the following are met:
 48 (a) The person is the property owner or authorized agent of
 49 the property owner;
 50 (b) The real property that is being occupied includes a
 51 residential dwelling;
 52 (c) An unauthorized person or persons have unlawfully
 53 entered and remain or continue to reside on the property owner's
 54 property;
 55 (d) The real property was not open to members of the public
 56 at the time the unauthorized person or persons entered;
 57 (e) The unauthorized person or persons have been directed
 58 to leave the real property but an unauthorized person or persons

Page 2 of 6

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59 remain on the property;

60 (f) The unauthorized person or persons are not current or
 61 former tenants pursuant to a written or oral rental agreement
 62 authorized by the property owner;

63 (g) The unauthorized person or persons are not immediate
 64 family members of the property owner; and

65 (h) There is no other litigation related to the real
 66 property which is pending between the property owner and any
 67 known unauthorized person.

68 (3) To request the immediate removal of an unlawful
 69 occupant of a residential dwelling, the property owner or his or
 70 her authorized agent must submit a complaint by presenting a
 71 completed, verified Complaint to Remove Persons Unlawfully
 72 Occupying Residential Real Property to the sheriff of the county
 73 in which the real property is located. The submitted complaint
 74 must be in substantially the following form:

75
 76 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING RESIDENTIAL
 77 REAL PROPERTY

78
 79 I, the owner or authorized agent of the owner of the real
 80 property located at, declare under the penalty of
 81 perjury that (initial each box):

82 1. I am the owner of the real property or the
 83 authorized agent of the owner of the real property.

84 2. The real property is a residential dwelling.

85 3. An unauthorized person or persons have entered and
 86 are remaining or residing unlawfully on the real property.

87 4. The real property was not open to members of the

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88 public at the time the unauthorized person or persons entered.

89 5. I have directed the unauthorized person or persons
 90 to leave the real property, but they have not done so.

91 6. The person or persons are not current or former
 92 tenants pursuant to a written or oral lease authorized by the
 93 property owner, and any lease that may be produced by an
 94 occupant is fraudulent.

95 7. The unauthorized person or persons sought to be
 96 removed are not an owner or co-owner of the property and have
 97 not been listed on the title to the property unless the person
 98 or persons have engaged in title fraud.

99 8. The unauthorized person or persons are not
 100 immediate family members of the property owner.

101 9. There is no litigation related to the real property
 102 pending between the property owner and any person sought to be
 103 removed.

104 10. I understand that a person or persons removed from
 105 the property pursuant to this procedure may bring a cause of
 106 action against me for any false statements made in this
 107 complaint, or for wrongfully using this procedure, and that as a
 108 result of such action I may be held liable for actual damages,
 109 penalties, costs, and reasonable attorney fees.

110 11. I am requesting the sheriff to immediately remove
 111 the unauthorized person or persons from the residential
 112 property.

113 12. A copy of my valid government-issued
 114 identification is attached, and if I am an agent of the property
 115 owner, documents evidencing my authority to act on the property
 116 owner's behalf are attached.

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117
118 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
119 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
120 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
121 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

122
123 ...(Signature of Property Owner or Agent of Owner)...

124
125 (4) Upon receipt of the complaint, the sheriff shall verify
126 that the person submitting the complaint is the record owner of
127 the real property or the authorized agent of the owner and
128 appears otherwise entitled to relief under this section. If
129 verified, the sheriff shall, without delay, serve a notice to
130 immediately vacate on the unlawful occupants and shall put the
131 owner in possession of the real property. Service may be
132 accomplished by hand delivery of the notice to an occupant or by
133 posting the notice on the front door or entrance of the
134 dwelling. The sheriff shall also attempt to verify the
135 identities of all persons occupying the dwelling and note the
136 identities on the return of service. If appropriate, the sheriff
137 may arrest any person found in the dwelling for trespass,
138 outstanding warrants, or any other legal cause.

139 (5) The sheriff is entitled to the same fee for service of
140 the notice to immediately vacate as if the sheriff were serving
141 a writ of possession under s. 30.231. After the sheriff serves
142 the notice to immediately vacate, the property owner or
143 authorized agent may request that the sheriff stand by to keep
144 the peace while the property owner or agent of the owner changes
145 the locks and removes the personal property of the unlawful

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146 occupants from the premises to or near the property line. When
147 such a request is made, the sheriff may charge a reasonable
148 hourly rate, and the person requesting the sheriff to stand by
149 to keep the peace shall be responsible for paying the reasonable
150 hourly rate set by the sheriff. The sheriff is not liable to the
151 unlawful occupant or any other party for loss, destruction, or
152 damage. The property owner or his or her authorized agent is not
153 liable to an unlawful occupant or any other party for the loss,
154 destruction, or damage to the personal property unless the
155 removal was wrongful.

156 (6) A person may bring a civil cause of action for wrongful
157 removal under this section. A person harmed by a wrongful
158 removal under this section may be restored to possession of the
159 real property and may recover actual costs and damages incurred,
160 statutory damages equal to triple the fair market rent of the
161 dwelling, court costs, and reasonable attorney fees. The court
162 shall advance the cause on the calendar.

163 (7) This section does not limit the rights of a property
164 owner or limit the authority of a law enforcement officer to
165 arrest an unlawful occupant for trespassing, vandalism, theft,
166 or other crimes.

167 Section 2. This act shall take effect July 1, 2024.

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The Florida Senate

APPEARANCE RECORD

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

888

Bill Number or Topic

Amendment Barcode (if applicable)

2-6-2024

Meeting Date

Criminal Justice

Committee

Name

Patti Peoples

Phone

904-838-1782

Address

1327 Walnut St

Street

Email

pattipeoples1962@gmail.com

JACKSONVILLE FL 32206

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.

2/6/2024
Meeting Date
Criminal Justice
Committee

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 888
Bill Number or Topic

Name Gina Romero

Amendment Barcode (if applicable)

Address 10933 NW 43rd Lane

Phone 7/3930370

Doral FL 33178
City State Zip

Email Gina.Olson@flsenate.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:

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

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

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

02/06/24

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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SB ~~888~~ 888

Bill Number or Topic

Name Jackson Oberlink

Phone 772-532-1371

Amendment Barcode (if applicable)

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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

2/6/24

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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SB888

Bill Number or Topic

Name Aurelie Colon Cowray-lee

Amendment Barcode (if applicable)

Phone 9848818595

Address 403 Washington Ave

Street

Email aurelie.colon-larrawia@
splcactionfund.org

Montgomery AL 36104

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
Action Fund

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

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

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

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB888

Bill Number or Topic

02/06/24

Meeting Date

CRIMINAL Justice Cm.

Committee

Name

JOANN M. BROOKS

Phone

904-608-4540

Amendment Barcode (if applicable)

Address

2052 Hovington Cir W

Street

Email

joannbrooks2014@gmail.com

City

Jacksonville FL

State

Zip

32246

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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

888

Bill Number or Topic

Meeting Date

Committee

Name

Giselle Zamorano

Phone

(352) 339-4364

Amendment Barcode (if applicable)

Address

18600 NE 18th Ave Apt 246

Email

gisellezamorano@gmail.com

Street

Miami,

FL

33179

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 888

Bill Number or Topic

Amendment Barcode (if applicable)

06 Feb 24

Meeting Date

Criminal Justice

Committee

Name

Ami Nibhanupudy

Phone

407 388 5698

Address

512 Ballantrale ct

Street

Email

yosemiteami@gmail.com

Lake Mary FL

City

State

32746

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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

2/6/24

Meeting Date

SB-888

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

David Rucker

Phone

407-247-8876

Address

4557 Frised Cir

Street

Email

ruckerd@bellsouth.net

Orlando

City

FL

State

32808

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Feb 6, 24

Meeting Date

Criminal Justice

Committee

SB 888

Bill Number or Topic

Name Wendy Burnell

Phone _____

Amendment Barcode (if applicable)

Address 101 Little Wekiva Ct

Street

Email _____

LONGWOOD FL 32779

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

2-6-2024

Meeting Date

Criminal Justice

Committee

SB 888

Bill Number or Topic

Name

Michael Johnson

Phone

407 947 5417

Amendment Barcode (if applicable)

Address

Street

312 Tangier St

Email

shrij@hsmc.aol.com

City

Altamonte Spr

State

Zip

FL 32701

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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2/6/24

Meeting Date

The Florida Senate APPEARANCE RECORD

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SB 888

Bill Number or Topic

Criminal Justice
Committee

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paseo del Mar
Street

Email

Casselberry FL 32707
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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02/06/2024

Meeting Date

The Florida Senate APPEARANCE RECORD

SB-888

Bill Number or Topic

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

Criminal Justice
Committee

Amendment Barcode (if applicable)

Name Juanita Alvarez

Phone 786-970-2457

Address 1865 NW 24 St #3
Street

Email juanita.alvarez08@gmail.com

City Miami State FL Zip 33142

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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2/01/24

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 8000

Bill Number or Topic

Criminal Justice Comm.

Committee

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

Amendment Barcode (if applicable)

Name Sara Mahmoud

Phone 904 6514120

Address 2523 Forbes St
Street

Email sara@FLRising.org

Jax
City

FL
State

32204
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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2-6-24

Meeting Date

Crim Justice

Committee

The Florida Senate

APPEARANCE RECORD

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SB888

Bill Number or Topic

Name Nadine Hughey

Phone 404-354-1716

Amendment Barcode (if applicable)

Address 175 Adelanto Ave

Street

Email n.hughey623@gmail.com

St Aug

City

FL

State

32092

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist, representing:

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

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

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2/8/2024

Meeting Date

Crim Justice

Committee

The Florida Senate APPEARANCE RECORD

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SB 000

Bill Number or Topic

Amendment Barcode (if applicable)

Name Steven Johnson

Phone 904-405-3978

Address 3119 Captiva bluff rd n
Street

Email for steven@floridarising.org

Jax
City

FL
State

32226
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:

Florida Rising

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

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The Florida Senate
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SB 888

Bill Number or Topic

2/16/24

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Matthew Barrow

Phone 617-817-2575

Address 4115 E Pine St.

Street

Email Matthew@floridarisings.org

Orlando

City

FL

State

32801

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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2/16/24

Meeting Date

The Florida Senate APPEARANCE RECORD

SB888

Bill Number or Topic

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

Criminal Justice
Committee

Name Nubian Roberts

Phone 904.258.8915

Amendment Barcode (if applicable)

Address 320 W 22nd Str
Street

Email nubiana@floridarisings.org

Jacksonville FL 32206
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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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The Florida Senate

APPEARANCE RECORD

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02/06/24
Meeting Date

SB 888
Bill Number or Topic

Criminal Justice
Committee

Amendment Barcode (if applicable)

Name Prince Robinson Phone 904 840 2672

Address 320 W 22nd St Email prince.robinson@gmail.com
Street

Jacksonville FL 32206
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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2-6-24

Meeting Date

HB-888

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Charlatta Sowell

Phone

904 - 868 - 6199

Address

12353 Benton Harbor Dr

Email

csowell@gmail.com

Street

City

Jax

State

Fla

Zip

32225

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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2/6/2024

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 888

Bill Number or Topic

Criminal Justice Committee

Committee

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

Name Zita Roberts

Phone (704) 418-0827

Amendment Barcode (if applicable)

Address 6997 Sandle Drive

Street

Email zitaroberts@gmail.com

Jacksonville, FL 32219

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB888

Bill Number or Topic

Amendment Barcode (if applicable)

2/1/24
Meeting Date

SEN CRIMINAL JUSTICE COMMITTEE
Committee

Name JOHANN BURGESS

Phone (904) 254-1787

Address 4323 Edgewater Crossing Dr
Street

Email jhaiburgess@comcast.net

Jacksonville
City

FL
State

32257
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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SB888

Bill Number or Topic

02-06-24

Meeting Date

Criminal Justice Com.

Committee

Amendment Barcode (if applicable)

Name Gail Kight

Phone 904-338-3527

Address 1817 West 24th Street

Email gailkight8@gmail.com

Jacksonville Florida 32210

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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2/6/2024

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 888

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

Rosemary McCoy

Phone

904-713-1570

Address

2038 Betsy Dr

Street

Email

mccoy4real3w1@gmail.com

a Cmm

Jacksonville

City

FL

State

32210

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist,
representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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2/6/2024

Meeting Date

SB 898

Bill Number or Topic

Senate Criminal Justice

Committee

comm

Amendment Barcode (if applicable)

Name

Joy E. Burgess

Phone

(904) 616-0561

Address

4323 Edgewater Crsg Dr.

Street

Email

joy_burgess@comm.senate.fl.gov

City

Jay

State

FL

Zip

32257

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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SB 888

Bill Number or Topic

Meeting Date

Criminal Justice

Committee

Name

Dejia Bess

Phone

(786) 368 4544

Amendment Barcode (if applicable)

Address

20810 NW 30th Ct

Email

dejia

Street

Miami Gardens FL 33056

City

State

Zip

Speaking: For Against Information

OR

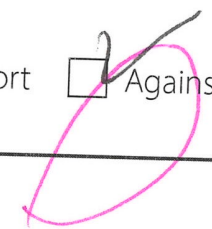
Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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



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

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The Florida Senate

APPEARANCE RECORD

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SB 888

Bill Number or Topic

Amendment Barcode (if applicable)

02/06/24

Meeting Date

Criminal Justice

Committee

Name

Yohira Aguilar

Phone

Address

159 NW 27th St apt 208

Email

Street

Miami

FLA

33136

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 888

Bill Number or Topic

Amendment Barcode (if applicable)

2/6/2023 Meeting Date

Criminal Justice Committee

Name Letitia Harmon Phone

Address Street Email

Street

City

State

32256 Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] 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. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 888

Bill Number or Topic

2/6/24

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Jayci Qassis

Phone (407) 406-6082

Address 2700 Welannee Blvd. Unit 818

Email JKQ14@fsu.edu

Street

Tallahassee

City

FL

State

32308

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

02/06/24

Meeting Date

Criminal Justice

Committee

Name Renee Souvenir

Address

Street

Tallahassee

City

FL

State

Zip

Phone 305-338-2275

Email renee.souvenir@gmail.com

The Florida Senate

APPEARANCE RECORD

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

SB 288

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

04/06/2024

Meeting Date

SB 888

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Brooke Qassis

Phone

407-773-9652

Address 2700 Melanne Blvd

Email

Street

FL

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/06/2024

Meeting Date

SB 887

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Teresa Guterman Pagan

Phone 347-282-7313

Address 9287 SW 219th St

Email

Street

Cuttler Bay

FL

33170

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. 2020-2022 Joint Rules.pdf (flsenate.gov)

APPEARANCE RECORD

SB 888

2-6-24

Meeting Date

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

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Rochelle Jackson

Phone 404 246-5670

Address 1870 NW 84th #2

Email rchen-jackson@hotmail.com

Street

Miami, FL

33180

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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The Florida Senate

APPEARANCE RECORD

02-06-2024

Meeting Date

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

SB 888

Bill Number or Topic

CRIMINAL JUSTICE.

Committee

Amendment Barcode (if applicable)

Name ALINA HERRERA Phone

Address 8205 Lake Dr. Unt A203 Email

Street

DORAL FL 33166

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/6/24

Meeting Date

SB-888

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Camdyn Dyer

Phone (203) 825-0242

Address 235 S Ocala Rd

Email camdyndyer

Street

Tallahassee FL 32304

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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HB 808

Bill Number or Topic

Amendment Barcode (if applicable)

02/16/24

Meeting Date

Criminal Justice

Committee

Name Juan-Felipe Serrano

Phone 321-347-6702

Address _____

Email _____

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:

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

SB 888

2/6/2024

Meeting Date

Bill Number or Topic

Minor Justice

Committee

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

Amendment Barcode (if applicable)

Name

OLANDO SAINT LOUIS

Phone

786 873 39 65

Address

1140 NW 155th LN Apt 306

Email

olando@FloridaRising.org

Street

Miami

FL

33169

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

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

SB888

Bill Number or Topic

Amendment Barcode (if applicable)

2/6/21

Meeting Date

Criminal Justice

Committee

Name Mone' Holder

Phone 909-799-1123

Address 1010 N. Davis St.

Email mane@floridarisimg.org

Street

Jacksonville

City

FL

State

32209

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

02/06/2024
Meeting Date

Criminal Justice
Committee

SB888
Bill Number or Topic

Amendment Barcode (if applicable)

Name Estefany Londono

Phone 972-203-4904

Address 10061 Cheshunt Dr
Street

Email estefany.londono13@gmail.com

Orlando FL 32817
City State Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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06. FEB. 2024

Meeting Date

SB 888

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

CHEVALIER LOVETT

Phone

407. 733. 4888

Address

522 W. COMSTOCK AVE.

Email

CHEV@FLORIDAPEOPLE.ORG

Street

WINNER PARK

FL

32789

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

SB 888

Bill Number or Topic

2.6.24

Meeting Date

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

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Beth Carpenter

Phone 386 290 8087

Address 195 Lazy Willow Dr

Email BethCarpenter@yahoo.com

Street

Davenport FL 33897

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

APPEARANCE RECORD

888

2/6/24

Meeting Date

Bill Number or Topic

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

Committee Justice

Committee

Amendment Barcode (if applicable)

Name

Debbie DeLand

Phone

407 234-6408

Address

6278 Miramonte DR 104

Email

dcdeland@att.net

Street

Orlando FL 32825

City

State

Zip

FL National Organization
for women

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

APPEARANCE RECORD

SB
888

Bill Number or Topic

Amendment Barcode (if applicable)

2.6.24

Meeting Date

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

Criminal Justice

Committee

Name Lakisha Swift

Phone (407) 715-3038

Address 2812 N. orange blossom
Street Orlando

Email Swift lakisha SB@gmail.com

Orlando FL 32804
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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The Florida Senate

APPEARANCE RECORD

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

2/06/24

Meeting Date

SB 808

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Rosemary Haggins

Phone 407 956 0524

Address 1262 pine st.

Street

Email Rosehaggins11@gmail.com

Altamonte Springs FL

City

State

32701

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)

2/6/24

Meeting Date

Criminal Justice

Committee

The Florida Senate APPEARANCE RECORD

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

SB 888

Bill Number or Topic

Amendment Barcode (if applicable)

Name Alex Otero

Phone 407-285-2077

Address 1112 Suncrest dr.
Street

Email Alex Otero 808@gmail.com

Apopka FL 32703
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)

APPEARANCE RECORD

SB
SB3

2/4/2024

Meeting Date

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name Ronda Wallace

Phone 407223 2579

Address 4134 Palawan Street #1207
Street

Email sweetiebird@icloud.com

Orlando
City

FL
State

32835
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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The Florida Senate

APPEARANCE RECORD

SB 888

Bill Number or Topic

02/06/24

Meeting Date

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

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Brianna Haggins

Phone 321-424-4236

Address 1262 pine st.

Street

Email Brihaggins47@gmail.com

Altamonte springs FL

City

State

32701

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

888

2/6/24

Meeting Date

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

State Attorney Anirvas Fox (20th Circuit)

Phone

Address

Street

Fort Myers

City

FLa

State

Zip

Email

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)

APPEARANCE RECORD

888

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Richard Montecalvo

Phone

Address

Chief Assistant State Atty

Email

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:

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

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/CS/SB 1012

INTRODUCER: Criminal Justice Committee; Regulated Industries Committee; and Senator Calatayud

SUBJECT: Use of Criminal History in Licensing

DATE: February 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1012 amends s. 112.011, F.S., to revise the procedures and criteria that state agencies must follow and consider before denying a license, permit, or certification to a person previously convicted of a crime.

The bill includes definitions for the terms conviction and fiduciary duty. The bill specifies that a person may not be denied a license, permit, or certification by reason of the person's arrest if not followed by a conviction. However, if a person has pending criminal charges, that may serve as the basis of a denial of a license, permit, or certification to pursue, practice, or engage in an occupation, a trade, a vocation, a profession, or a business, a state agency may defer its decision on the person's application for a license, permit, or certification pending resolution of the criminal charges.

Section 112.011(2), F.S., specifies that a person may be denied a license, permit, or certification based on a prior conviction if *all* of the following apply:

- The crime was:
 - A forcible felony as defined in s. 776.08, F.S.;
 - An offense involving a breach of fiduciary duty;
 - An offense for a fraudulent practice under ch. 817, F.S., relating to fraudulent practices, or a substantially similar offense under the laws of another state;

- A felony or first-degree misdemeanor for which the person was not incarcerated, and he or she was convicted less than three years before a state agency began considering his or her application for the license, permit, or certification; or
- A felony or first-degree misdemeanor for which the person was incarcerated, and his or her incarceration ended less than three years before a state agency began considering his or her application for the license, permit, or certification.
- The conviction directly and specifically relates to the duties and responsibilities of the occupation, trade, vocation, profession, or business for which the license, permit, or certification is sought.
- Granting the license, permit, or certification pose a direct and substantial risk to public safety.

The bill provides circumstances and mitigating factors for state agencies to consider when determining if issuing a license, permit, or certification to a person would pose a direct and substantial risk to public safety, including the age of the person at the time the crime was committed, the amount of time that has elapsed since the person committed the crime, and other evidence of rehabilitation.

The bill specifies that a state agency must provide written notice to the applicant on the issuance or denial of a license, permit, or certificate application.

The bill specifies that a person can apply for a license, permit or certification at any time including while in confinement, under supervision, or before obtaining the required qualifications for the license, permit, or certification. The applicant must include a record of his or her prior conviction for a crime and must authorize the state agency to obtain such record.

The bill provides timeframes for a state agency to keep records relating to the review and approval or denial for 7 years unless a longer timeframe is required by law. For a person who submits an application while in confinement or prior to completing the requirements for approval, a fee may be charged by the state agency to offset costs. The bill provides that upon review by the state agency, if the agency determines that a person is not disqualified for a license, permit, or certification, the decision is binding on the state agency in any later ruling on the person's formal application unless the information contained in the petition is found to be inaccurate or incomplete, or the person is subsequently convicted of a crime. If the state agency determines that a person is disqualified for a license, permit, or certification, the bill requires the agency to advise the person of any action that may be taken to remedy disqualification and set a deadline for such remedial measures to be taken.

The bill deletes the criminal record disqualification for:

- Deputy pilot certification by the Board of Pilot Commissioners within the Department of Business and Professional Regulation (DBPR).
- Being employed as a manager, person in charge, or bartender for an alcoholic beverages vendor if the person has been convicted in the past five years of any felony in Florida, any other state, or the United States.
- Licensure issued under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, or customer representatives, and registration as a health insurance exchange navigator.

- Licensure as a bail bond agent's license.

The fiscal impact for potential applicants utilizing this process is indeterminate at this time. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Licensing Determinations and Criminal History

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony¹ or first-degree misdemeanor² that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific profession for which the license is sought.³ Notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant's lack of civil rights.⁴

Section 112.011, F.S., does not apply to:

- Deputy pilot certification;⁵
- Licensure under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, or customer representatives;⁶

¹ Section 775.08(1), F.S., defines "felony" as any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or a term of imprisonment in a state penitentiary that exceeds one year.

² Section 775.08(2), F.S., defines "misdemeanor" as any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility of less than one year. A first degree misdemeanor is punishable by a term of imprisonment not exceeding one year and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

³ Section 112.011(1)(b), F.S. *See also*, e.g., *State ex rel. Sbordy v. Rowlett*, 138 Fla. 330, 190 So. 59, 63 (1939), holding that "the preservation of the public health is one of the duties of sovereignty and in a conflict between the right of a citizen to follow a profession and the right of a sovereignty to guard the health and welfare, it logically follows that the rights of the citizen to pursue his profession must yield to the power of the State to prescribe such restrictions and regulations as shall fully protect the people from ignorance, incapacity, deception, and fraud."

⁴ Section 112.011(1)(c), F.S.

⁵ However, s. 310.071(4), F.S., disqualifies applicants for a deputy pilot's certificate issued by the Board of Pilot Commissioners within the Department of Business and Professional Regulation, including persons who've had their civil rights restored, who, regardless of adjudication, have ever been found guilty of, or pled guilty or nolo contendere to, a felony or first degree misdemeanor which directly related to the navigation or operation of a vessel, or a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by ch. 893, F.S., or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance.

⁶ Section 626.207(9), F.S. However, s. 626.207(2), F.S., provides that applicants for license under ch. 626, F.S., including insurance agents, service representatives, adjusters, and insurance agencies, are disqualified from licensure, and permanently barred from licensure, if the person has been found guilty of or has pleaded guilty or nolo contendere to any of the specified crimes.

- Registration as a health insurance exchange navigator;⁷
- Licensure as a bail bond agent;⁸
- A law enforcement or correctional agency;⁹
- The employment practices of any fire department relating to the hiring of firefighters¹⁰; and
- The employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.5801 and 166.0442, F.S.¹¹

Jim King Keep Florida Working Act Report

Section 112.0111, F.S., requires each state agency, including the state agencies responsible for professional and occupational regulatory boards to, every four years, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes:

- A list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced for such crime.
- A determination of whether the disqualifying statutes or rules are readily available to prospective employers and licensees.
- The identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.

Department of Business and Professional Regulation

Licensure

The Florida Department of Business and Professional Regulation (DBPR), has 11 divisions that are tasked with the licensure and general regulation of several professions and businesses in Florida.¹² The DBPR has fifteen boards and programs within the Division of Professions, two boards exist within the Division of Real Estate, and one board exists in the Division of Certified Public Accounting.

Sections 455.203 and 455.213, F.S., establish the DBPR's general licensing authority, including its authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the

⁷ Section 626.994, F.S. Section 626.9951(3), F.S., defines the term "navigator" to mean "an individual authorized by an exchange to serve as a navigator, or who works on behalf of an entity authorized by an exchange to serve as a navigator, pursuant to 42 U.S.C. s. 18031(i)(1), who facilitates the selection of a qualified health plan through the exchange and performs any other duties specified under 42 U.S.C. s. 18031(i)(3)." A person is disqualified from registration as a navigator if they have a criminal record for the felonies specified in s. 262.9954(2), F.S., including permanent disqualifications, seven-year, and 15-year disqualifications for specified felonies.

⁸ Section 648.34(7), F.S. However, s. 648.34(2)(e), F.S., disqualifies an applicant for a bail bond agent license to a person who has "been convicted of or pleaded guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered."

⁹ Section 112.011(2)(a), F.S.

¹⁰ Section 112.011(2)(b), F.S.

¹¹ Section 112.011(2)(c), F.S.

¹² Section 20.165, F.S.

required revenue to implement the regulatory laws affecting the profession. These professionals include: architects and interior designers, asbestos consultants and contractors, athlete agents, auctioneers, barbers, building code administrators and inspectors, community association managers, the construction industry, cosmetologists, electrical contractors, employee leasing companies, geologists, harbor pilots, home inspectors, landscape architects, mold related services, talent agencies, and veterinarians. When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee. In Fiscal Year 2022-2023, there were 950,380 active licensees regulated by the DBPR or a board within the department, including 39,336 active licensees in the Division of Certified Public Accounting, 357,039 active licensees in the Division of Real Estate, 786,178 active licensees in the Division of Professions, and 67, 827 active licensees under the Board of Professional Engineers.¹³

Denial of Professional Licensure - DBPR

Chapter 455, F.S., provides procedural and administrative framework for the regulation of professionals by the DBPR, and boards housed in the DBPR, including the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.¹⁴

The DBPR may regulate professions “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”¹⁵ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.¹⁶

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.¹⁷

The DBPR or a pertinent regulatory board may deny an application for licensure based on the grounds set forth in s. 455.227(1), F.S., or in the profession’s practice act.¹⁸ Specifically, the DBPR or regulatory board may deny a licensure application for any person who was:

¹³ Department of Business and Professional Regulation, Division of Professions, Division of Certified Public Accounting, Division of Real Estate, and Division of Regulation, *Annual Report, Fiscal Year 2022-2023*, <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2022-23.pdf> (last visited Jan. 30, 2024).

¹⁴ See ss. 455.01(6) and 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

¹⁵ Section 455.201(2), F.S.

¹⁶ Section 455.201(2), F.S.

¹⁷ Section 455.201(4)(b), F.S.

¹⁸ Section 455.227(2), F.S.

...convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.¹⁹ (Emphasis added.)

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

Licensing and Criminal Background for Certain Professions

However, in 2019, the Legislature created a process for reviewing the criminal history of applicants for specified professions or occupations regulated by the DBPR.²⁰ The process applies to:

- Barbers;
- Cosmetologists and cosmetology specialists;
- Construction professionals, including:
 - Air-conditioning contractors;
 - Electrical contractors;
 - Mechanical contractors;
 - Plumbing contractors;
 - Pollutant storage systems contractors;
 - Roofing contractors;
 - Sheet metal contractors;
 - Solar contractors;
 - Swimming pool and spa contractors;
 - Underground utility and excavation contractors; and
 - Other specialty contractors; and
- Any other profession for which the DBPR issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as a vocational training or through an industry certification program.²¹

Under this process, an inmate may apply for a license before he or she is lawfully released from confinement or supervision.²² The application may not be denied solely on the basis of the applicant's current confinement or supervision.

The DBPR may not deny a license for one of the above-listed occupations based on a conviction for a crime more than five years before the date of application.²³ However, a board may deny a license if the applicant's criminal history includes a crime listed in s. 775.21(4)(a)1., F.S., relating to sexual predator crimes, or s. 776.08, F.S., relating to forcible felonies, if such criminal history relates to the practice of the applicable profession.²⁴ A regulatory board may also

¹⁹ Section 455.227(1)(c), F.S.

²⁰ Chapter 2019-167, Laws of Fla., codified at s. 455.213(3), F.S.

²¹ Section 455.213(3)(a), F.S.

²² Section 455.213.(3)(c), F.S.

²³ Section 455.213(3)(b)1., F.S. "Conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

²⁴ *Id.*

consider the criminal history of an applicant if such criminal history is found to relate to good moral character.²⁵

Additionally, a board must:

- Permit a person to apply for a license while under criminal confinement (incarceration) or supervision;²⁶
- Compile a list of crimes by rule that do not impair a person's qualifications for licensure;²⁷
- Compile a list of crimes that have been used in the past two years as the basis for a license denial;²⁸ and
- Permit applicants who are incarcerated or under supervision to appear by teleconference or video conference at a meeting of a board or the agency for a hearing concerning the person's license application.²⁹

The DBPR or a board may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of ch. 455, F.S., or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.³⁰

License Qualifications Based on Moral Character

Several professions licensed by the DBPR or a regulatory board require the applicant to be of good moral character, including applicants for a license to practice the following professions:

- Boxing, kickboxing and mixed martial arts issued by the Florida Athletic Commission;³¹
- Construction contracting issued by the Construction Industry Licensing Board;³²
- Electrical contracting issued by the Electrical Contractors' Board;³³
- Athlete agents issued by the DBPR;³⁴
- Building code administrators and inspectors issued by the Florida Building Code Administrators and Inspectors Board;³⁵

²⁵ Section 455.213(3)(b)2., F.S.

²⁶ Section 455.213(3)(c), F.S.

²⁷ Section 455.213(3)(d), F.S.

²⁸ Section 455.213(3)(e), F.S.

²⁹ Section 455.213(5), F.S.

³⁰ Section 455.213(4), F.S.

³¹ Section 548.071(3), F.S., provides a basis for the Florida Athletic Commission to disqualify for a license any person who has been convicted of, has pleaded guilty to, has entered a plea of nolo contendere to, or has been found guilty of a crime involving moral turpitude in any jurisdiction within 10 years preceding the suspension or revocation.

³² Section 489.111(2)(b) and (3), F.S., provides that the Construction Industry Licensing Board may refuse to certify an applicant for failure to satisfy the requirement of good moral character if there is a substantial connection between the lack of good moral character and the professional responsibility of the certified contractor; and the lack of good moral character is supported by clear and convincing evidence. The board may deny a license application if the applicant's criminal history directly relates to the practice of the profession.

³³ Section 489.511(1)(b), F.S. Section 489.511(3)(a), F.S., defines good moral character as a history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation and specifies that the Electrical Contractors' Licensing Board may refuse to certify an applicant for failure to satisfy the requirement of good moral character if certain requirements are met. The board may deny a license application if the applicant's criminal history directly relates to the practice of the profession.

³⁴ Section 468.453(2)(b), F.S.

³⁵ Section 468.609(3)(b), F.S., also permits a license application to be denied if the applicant's criminal history directly relates to the practice of the profession.

- Certified public Accountants issued by the Board of Accountancy;³⁶
- Engineer issued by the Board of Professional Engineers;³⁷ and
- Mold-related services issued by the DBPR.³⁸

License Qualifications Based on Criminal History Related to the Profession

Many professional practice acts permit a license application to be denied if the applicant has a specified criminal history or the applicant's criminal history directly relates to, the practice of the profession, including a license to practice the following professions:

- Architecture issued by the Board of Architecture and Interior Design;³⁹
- Asbestos contracting and consulting issued by the DBPR;⁴⁰
- Auctioneering issued by the Florida Board of Auctioneers;⁴¹
- Barbering issued by the Barbers' Board;⁴²
- Community association management issued by the Regulatory Council of Community Association Managers;⁴³
- Professional geology issued by the Board of Professional Geologists;⁴⁴
- Home inspection issued by the DBPR;⁴⁵
- Landscape architecture issued by the Board of Landscape Architecture;⁴⁶
- Real estate brokers and agents issued by the Florida Real Estate Commission;⁴⁷ and
- Veterinary medicine issued by the Board of Veterinary Medicine.⁴⁸

License Disciplinary Action based on Section 455.227(1)(c), F.S.

Section 455.227(1)(c), F.S., authorizes a board, or the DBPR if there is no board for the profession, to take disciplinary action against a licensee if the person is convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession. This grounds for discipline includes a criminal history that occurred prior to obtaining a license.⁴⁹

Disciplinary action includes refusal to certify, or to certify with restrictions, an application for a license and suspension or permanent revocation of a license.⁵⁰

³⁶ Section 473.308(5) and (6), F.S., also permits a license application to be denied if the applicant's criminal history directly relates to the practice of the profession.

³⁷ Section 471.013(2)(a), F.S.

³⁸ Section 468.8414(3), F.S.

³⁹ Section 481.225(1)(d), F.S.

⁴⁰ Section 469.009(1)(g), F.S.

⁴¹ Section 468.389(1)(l), F.S.

⁴² Section 476.144(6)(a)2.b., F.S., provides that the qualifications for a barber license include having no disciplinary history related to barbering for five years.

⁴³ Section 468.436(2)(b), F.S.

⁴⁴ Section 492.113(1)(d), F.S.

⁴⁵ Section 468.832(1)(d), F.S.

⁴⁶ Section 481.325(1)(d), F.S.

⁴⁷ Section 475.25(1)(f), F.S.

⁴⁸ Sections 474.214(1)(c), (p) and (2), F.S., authorize the Board of Veterinary Medicine to deny a license application based on criminal history, including conviction on a charge of cruelty to animals.

⁴⁹ Section 455.227(2), F.S.

⁵⁰ *Id.*

Several professions regulated by the DBPR, or a board within the DBPR, rely on the grounds for disciplinary action in s. 455.227(1)(c), F.S., as a basis for denial or grant of a license. A person may also be disqualified for a license based on s. 455.227(1)(c), F.S. The practice acts for the following professional licenses within the DBPR include the grounds for denial of a license set forth in s. 455.227(1)(c), F.S.:

- Barbers;⁵¹
- Engineers issued by the Board of Professional Engineers;⁵²
- Professional geologists;⁵³
- Home inspectors;⁵⁴
- Mold-related service providers; and⁵⁵
- Real estate brokers and agents.⁵⁶

A license to engage in a regulated activity may require that persons with an interest in the business not have a criminal record or have good moral character. For example, an alcoholic beverages license may not be issued to any person, including persons who have a direct or indirect interest in the license or business, who does not evidence good moral character, and:⁵⁷

who has been convicted within the last past 5 years of any offense against the beverage laws of this state, the United States, or any other state; who has been convicted within the last past 5 years in this state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, or keeping a disorderly place or of any criminal violation of chapter 893 or the controlled substance act of any other state or the Federal Government; or who has been convicted in the last past 15 years of any felony in this state or any other state or the United States; or to a corporation, any of the officers of which shall have been so convicted.

Persons with certain criminal records are also disqualified from having an occupational license to be employed at a racetrack and jai alai fronton,⁵⁸ and are disqualified from holding a horseracing, greyhound, or jai alai permit.⁵⁹

Department of Health

The Department of Health (DOH) or an applicable board may deny the licensure of any applicant who has been “convicted of or pled guilty or nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession regulated by this state”⁶⁰ or related to certain types of fraud,⁶¹ or for other reasons in the applicable practice act.

⁵¹ Section 476.204(1)(h), F.S.

⁵² Section 471.033(1)(a), F.S.

⁵³ Section 492.113(1)(d), F.S.

⁵⁴ Section 468.832(1)(a), F.S.

⁵⁵ Section 468.842(1)(a), F.S.

⁵⁶ Section 475.25(1)(f), F.S.

⁵⁷ Sections 561.15, F.S.

⁵⁸ Section 550.105(2), F.S.

⁵⁹ Section 550.1815, F.S.

⁶⁰ Sections 456.024(3)(c); 456.072(1)(c), (x), (ii) and (ll); and 456.071(2)(a), F.S.

⁶¹ Section 456.0635, F.S.

For example, certified nursing assistants may not have a felony record for certain specified felony financial crimes, including Medicaid fraud and forgery,⁶² and pass an employment screening under ch. 435, F.S., which provides a listing of disqualifying crimes.

Other State Licenses

In addition to the licenses referenced above, it is common to disqualify a person from a license to engage in a profession, occupation, or business activity on the basis of a criminal record. For example, a license to engage in the manufacture, compounding, combining, production, or distribution, dealing, or use of explosives may be denied if the person has been convicted of a felony.⁶³

Administrative Procedures Act

Chapter 120, F.S., the Administrative Procedure Act, provides uniform procedures for state agencies, including the conduct of rulemaking, implementing disciplinary actions, and the granting and denial of license applications.

Section 120.60, F.S., provides the process for the granting or denial of license applications upon receipt of a license application. An agency must examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information the agency is permitted by law to require. An agency may not deny a license because of an applicant's failure to correct an error or omission or to supply additional information unless the agency has timely notified the applicant within this 30-day period. A license application is complete upon receipt by the agency 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.

An agency must approve or deny a license application within 90 days after receipt of a completed application unless a shorter period of time for agency action is provided by law. The 90-day time period is tolled by the initiation of a proceeding under ss. 120.569 and 120.57, F.S.⁶⁴ Any application for a license which is not approved or denied within the 90-day or shorter time period, within 15 days after conclusion of a public hearing held on the application, or within 45 days after a recommended order is submitted to the agency and the parties, whichever action and timeframe is latest and applicable, is considered approved unless the recommended order recommends that the agency deny the license.

Section 120.60(3), F.S., requires an agency to give a written notice, personally or by mail, that the agency intends to grant or deny, or has granted or denied, the application for license. The notice must state with particularity the grounds or basis for the issuance or denial of the license, except when issuance is a ministerial act. Unless waived by the applicant, a copy of the notice

⁶² See s. 408.809(4), F.S.

⁶³ Section 552.094, F.S.

⁶⁴ Section 120.569 F.S., provides the administrative process for all proceedings in which the substantial interests of a party are determined by an agency, unless the parties are proceeding under the mediation process in s. 120.573, F.S., or the summary hearing process in s. 120.574, F.S. Section 120.57, F.S., provides additional procedures for matters involving disputed issues of material fact before an administrative law judge assigned by the Division of Administrative Hearings.

must be delivered or mailed to each party's attorney of record and to each person who has made a written request for notice of agency action. Each notice must inform the recipient of the basis for the agency decision, and inform the recipient of any administrative hearing pursuant to ss. 120.569 and 120.57, F.S., or judicial review pursuant to s. 120.68, F.S., which may be available. The notice must also indicate the procedure that must be followed, and state the applicable time limits. The issuing agency must certify the date the notice was mailed or delivered, and the notice and the certification must be filed with the agency clerk.

III. Effect of Proposed Changes:

Chapter 112, F.S.

The bill revises the basis for disqualifying a person for a license based on a person's criminal history under s. 112.011, F.S. The bill amends s. 112.011(1), F.S., to define "conviction" and "fiduciary duty." The term "conviction" means a determination of guilt which is the result of a plea or trial, regardless of whether adjudication is withheld, under the laws of this state or another state. The term "fiduciary duty" means a duty to act for someone else's benefit while subordinating one's personal interest to that of the other person.

The bill specifies that a person may not be denied a license, permit, or certification by reason of the person's arrest if not followed by a conviction. However, if a person has pending criminal charges, that may serve as the basis of a denial of a license, permit, or certification to pursue, practice, or engage in an occupation, a trade, a vocation, a profession, or a business, a state agency may defer its decision on the person's application for a license, permit, or certification pending resolution of the criminal charges.

Section. 112.011(2), F.S., specifies that a person may be denied a license, permit, or certification based on a prior conviction if all of the following apply:

- The crime was:
 - A forcible felony as defined in s. 776.08, F.S.;
 - An offense involving a breach of fiduciary duty;
 - An offense for a fraudulent practice under ch. 817, F.S., relating to fraudulent practices, or a substantially similar offense under the laws of another state;
 - A felony or first-degree misdemeanor for which the person was not incarcerated, and he or she was convicted less than three years before a state agency began considering his or her application for the license, permit, or certification; or
 - A felony or first-degree misdemeanor for which the person was incarcerated, and his or her incarceration ended less than three years before a state agency began considering his or her application for the license, permit, or certification.
- The conviction directly and specifically relates to the duties and responsibilities of the occupation, trade, vocation, profession, or business for which the license, permit, or certification is sought.
- Granting the license, permit, or certification pose a direct and substantial risk to public safety.

When determining if granting a license, permit, or certification to a person would pose a direct and substantial risk to public safety, a state agency must consider all of the following circumstances and mitigating factors:

- The age of the person when he or she committed the crime.
- The amount of time that has elapsed since the person committed the crime.
- The circumstances surrounding the nature of the crime.
- Whether the person completed his or her criminal sentence and, if completed, the amount of time since completing such sentence.
- Whether the person received a certificate of rehabilitation or good conduct.
- Whether the person completed or is an active participant in a rehabilitative substance abuse program.
- Any testimonials or recommendations, including progress reports from the person's probation or parole officer.
- Whether the person has received any education or training.
- The person's employment history and employment aspirations.
- The person's family responsibilities.
- Whether the occupation, trade, vocation, profession, or business requires that the person be bonded.
- Any other evidence of rehabilitation or information the person submits to the state agency.

The bill amends s. 112.011(1), F.S., to allow a person with a prior conviction for a crime to petition a state agency at any time, including while in confinement, while under supervision, or before obtaining any required personal qualifications for a license, permit, or certification, for a decision as to whether the person's prior conviction for a crime would disqualify him or her from obtaining the license, permit, or certification. The petition must include a record of his or her prior conviction for a crime or must authorize the state agency to obtain such record. The bill provides timeframes for a state agency to keep records relating to the review and approval or denial for 7 years unless a longer timeframe is required by law. For a person who submits an application while in confinement or prior to completing the requirements for approval, a fee may be charged by the state agency to offset costs. The cost may be the fee ordinarily required by law to submit an initial application for the license, permit or certification or a portion thereof. If the person subsequently submits a completed application after obtaining the required qualifications, the fee must be credited as a non-refundable deposit toward the fee required by law.

The bill provides that upon review by the state agency, if the agency determines that a person is not disqualified for a license, permit, or certification, the decision is binding on the state agency in any later ruling on the person's formal application unless the information contained in the petition is found to be inaccurate or the person is subsequently convicted of a crime.

If the state agency determines that a person is disqualified for a license, permit, or certification, the bill requires the agency to advise the person of an action, if any, he or she may take to remedy the disqualification. The bill allows a person to submit a revised petition reflecting completion of the remedial actions before a deadline set by the agency in its final decision on the petition. The bill prohibits a person from submitting a new petition to the state agency until one year after a final decision on the initial petition is rendered or the person obtains the required qualifications for a license, permit, or certification, whichever is earlier.

The bill amends s. 112.0111, F.S., to require agencies that issue licenses, permits, or certifications to pursue, practice, or engage in an occupation, a trade, a vocation, a profession, or a business to, beginning March 1, 2025, post and maintain a report on its public website that includes the number of applicants with all of the following:

- A total number of applications received by the state agency in the previous calendar year for a license, permit or certification from applicants who had a prior conviction, or any other adjudication for a crime.
- Out of the number of applications received, the number of times that the state agency denied, withheld, or refused to grant an application because of an applicant's prior conviction, or any other adjudication, of a crime. The report must also specify the crimes on which each decision to deny, withhold, or refuse to grant an application for a license, permit, or certification was based.
- Out of the number of applications received, the number of times the state granted an application in which the applicant had a prior conviction, or any other adjudication, of a crime. The report must also specify the crimes in such applications which were not used as a basis for denial.

Chapter 120, F.S.

The bill amends s. 120.60, F.S., to require each state agency that intends to deny a license based upon a person's prior conviction for a crime pursuant to s. 112.011, F.S., to provide the applicant with written notice of the agency's intention. The notice must:

- State with particularity the grounds or the basis for the agency's intention to deny the license.
- Inform the recipient that, before the denial becomes final, he or she may provide a rebuttal with additional evidence of circumstances or rehabilitation, including written support provided by character witnesses.
- Allow the applicant at least 30 days to provide a rebuttal before issuing a decision on the application for license.
- Be delivered or mailed to each party's attorney of record, if applicable, and to each person who has made a written request for notice of agency action. The agency must certify the date the notice was delivered or mailed, and the notice and the certification must be filed with the agency clerk.

Within 60 days after the deadline for submitting a rebuttal, the agency must provide written notification of its decision on the application for license. If the agency denies or intends to deny the application for license, the agency must specify the clear and convincing evidence on which the agency based its determination. The state agency's decision is administratively reviewable pursuant to ss. 120.569⁶⁵ and 120.57, F.S.,⁶⁶ and judicially reviewable pursuant to s. 120.68, F.S. The notification must indicate the procedure and applicable time limits that must be followed to seek administrative review, and must state the earliest date that the applicant may submit another application for license. A copy of the notice must be delivered or mailed to each party's attorney

⁶⁵ Section 120.569, F.S., provides the administrative procedures for proceeding in which the substantial interests of a party are determined by an agency.

⁶⁶ Section 120.57, F.S., provides the administrative procedure for hearings before the Division of Administrative Hearings in which there are disputed issues of material fact.

of record, if applicable, and to each person who has made a written request for notice of agency action. The agency must certify the date the notice was mailed or delivered, and the notice and the certification must be filed with the agency clerk.

The state agency must give the applicant 21 days to withdraw the application from consideration and such action may not be considered as an adverse regulatory action in any future application.

The bill amends s. 310.071(4), F.S., to apply the criminal record review procedures in s. 112.011(2), F.S., to applications for a deputy pilot certification issued by the Board of Pilot Commissioners. The bill deletes the disqualification for a deputy pilot certification based on the criminal record of the applicant for the crimes specified in s. 112.011(2), F.S.

The bill amends s. 455.213, F.S., to specify that the criminal record review procedures in s. 112.011(2), F.S., are used for applications for the professional licenses issued by the DBPR. The bill deletes the requirements for the DBPR's review of an applicant's criminal record.

The bill amends s. 562.13, F.S., to remove the prohibition against being employed as a manager, person in charge, or bartender for an alcoholic beverages vendor if the person has been convicted in the past five years of any felony in Florida, any other state, or the United States.

The bill amends s. 626.207(9), F.S., to specify that the criminal record review procedures in s. 112.011(2), F.S., apply to applications for licensure under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, or customer representatives.

Section 648.34(7), F.S., is revised by the bill to apply the criminal record review procedures in s. 112.011(2), F.S., to applications for a bail bond agent's license.

The bill takes effect July 1, 2024.

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:

Under the bill, persons with a prior conviction, may petition an agency to determine if their prior conviction is disqualifying for a license, permit, or certification.

C. Government Sector Impact:

State agencies may see costs related to responding to petitions offset by the application fee requirement for those persons with a prior conviction, who petition an agency to determine if their prior conviction is disqualifying for a license, permit, or certification.⁶⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 112.011(1)(g), F.S., permits a person with a prior conviction to petition an agency to determine if their prior conviction is disqualifying for a license, permit, or certification. The FDLE expressed the concern that requiring state agencies to give an advisory opinion on a person's eligibility prior to an application may be binding on the agency and could "result in substantial litigation over what was actually known by the state agency at the time of the advisory opinion." The DFS expressed the concern that a response to the petition may involve giving legal advice to prospective applicants.⁶⁸

The DFS states that it makes license eligibility determination for over 177,000 license applications each year and that approximately 15 percent of those applicants have a criminal record. The DFS also expressed the concern that requiring an agency to determine whether a person with a criminal record has been rehabilitated may produce more subjective licensing decisions than required under current law. Currently, the DFS states, such subject subjective decisions occur in only limited situations.⁶⁹

⁶⁷ *Id.*

⁶⁸ Department of Law Enforcement, *2024 Agency Legislative Bill Analysis for SB 1012* (Jan. 16, 2024) (on file with the Senate Criminal Justice).

⁶⁹ *Supra*, note 68.

VIII. Statutes Affected:

This bill substantially amends section 112.011 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 Criminal Justice on February 6, 2024:

The committee substitute:

- Defines terms and provides specific criteria for the denial of a license, permit, or certification.
- Allows individuals to submit an application to a state agency before obtaining the necessary qualifications to determine if they qualify for the license, permit, or certification sought.
- Provides state agencies keep records of applicants for 7 years unless prescribed by law and allows agencies to charge fees for the application.

CS by Regulated Industries on January 22, 2024:

The committee substitute deletes all of the provisions in the bill except for the following provisions. The bill authorizes a convicted person to petition a state agency at any time for a decision as to whether the person's prior conviction would disqualify him or her from obtaining the license, permit, or certification. The record of the prior conviction or authorization to obtain the record must be included in the petition. If the person is qualified for the license, the decision is binding on the state agency determination of the person's formal application. If disqualified, the agency must tell the person how to remedy the disqualification. A person may submit a revised petition before the deadline set by the agency in its final decision on the petition, otherwise, no new petition may be submitted for one year after the final decision.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 112.011, Florida Statutes, is amended to
read:

112.011 Disqualification from licensing, permitting,
certification, and public employment based on criminal
conviction.—

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



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11 (a) "Conviction" means a determination of guilt which is
12 the result of a plea or trial, regardless of whether
13 adjudication is withheld, under the laws of this state or
14 another state.

15 (b) "Fiduciary duty" means a duty to act for someone else's
16 benefit while subordinating one's personal interest to that of
17 the other person.

18 (2)(a) Except as provided in s. 775.16, a person may not be
19 disqualified from employment by the state, any of its agencies
20 or political subdivisions, or any municipality solely because of
21 a prior conviction for a crime. However, a person may be denied
22 employment by the state, any of its agencies or political
23 subdivisions, or any municipality by reason of the prior
24 conviction for a crime if the crime was a felony or first-degree
25 misdemeanor and directly related to the position of employment
26 sought.

27 (b) Notwithstanding any other law, a person may not be
28 denied a license, permit, or certification to pursue, practice,
29 or engage in an occupation, a trade, a vocation, a profession,
30 or a business by reason of the person's arrest for a crime not
31 followed by a conviction. However, when a person has criminal
32 charges pending that may serve as the basis for the denial of a
33 license, permit, or certification to pursue, practice, or engage
34 in an occupation, a trade, a vocation, a profession, or a
35 business under paragraph (c), a state agency may defer its
36 decision on the person's application pending resolution of the
37 criminal charges, notwithstanding the 90-day deadline pursuant
38 to s. 120.60(1).

39 (c) Notwithstanding any other law ~~Except as provided in s.~~



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40 ~~775.16~~, a person may be denied a license, permit, or
41 certification to pursue, practice, or engage in an occupation, a
42 trade, a vocation, a profession, or a business by reason of the
43 prior conviction for a crime only if all of the following apply:

44 1. The crime was:

45 a. A forcible felony as defined in s. 776.08;

46 b. An offense involving a breach of fiduciary duty;

47 c. An offense for a fraudulent practice under chapter 817

48 or a substantially similar offense under the laws of another
49 state;

50 d. A felony or first-degree misdemeanor for which the
51 person was not incarcerated, and he or she was convicted less
52 than 3 years before a state agency began considering his or her
53 application for a license, permit, or certification; or

54 e. A felony or first-degree misdemeanor for which the
55 person was incarcerated, and his or her incarceration ended less
56 than 3 years before a state agency began considering his or her
57 application for the license, permit, or certification.

58 2. The conviction directly and specifically relates to the
59 duties and responsibilities of the occupation, trade, vocation,
60 profession, or business for which the license, permit, or
61 certification is sought.

62 3. A determination is made pursuant to paragraph (e) with
63 clear and convincing evidence that granting the license, permit,
64 or certification would pose a direct and substantial risk to
65 public safety because the person is unable to safely perform the
66 duties and responsibilities of that is directly related to the
67 standards determined by the regulatory authority to be necessary
68 and reasonably related to the protection of the public health,



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69 ~~safety, and welfare for~~ the specific occupation, trade,
70 vocation, profession, or business for which the license, permit,
71 or certification certificate is sought.

72 ~~(d)(e)~~ Notwithstanding any law to the contrary, a state
73 agency may not deny an application for a license, a permit, a
74 certification certificate, or employment based solely on the
75 applicant's lack of civil rights. However, this paragraph does
76 not apply to applications for a license to carry a concealed
77 weapon or firearm under chapter 790.

78 (e) To determine whether granting a license, a permit, or a
79 certification to a person would pose a direct and substantial
80 risk to the public safety under paragraph (c), a state agency
81 must consider the person's current circumstances and mitigating
82 factors, including all of the following:

83 1. The age of the person when he or she committed the
84 crime.

85 2. The amount of time that has elapsed since the person
86 committed the crime.

87 3. The circumstances surrounding the nature of the crime.

88 4. Whether the person completed his or her criminal
89 sentence, if applicable, and, if completed, the amount of time
90 since completing such sentence.

91 5. Whether the person received a certificate of
92 rehabilitation or good conduct.

93 6. Whether the person completed or is an active participant
94 in a rehabilitative substance abuse program.

95 7. Any testimonials or recommendations, including progress
96 reports from the person's probation or parole officer.

97 8. Whether the person has received any education or



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98 training.

99 9. The person's employment history and employment
100 aspirations.

101 10. The person's family responsibilities.

102 11. Whether the occupation, trade, vocation, profession, or
103 business requires that the person be bonded.

104 12. Any other evidence of rehabilitation or information the
105 person submits to the state agency.

106 (f) A state agency may deny the application for a license,
107 permit, or certification to pursue, practice, or engage in an
108 occupation, a trade, a vocation, a profession, or a business
109 based on a person's prior conviction for a crime only if the
110 state agency provides written notification consistent with s.
111 120.60(3).

112 (g)1. Notwithstanding any other law, a state agency shall
113 allow a person with a prior conviction for a crime to submit an
114 application for a license, permit, or certification at any time,
115 including while in confinement, while under supervision, or
116 before obtaining any required personal qualifications for the
117 license, permit, or certification, for the sole purpose of
118 obtaining a decision on whether the person's prior conviction
119 for a crime would disqualify him or her from obtaining the
120 license, permit, or certification. In the application, the
121 person must include a record of his or her prior conviction for
122 a crime or must authorize the state agency to obtain such
123 record.

124 2. The state agency shall review the application submitted
125 pursuant to subparagraph 1. to determine whether the person is
126 disqualified from the license, permit, or certification sought.



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127 The timing of the agency's review of the application must be
128 governed by the timeframes set forth in s. 120.60(1). If the
129 state agency determines that the person is not disqualified for
130 the license, permit, or certification sought, the agency must
131 keep a record of that decision for 7 years, unless a longer
132 timeframe is prescribed by law. Such decision that the person is
133 disqualified must be binding on the agency if the person
134 subsequently completes an application for the license, permit,
135 or certification after obtaining the required personal
136 qualifications within 7 years, unless a longer timeframe is
137 prescribed by law, during which time the 90-day timeframe set
138 forth in s. 120.60(1) must be tolled. However, the agency's
139 decision may not be binding on a subsequently completed
140 application if the information provided by the applicant
141 pursuant to subparagraph 1. is found to be inaccurate or if the
142 person was subsequently convicted of a disqualifying crime.

143 3. For a person to submit an application pursuant to
144 subparagraph 1., the state agency may charge the fee ordinarily
145 required by law to submit an initial application for the
146 license, permit, or certification, or a portion thereof.
147 However, if the state agency determines that the person is not
148 disqualified for the license, permit, or certification pursuant
149 to subparagraph 2. and the person subsequently submits a
150 completed application after obtaining the required personal
151 qualifications, the fee charged pursuant to this subparagraph
152 must be credited as a nonrefundable deposit toward the fee
153 ordinarily required by law to submit an annual renewal
154 application for the license, permit, or certification.

155 4. If the state agency determines that an applicant



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156 pursuant to subparagraph 1. is disqualified for a license,
157 permit, or certification, the agency must advise the person of
158 any action he or she may take, if any, to remedy the
159 disqualification. The person may submit a revised application
160 reflecting completion of any remedial actions before a deadline
161 set by the agency in its decision on the application.

162 (3) (a) (2) (a) This section does not apply to any law
163 enforcement or correctional agency.

164 (b) This section does not apply to the employment practices
165 of any fire department relating to the hiring of firefighters.

166 (c) This section does not apply to the employment practices
167 of any county or municipality relating to the hiring of
168 personnel for positions deemed to be critical to security or
169 public safety pursuant to ss. 125.5801 and 166.0442.

170 (4) (3) Any complaint concerning the violation of this
171 section shall be adjudicated in accordance with the procedures
172 set forth in chapter 120 for administrative and judicial review.

173 Section 2. Section 112.0111, Florida Statutes, is amended
174 to read:

175 112.0111 Restrictions on the employment of ex-offenders;
176 legislative intent; state agency reporting requirements.—

177 (1) The Legislature declares that a goal of this state is
178 to ~~clearly identify the occupations from which ex-offenders are~~
179 ~~disqualified based on the nature of their offenses. The~~
180 ~~Legislature seeks to~~ make employment opportunities available to
181 ex-offenders in a manner that preserves and protects ~~serves to~~
182 ~~preserve and protect~~ the health, safety, and welfare of the
183 general public, yet encourages ex-offenders ~~them~~ to become
184 productive members of society. To this end, state agencies that



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185 ~~exercise regulatory authority are in the best position to~~
186 ~~identify all restrictions on employment imposed by the agencies~~
187 ~~or by boards that regulate professions and occupations and are~~
188 obligated to protect the health, safety, and welfare of the
189 general public by ~~clearly setting forth those restrictions in~~
190 keeping with statutory standards and protections determined by
191 the agencies to be in the least restrictive manner.

192 (2) Beginning March 1, 2025, and annually thereafter, each
193 state agency, ~~including, but not limited to, those state~~
194 ~~agencies~~ responsible for issuing licenses, permits, or
195 certifications to pursue, practice, or engage in an occupation,
196 a trade, a vocation, a profession, or a business must post and
197 maintain publicly on its website professional and occupational
198 ~~regulatory boards, shall ensure the appropriate restrictions~~
199 ~~necessary to protect the overall health, safety, and welfare of~~
200 ~~the general public are in place, and by December 31, 2011, and~~
201 ~~every 4 years thereafter, submit to the Governor, the President~~
202 ~~of the Senate, and the Speaker of the House of Representatives a~~
203 report that includes all of the following:

204 (a) The total number of applications received by the state
205 agency in the previous calendar year for a license, permit, or
206 certification from applicants who had a prior conviction, or any
207 other adjudication, for a crime ~~A list of all agency or board~~
208 ~~statutes or rules that disqualify from employment or licensure~~
209 ~~persons who have been convicted of a crime and have completed~~
210 ~~any incarceration and restitution to which they have been~~
211 ~~sentenced for such crime.~~

212 (b) Out of the number of applications received in paragraph
213 (a), the number of times the state agency denied, withheld, or



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214 refused to grant an application because of an applicant's prior
215 conviction, or any other adjudication, of a crime. The report
216 must also specify the crimes on which each decision to deny,
217 withhold, or refuse to grant an application for a license,
218 permit, or certification was based ~~A determination of whether~~
219 ~~the disqualifying statutes or rules are readily available to~~
220 ~~prospective employers and licensees.~~

221 (c) Out of the number of applications received in paragraph
222 (a), the number of times the state agency granted an application
223 in which the applicant had a prior conviction, or any other
224 adjudication, of a crime. The report must also specify the
225 crimes in such applications which were not used as a basis for
226 denial ~~The identification and evaluation of alternatives to the~~
227 ~~disqualifying statutes or rules which protect the health,~~
228 ~~safety, and welfare of the general public without impeding the~~
229 ~~gainful employment of ex-offenders.~~

230 (d) The information provided by the state agency under
231 paragraphs (a), (b), and (c), broken down by the specific type
232 of application submitted and the types of licenses, permits, or
233 certifications sought, including if the applicant is a resident
234 of the state or is an out-of-state resident.

235 (e) Any other information or data the state agency deems
236 relevant in fulfilling its purpose under this section.

237 (3) For the purposes of this section, the term "conviction"
238 means a determination of guilt which is the result of a plea or
239 trial, regardless of whether adjudication is withheld.

240 Section 3. Subsection (3) of section 120.60, Florida
241 Statutes, is amended, and subsection (8) is added to that
242 section, to read:



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243 120.60 Licensing.—

244 (3)(a) Each applicant must ~~shall~~ be given written notice,
245 personally or by mail, that the agency intends to grant or deny,
246 or has granted or denied, the application for license; however,
247 if the agency intends to deny the application for license based
248 upon a person's prior conviction for a crime pursuant to s.
249 112.011, the agency must first provide the applicant with
250 written notice of the agency's intention as stated in paragraph
251 (b). The notice required by this paragraph must state with
252 particularity the grounds or basis for the issuance or denial of
253 the license, except when issuance is a ministerial act. Unless
254 waived, a copy of the notice must ~~shall~~ be delivered or mailed
255 to each party's attorney of record and to each person who has
256 made a written request for notice of agency action. Each notice
257 must inform the recipient of the basis for the agency decision,
258 inform the recipient of any administrative hearing pursuant to
259 ss. 120.569 and 120.57 or judicial review pursuant to s. 120.68
260 which may be available, indicate the procedure that must be
261 followed, and state the applicable time limits. The issuing
262 agency shall certify the date the notice was mailed or
263 delivered, and the notice and the certification must be filed
264 with the agency clerk.

265 (b)1. The agency may deny an application for license based
266 upon a person's prior conviction for a crime consistent with s.
267 112.011 only if the agency provides the applicant with written
268 notice, in person or by mail, of its intention to deny the
269 application. The notice must state with particularity the
270 grounds or the basis for the agency's intention to deny the
271 license. The notice must inform the recipient that, before the



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272 denial becomes final, he or she may provide a rebuttal with
273 additional evidence of mitigating circumstances or
274 rehabilitation, including written support provided by character
275 witnesses. Pursuant to subsection (1), the agency must allow the
276 applicant at least 30 days to provide a rebuttal before issuing
277 a decision on the application for license. A copy of the notice
278 must be delivered or mailed to each party's attorney of record,
279 if applicable, and to each person who has made a written request
280 for notice of agency action. The agency shall certify the date
281 the notice was delivered or mailed, and the notice and the
282 certification must be filed with the agency clerk.

283 2. The agency shall provide written notification of its
284 decision on the application for license within 60 days after the
285 deadline for submitting a rebuttal. If the agency denies or
286 intends to deny the application for license, the agency must
287 specify the clear and convincing evidence on which the agency
288 based its determination. The agency's decision is
289 administratively reviewable pursuant to ss. 120.569 and 120.57
290 and judicially reviewable pursuant to s. 120.68. The
291 notification must indicate the procedure and applicable time
292 limits that must be followed to seek administrative review, and
293 must state the earliest date that the applicant may submit
294 another application for license. A copy of the notice must be
295 delivered or mailed to each party's attorney of record, if
296 applicable, and to each person who has made a written request
297 for notice of agency action. The agency shall certify the date
298 the notice was mailed or delivered, and the notice and the
299 certification must be filed with the agency clerk.

300 (8) Notwithstanding any other law, before formally denying



301 an application for a license, a state agency must give the
302 applicant 21 days to withdraw the application from
303 consideration. Such withdrawal may not be considered as an
304 adverse regulatory action in any future application. Notice of
305 the right to withdraw may be given in conjunction with other
306 notices of rights pursuant to this chapter.

307 Section 4. Subsection (4) of section 310.071, Florida
308 Statutes, is amended to read:

309 310.071 Deputy pilot certification.—

310 (4) The board must follow the requirements in s. 112.011(2)
311 before ~~Notwithstanding s. 112.011 or any other provision of law~~
312 ~~relating to the restoration of civil rights,~~ an applicant may
313 ~~shall~~ be disqualified from applying for or ~~and shall be denied a~~
314 deputy pilot certificate ~~if the applicant, regardless of~~
315 ~~adjudication, has ever been found guilty of, or pled guilty or~~
316 ~~nolo contendere to, a charge which was:~~

317 ~~(a) A felony or first degree misdemeanor which directly~~
318 ~~related to the navigation or operation of a vessel; or~~

319 ~~(b) A felony involving the sale of or trafficking in, or~~
320 ~~conspiracy to sell or traffic in, a controlled substance as~~
321 ~~defined by chapter 893, or an offense under the laws of any~~
322 ~~state or country which, if committed in this state, would~~
323 ~~constitute the felony of selling or trafficking in, or~~
324 ~~conspiracy to sell or traffic in, such controlled substance.~~

325 Section 5. Subsections (3) and (11) of section 455.213,
326 Florida Statutes, are amended to read:

327 455.213 General licensing provisions.—

328 (3) (a) Notwithstanding any other law, the applicable board
329 shall use the process in s. 112.011(2) ~~this subsection~~ for



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330 review of an applicant's criminal record to determine his or her
331 eligibility for licensure ~~as:~~

332 ~~1. A barber under chapter 476;~~

333 ~~2. A cosmetologist or cosmetology specialist under chapter~~
334 ~~477;~~

335 ~~3. Any of the following construction professions under~~
336 ~~chapter 489:~~

337 ~~a. Air-conditioning contractor;~~

338 ~~b. Electrical contractor;~~

339 ~~c. Mechanical contractor;~~

340 ~~d. Plumbing contractor;~~

341 ~~e. Pollutant storage systems contractor;~~

342 ~~f. Roofing contractor;~~

343 ~~g. Sheet metal contractor;~~

344 ~~h. Solar contractor;~~

345 ~~i. Swimming pool and spa contractor;~~

346 ~~j. Underground utility and excavation contractor; or~~

347 ~~k. Other specialty contractors; or~~

348 ~~4. Any other profession for which the department issues a~~
349 ~~license, provided the profession is offered to inmates in any~~
350 ~~correctional institution or correctional facility as vocational~~
351 ~~training or through an industry certification program.~~

352 ~~(b) 1. A conviction, or any other adjudication, for a crime~~
353 ~~more than 5 years before the date the application is received by~~
354 ~~the applicable board may not be grounds for denial of a license~~
355 ~~specified in paragraph (a). For purposes of this paragraph, the~~
356 ~~term "conviction" means a determination of guilt that is the~~
357 ~~result of a plea or trial, regardless of whether adjudication is~~
358 ~~withheld. This paragraph does not limit the applicable board~~



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359 ~~from considering an applicant's criminal history that includes a~~
360 ~~crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but~~
361 ~~only if such criminal history has been found to relate to the~~
362 ~~practice of the applicable profession.~~

363 ~~2. The applicable board may consider the criminal history~~
364 ~~of an applicant for licensure under subparagraph (a)3. if such~~
365 ~~criminal history has been found to relate to good moral~~
366 ~~character.~~

367 ~~(e)1.~~ A person may apply for a license before his or her
368 lawful release from confinement or supervision. The department
369 may not charge an applicant an additional fee for being confined
370 or under supervision. The applicable board may not deny an
371 application for a license solely on the basis of the applicant's
372 current confinement or supervision.

373 2. After a license application is approved, the applicable
374 board may stay the issuance of a license until the applicant is
375 lawfully released from confinement or supervision and the
376 applicant notifies the applicable board of such release. The
377 applicable board must verify the applicant's release with the
378 Department of Corrections before it issues a license.

379 3. If an applicant is unable to appear in person due to his
380 or her confinement or supervision, the applicable board must
381 allow ~~permit~~ the applicant to appear by teleconference or video
382 conference, as appropriate, at any meeting of the applicable
383 board or other hearing by the agency concerning his or her
384 application.

385 4. If an applicant is confined or under supervision, the
386 Department of Corrections and the applicable board must ~~shall~~
387 cooperate and coordinate to facilitate the appearance of the



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388 applicant at a board meeting or agency hearing in person, by
389 teleconference, or by video conference, as appropriate.

390 (c)~~(d)~~ Each applicable board shall compile a list of crimes
391 that, if committed and regardless of adjudication, do not relate
392 to the practice of the profession or the ability to practice the
393 profession and do not constitute grounds for denial of a
394 license. This list must be made available on the department's
395 website and updated annually. Beginning October 1, 2019, each
396 applicable board shall compile a list of crimes that although
397 reported by an applicant for licensure, were not used as a basis
398 for denial. The list must identify for each such license
399 application the crime reported and the date of conviction and
400 whether there was a finding of guilt, a plea, or an adjudication
401 entered or the date of sentencing.

402 (d)~~(e)~~ Each applicable board shall compile a list of crimes
403 that have been used as a basis for denial of a license in the
404 past 2 years and shall make the list available on the
405 department's website. Starting October 1, 2019, and updated
406 quarterly thereafter, the applicable board shall compile a list
407 indicating each crime used as a basis for denial. For each crime
408 listed, the applicable board shall ~~must~~ identify the date of
409 conviction, finding of guilt, plea, or adjudication entered, or
410 date of sentencing. Such denials must be made available to the
411 public upon request.

412 (11) For any profession requiring fingerprints as part of
413 the registration, certification, or licensure process or for any
414 profession requiring a criminal history record check ~~to~~
415 ~~determine good moral character~~, the fingerprints of the
416 applicant must accompany all applications for registration,



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417 certification, or licensure. The fingerprints must ~~shall~~ be
418 forwarded to the Division of Criminal Justice Information
419 Systems within the Department of Law Enforcement for processing
420 to determine whether the applicant has a criminal history
421 record. The fingerprints must ~~shall~~ also be forwarded to the
422 Federal Bureau of Investigation to determine whether the
423 applicant has a criminal history record. The information
424 obtained by the processing of the fingerprints by the Department
425 of Law Enforcement and the Federal Bureau of Investigation must
426 ~~shall~~ be sent to the department to determine whether the
427 applicant is statutorily qualified for registration,
428 certification, or licensure.

429 Section 6. Paragraph (a) of subsection (3) of section
430 562.13, Florida Statutes, is amended to read:

431 562.13 Employment of minors or certain other persons by
432 certain vendors prohibited; exceptions.—

433 (3) (a) It is unlawful for any vendor licensed under the
434 beverage law to employ as a manager or person in charge or as a
435 bartender any person:

436 1. Who has been convicted within the last past 5 years of
437 any offense against the beverage laws of this state, the United
438 States, or any other state.

439 2. Who has been convicted within the last past 5 years in
440 this state or any other state or the United States of soliciting
441 for prostitution, pandering, letting premises for prostitution,
442 keeping a disorderly place, or any felony violation of chapter
443 893 or the controlled substances act of any other state or the
444 Federal Government.

445 ~~3. Who has, in the last past 5 years, been convicted of any~~



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446 ~~felony in this state, any other state, or the United States.~~

447
448 The term "conviction" shall include an adjudication of guilt on
449 a plea of guilty or nolo contendere or forfeiture of a bond when
450 such person is charged with a crime.

451 Section 7. Subsection (9) of section 626.207, Florida
452 Statutes, is amended to read:

453 626.207 Disqualification of applicants and licensees;
454 penalties against licensees; rulemaking authority.—

455 (9) Section 112.011(2) applies ~~112.011 does not apply~~ to
456 any applicants for licensure under the Florida Insurance Code,
457 including, but not limited to, agents, agencies, adjusters,
458 adjusting firms, or customer representatives.

459 Section 8. Subsection (7) of section 648.34, Florida
460 Statutes, is amended to read:

461 648.34 Bail bond agents; qualifications.—

462 (7) Section 112.011(2) applies ~~The provisions of s. 112.011~~
463 ~~do not apply~~ to bail bond agents or to applicants for licensure
464 as bail bond agents.

465 Section 9. This act shall take effect July 1, 2024.

466
467 ===== T I T L E A M E N D M E N T =====

468 And the title is amended as follows:

469 Delete everything before the enacting clause
470 and insert:

471 A bill to be entitled
472 An act relating to use of criminal history in
473 licensing; amending s. 112.011, F.S.; defining terms;
474 prohibiting the denial of a license, permit, or



475 certification because of an arrest for a crime not
476 followed by a conviction; authorizing a state agency
477 to defer a decision on an application for a license,
478 permit, or certification pending the resolution of
479 criminal charges against the applicant; revising the
480 circumstances under which a state agency may deny an
481 application for a license, permit, or certification by
482 reason of a prior conviction for a crime; providing
483 the circumstances and mitigating factors that an
484 agency must consider to determine whether granting a
485 license, permit, or certification to a person would
486 pose a direct and substantial risk to public safety;
487 requiring a state agency to provide an applicant with
488 a certain written notification to deny his or her
489 application for a license, permit, or certification on
490 the basis of a prior conviction; authorizing a person
491 to apply to a state agency at any time for a decision
492 as to whether his or her prior conviction disqualifies
493 him or her from obtaining a license, permit, or
494 certification; requiring the state agency to review
495 the application according to specified procedures and
496 make a certain determination; providing that a
497 decision that the person is not disqualified for a
498 specified license, permit, or certification is binding
499 on the agency unless certain conditions exist;
500 authorizing a state agency to charge a specified fee;
501 requiring the state to credit such fee for certain
502 applicants; requiring the agency to advise the person
503 of any actions he or she may take to remedy a



729916

504 disqualification; authorizing a person to submit a
505 revised application reflecting completion of certain
506 actions before a deadline the state agency sets in its
507 decision on the initial application; making technical
508 changes; amending s. 112.0111, F.S.; revising
509 legislative intent; revising state agency reporting
510 requirements; defining the term "conviction"; amending
511 s. 120.60, F.S.; requiring an agency to provide
512 applicants with certain written notice if the agency
513 intends to base its denial of an application for a
514 license on a prior conviction; providing requirements
515 for such notice; authorizing an applicant to submit a
516 rebuttal; requiring the agency to provide written
517 notice of its decision within a specified timeframe
518 after the deadline to submit such rebuttal; providing
519 that such decision is administratively and judicially
520 reviewable; providing requirements for notice of such
521 decision; requiring agencies to allow certain
522 applicants to withdraw their application from
523 consideration within a specified timeframe; providing
524 that such withdrawal is not adverse regulatory action;
525 authorizing notice of withdrawal to be given in
526 conjunction with other notices provided to the
527 applicant; making technical changes; amending ss.
528 310.071, 455.213, 562.13, 626.207, and 648.34, F.S.;
529 conforming provisions to changes made by the act;
530 providing an effective date.

By the Committee on Regulated Industries; and Senator Calatayud

580-02362-24

20241012c1

1 A bill to be entitled
 2 An act relating to employment of ex-offenders;
 3 amending s. 112.011, F.S.; authorizing a person to
 4 petition a state agency at any time for a decision as
 5 to whether his or her prior conviction disqualifies
 6 him or her from obtaining a license, permit, or
 7 certification; requiring the person to include a
 8 specified record or authorize the state agency to
 9 obtain such record; providing that a state agency's
 10 decision that the person is not disqualified for a
 11 specified license, permit, or certification is binding
 12 on the agency unless certain conditions exist;
 13 requiring the agency to advise the person, if
 14 disqualified, of any actions he or she may take to
 15 remedy the disqualification; authorizing the person to
 16 submit a revised petition reflecting completion of any
 17 remedial actions before a certain date; prohibiting a
 18 person from submitting a new petition to the state
 19 agency within a specified timeframe after a final
 20 decision is made; providing an effective date.
 21
 22 Be It Enacted by the Legislature of the State of Florida:
 23
 24 Section 1. Paragraph (d) is added to subsection (1) of
 25 section 112.011, Florida Statutes, to read:
 26 112.011 Disqualification from licensing and public
 27 employment based on criminal conviction.—
 28 (1)
 29 (d)1. Notwithstanding any other law, a person with a prior

Page 1 of 2

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

580-02362-24

20241012c1

30 conviction for a crime may petition a state agency at any time,
 31 including while in confinement, while under supervision, or
 32 before obtaining any required personal qualifications for a
 33 license, permit, or certification, for a decision as to whether
 34 the person's prior conviction for a crime would disqualify him
 35 or her from obtaining the license, permit, or certification. In
 36 the petition, the person must include a record of his or her
 37 prior conviction for a crime or must authorize the state agency
 38 to obtain such record.
 39 2. If a state agency reviews the petition submitted
 40 pursuant to subparagraph 1. and determines that a person is not
 41 disqualified for a license, permit, or certification, such
 42 decision is binding on the state agency in any later ruling on
 43 the person's formal application unless the information contained
 44 in the petition is found to be inaccurate or incomplete, or the
 45 person is subsequently convicted of a crime.
 46 3. If the state agency determines under subparagraph 1.
 47 that a person is disqualified for a license, permit, or
 48 certification, the agency must advise the person of any actions
 49 he or she may take to remedy the disqualification. The person
 50 may submit a revised petition reflecting completion of any
 51 remedial actions before a deadline set by the agency in its
 52 final decision on the petition.
 53 4. A person may not otherwise submit a new petition to the
 54 state agency until 1 year after a final decision on the initial
 55 petition is rendered or the person obtains the required
 56 qualifications for a license, permit, or certification,
 57 whichever is earlier.
 58 Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION	
BILL NUMBER:	SB 1012
BILL TITLE:	Employment of Ex-Offenders
BILL SPONSOR:	Senator Calatayud
EFFECTIVE DATE:	July 1, 2024

COMMITTEES OF REFERENCE
1) Regulated Industries
2) Criminal Justice
3) Fiscal Policy
4)
5)

CURRENT COMMITTEE
Regulated Industries

SIMILAR BILLS	
BILL NUMBER:	HB 751
SPONSOR:	Rep. Hunschosky

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	January 16, 2024
LEAD AGENCY ANALYST:	Lucy Saunders
ADDITIONAL ANALYST(S):	Ashley Black, Becky Bezemek
LEGAL ANALYST:	Jim Martin, Chris Bufano
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Employment of Ex-offenders; Prohibiting the denial of a license, permit, or certification because of an arrest for a crime not followed by a conviction; providing the circumstances and mitigating factors that an agency must consider to determine whether granting a license, permit, or certification to a person would pose a direct and substantial risk to public safety; authorizing a person to petition a state agency at any time for a decision as to whether his or her prior conviction disqualifies him or her from obtaining a license, permit, or certification; requiring an agency to provide applicants with certain written notice if the agency intends to base its denial of an application for a license on a prior conviction. The bill takes effect July 1, 2024.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Section 112.011, F.S., codifies disqualification from licensing and public employment based on criminal conviction.
2. **EFFECT OF THE BILL:** The bill amends s. 112.011, F.S., to revise the criteria a state agency (that exercises regulatory authority) must consider before denying a license, permit, or certification to a person previously convicted of a crime. This bill also amends s. 455.213, F.S., requiring the applicable board to use the process in s. 112.011(2), F.S., for review of an applicant's criminal record to determine his or her eligibility for licensure, a permit, or certification.
3. **DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES?** Y N

If yes, explain:	
What is the expected impact to the agency's core mission?	
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	
Date Due:	
Bill Section Number:	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y N

Board:	
Board Purpose:	
Who Appointments:	

Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	The number of potential applicants who may utilize the petition process prior to applying for a license, permit, or certification is unknown; as such, the Florida Department of Law Enforcement (FDLE) is unable to accurately report any potential change(s) in revenue.
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	
Expenditures:	The number of potential applicants who may utilize the petition process prior to applying for a license, permit, or certification is unknown; as such, FDLE is unable to accurately report the potential fiscal impact to the private sector.
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	

What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY’S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	The impact of the bill is unknown.
--	------------------------------------

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	.
--	---

LEGAL - GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments and recommended action:	<p>Lines 67-70: To align with the definition of “conviction” used in s. 943.0584(1), F.S., FDLE recommends changing the definition of “conviction” to the following:</p> <p align="center">"Conviction" means a determination of guilt that is the result of a plea or trial <u>or the entry of a plea of guilty or nolo contendere</u>, regardless of whether adjudication is withheld, under either the laws of this state or another jurisdiction.</p> <p>If left as is, there could be the argument that a nolo contendere plea would not be a determination of guilt on an adjudication withheld as the person is not contesting but not admitting guilt.</p> <p>Lines 167-192: This would require state agencies to give an advisory opinion on a person’s eligibility prior to the application which would then be binding on the agency. This could result in substantial litigation over what was actually known by the state agency at the time of the advisory opinion. The information in a background check could change at any time and it can have strong consequences to have that advisory opinion be binding on a state agency. This binding advisory opinion will also give rise to rights to a petitioner under chapter 120, F.S., to claim their substantial interests are effective and therefore entitled to a formal hearing at the Division of Administrative Hearings. This would require agencies to litigate the matter before an Administrative Law Judge.</p>
--	--

ADDITIONAL COMMENTS

- Lines 167 - 185: As written, it is unclear how the respective state agency will obtain the potential applicant’s criminal history record without initiating an application for licensing, permitting, certification, or employment, which may include the submission of fingerprints for a state and national criminal history record check (i.e., Level 2 background check) and other required qualifications. If the intent of the bill is to leverage the existing statutory screening authority of the

respective agency, it should be noted that continued access to national criminal history record information is reliant upon the Federal Bureau of Investigation's (FBI) approval of the legislative changes. As such, FDLE recommends providing clarification within the bill to explain how the respective state agency will obtain criminal history record information if it is not provided by the potential applicant.

However, if the intent of the bill is to allow applicants to undergo separate Florida (state-only) criminal history record checks (i.e., Level 1 background checks) prior to their application, FDLE also recommends stating so specifically within the bill. Level 1 background checks only verify if an individual has been arrested or convicted within the state of Florida; arrests and/or convictions that occur outside the state are not included in a state-only criminal history record check.

- While the impact of this bill does not necessitate additional FTE or other resources, this bill, in combination with additional criminal history record check bills, could rise to the level requiring additional staffing and other resources.

The Florida Senate

APPEARANCE RECORD

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

2/6/24

Meeting Date

Senate Criminal Justice

Committee

SB1012

Bill Number or Topic

729916 DE

Amendment Barcode (if applicable)

Name

Hon. Carlos J. Martinez-

11th Circuit Public Defender for Florida Public Defender Assoc.

Phone

850 488 6850

Address

103 N. Gadsden St.

Street

Email

ARichardson

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

2/6/2024

Meeting Date

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB1012

Bill Number or Topic

729916

Amendment Barcode (if applicable)

305 608 4300

Committee

Name

CHRISTIAN CAMARON

Phone

Address

PO Box 122

Email

Street

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:

INSTITUTE FOR JUSTICE

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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SB 1012

Bill Number or Topic

2/4/2023

Meeting Date

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name CHRISTIAN CAMARA

Phone (305) 608-4300

Address PO Box 122

Email CHRISTIAN@CHAUMBERCONSULTANTSFL.COM

Street

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:

INSTITUTE FOR JUSTICE

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

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

2/6/24

Meeting Date

The Florida Senate APPEARANCE RECORD

SB
2022

Bill Number or Topic

Deliver both copies of this form to
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Sen Criminal Justice
Committee

Amendment Barcode (if applicable)

Name

Katie Barnett ("Bow-Net")

Phone

850.339.9599

Address

1273 Seminole Dr

Email

kbarnett@safecand-just.org

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:

Alliance for Safety and Justice

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

CS/SB 1012

2/16/24

Meeting Date

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name Laurette Philipson - Florida Cares Phone 561-855-0833

Address 2048 Ponce De Leon Ave Email laurette@floridacarescharity.org

West Palm Beach FL 33407

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

Feb. 6, 2024

Meeting Date

Criminal Justice

Committee

Name Gus Corbella

Name

The Florida Senate

APPEARANCE RECORD

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

1012

Bill Number or Topic

Amendment Barcode (if applicable)

Address 101 E College Ave

Address

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-222-6891

Phone

Email corbella@gtlaw.com

Email

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 Rights Restoration Coalition

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

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

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2/6/24

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1012

Bill Number or Topic

CRIMINAL JUSTICE

Committee

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Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

ALBERT BALIDO

Phone

Address

201 W. PARK AVE

Email

Street

TALLAHASSEE FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

FL POLICY 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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 Criminal Justice

BILL: SB 1090

INTRODUCER: Senator Martin

SUBJECT: Unauthorized Sale of Alcoholic Beverages

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1090 increases the criminal penalties for the unlicensed or unlawful sale of alcoholic beverages under s. 562.12, F.S., which prohibits the sale of alcoholic beverages without a license or in a manner not permitted by the license. The bill increases the penalty for a violation of this provision from a second degree misdemeanor to a third degree felony.

The bill provides that any person who commits a second or subsequent violation of s. 562.12(1), F.S., commits a second degree felony.

The bill provides additional grounds for local nuisance abatement boards to declare a place or premises a public nuisance. A place or premises may be declared a public nuisance, if used on more than two occasions within a 6-month period, as the site of a violation of s. 562.12, F.S., relating to the unlicensed or unlawful sale of alcoholic beverages. Local nuisance abatement boards are authorized to prohibit specified nuisances, including ordering the closure of any place or premises that has been used as the site of certain specified nuisances, such as being the site of repeated controlled substances criminal violations.

The bill takes effect July 1, 2024.

II. Present Situation:

Alcoholic Beverages

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation (DBPR) administers and enforces the Beverage Law, which regulates the manufacture, distribution, and sale of wine, beer, and liquor. The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

Section 562.12(1), F.S., prohibits the sale of alcoholic beverages without a license issued by the division. An alcoholic beverage licensee may only sell alcoholic beverages in the manner permitted by her or his license. In addition, a licensee or other person who keeps or possesses alcoholic beverages not permitted to be sold by her or his license, or not permitted to be sold without a license, with intent to sell or dispose of same unlawfully, or any person who keeps and maintains a place where alcoholic beverages are sold unlawfully, is guilty of a second degree misdemeanor.¹

Section 562.12(2), F.S., provides that it is unlawful for any person to operate as an exporter² of alcoholic beverages within the state without registering as an exporter pursuant to s. 561.17, F.S. A person who violates this prohibition is guilty of a misdemeanor of the second degree.³

Section 561.01(4)(a), F.S., defines the term “alcoholic beverages” to mean distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.

Nuisance Abatement

Section 893.138, F.S., allows local governments to establish a nuisance abatement board to hear public nuisance complaints. These boards may take various administrative actions to abate a violence-related, drug-related, prostitution-related, or stolen property-related public nuisance and criminal gang activity, including a closure of the place or premises.

Under s. 893.138(5), F.S., a local administrative board created to address public nuisances may order the owner of such place or premises to adopt appropriate procedures to abate a nuisance, or enter an order immediately prohibiting:

- Maintaining the nuisance;
- Operating or maintaining the place or premises, including the closure or operation of the place or premises; and
- Conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

Section 893.138(2), F.S., lists criminal activities which, if committed at any place or premises during a specified period of time, may create a public nuisance. Such nuisance may be abated by order of a nuisance abatement board. Those properties subject to nuisance abatement by the board include any place or premises that has been used:

- On more than two occasions within a 6-month period as the site of a violation of s. 796.07, F.S., prohibiting prostitution;
- On more than two occasions within a 6-month period as a site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;

¹ Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides that a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

² Section 561.01(16), F.S., defines an “exporter” as “any person that sells alcoholic beverages to persons for use outside the state and includes a ship’s chandler and a duty-free shop.”

³ Section 561.17(4), F.S., requires persons to register with the division before engaging in the business of exporting alcoholic beverages.

- On one occasion as the site of a felony involving the unlawful possession of a controlled substance and that has been previously used as the site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;
- By a criminal street gang for a pattern of criminal street gang activity, as defined in s. 874.03, F.S.;
- On more than two occasions within a 6-month period for a violation of s. 812.019, F.S., relating to stolen property;
- On two or more occasions within a 6-month period, as the site of a violation of ch. 499, F.S., relating to the Florida Drug and Cosmetic Act; or
- On more than two occasions within a 6-month period, as the site of a violation of any combination of murder and other specified aggravated batteries.

Local governments may adopt an ordinance to:⁴

- Impose additional penalties for public nuisances, including fines not to exceed \$250 per day;
- Require the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances;
- Provide continuing jurisdiction for a period of one year over any place or premises that has been or is declared to be a public nuisance;
- Impose penalties, including fines not to exceed \$500 per day for recurring public nuisances;
- Require the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order;
- Provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and
- Provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. However a lien may not be created to foreclose on real property which is a homestead under s. 4, Art. X of the State Constitution.

The nuisance abatement board may also bring a complaint under s. 60.05, F.S., seeking temporary and permanent injunctive relief against any nuisance described in s. 893.138(2), F.S.

Section 60.05, F.S., also provides a process for an Attorney General, state attorney, city attorney, county attorney, sheriff, or any citizen of the county to sue in the name of the state on his or her relation to enjoin the nuisance, the person or persons maintaining it, and the owner or agent of the building or ground on which the nuisance exists. For other types of public nuisances such as the disposal of dead animals, the abandonment of refrigerators and other appliances, and abandoned or derelict vessels, ch. 823, F.S., provides penalties for the maintenance of those nuisances.

III. Effect of Proposed Changes:

The bill increases the criminal penalties for the unlicensed or unlawful sale of alcoholic beverages under s. 562.12, F.S., which prohibits the sale of alcoholic beverages without a license or in a manner not permitted by the license. The bill increases the penalty for a violation of this

⁴ Section 893.138(11), F.S.

provision from a second degree misdemeanor to a third degree felony.⁵ A fine of at least \$5,000 but not more than \$10,000 is imposed.

The bill provides that any person who commits a second or subsequent violation of s. 562.12(1), F.S., commits a second degree felony.⁶ A fine of at least \$15,000 but not more than \$20,000 is imposed.

The bill amends s. 893.138(2), F.S., to provide that a place or premises may be declared a public nuisance, if used on more than two occasions within a 6-month period, as the site of a violation of s. 562.12, F.S., relating to the unlicensed or unlawful sale of alcoholic beverages.

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.

⁵ Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁶ Section 775.082, F.S., provides that a felony of the second degree is punishable by a term of imprisonment not exceeding 15 years. Section 775.083, F.S., provides that a felony of the second degree is punishable by a fine not exceeding \$10,000.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Representatives from the Orange County Sheriff indicated that many after-hours clubs and hookah lounges serve alcoholic beverages without a liquor license and that the current penalty of a second degree misdemeanor has had little deterrent effect.⁷ Persons consume alcohol all night long and shootings and other crimes have been committed at these establishments.⁸

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 562.12 and 893.138.

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.

⁷ See Orange County Sheriff calls for legislative changes to combat illegal alcohol sales, *Orlando Spectrum News13*, (Oct. 31, 2023), available at: <https://mynews13.com/fl/orlando/news/2023/10/31/orange-county-sheriff-calls-for-legislative-changes-to-combat-illegal-alcohol-sales> (last visited February 2, 2024).

⁸ *Id.*

By Senator Martin

33-01407-24

20241090__

A bill to be entitled

An act relating to the unauthorized sale of alcoholic beverages; amending s. 562.12, F.S.; revising the punishment for the unlawful sale of alcoholic beverages; amending s. 893.138, F.S.; revising the activities that may be declared a public nuisance under local administrative actions to abate certain activities to include persons who commit the unlicensed or unlawful sale of alcoholic beverages more than a specified number of times within a specified period; providing an effective date.

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

Section 1. Present subsections (2), (3), and (4) of section 562.12, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, a new subsection (2) is added to that section, and subsection (1) of that section is amended, to read:

562.12 Beverages sold with improper license, or without license or registration, or held with intent to sell prohibited.—

(1) It is unlawful for any person to sell alcoholic beverages without a license, and it is unlawful for any licensee to sell alcoholic beverages except as permitted by her or his license, or to sell such beverages in any manner except that permitted by her or his license; and any licensee or other person who keeps or possesses alcoholic beverages not permitted to be sold by her or his license, or not permitted to be sold

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

33-01407-24

20241090__

without a license, with intent to sell or dispose of same unlawfully, or who keeps and maintains a place where alcoholic beverages are sold unlawfully, commits ~~is guilty of a felony of~~ the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must pay a fine of not less than \$5,000 and not more than \$10,000 ~~misdeemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

(2) Any person who commits a second or subsequent violation of subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must pay a fine of not less than \$15,000 and not more than \$20,000.

Section 2. Subsection (2) of section 893.138, Florida Statutes, is amended to read:

893.138 Local administrative action to abate certain activities declared public nuisances.—

(2) Any place or premises that has been used:

(a) On more than two occasions within a 6-month period, as the site of a violation of s. 796.07;

(b) On more than two occasions within a 6-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(c) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(d) By a criminal gang for the purpose of conducting criminal gang activity as defined by s. 874.03;

Page 2 of 3

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

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20241090__

59 (e) On more than two occasions within a 6-month period, as
60 the site of a violation of s. 812.019, relating to dealing in
61 stolen property;

62 (f) On two or more occasions within a 6-month period, as
63 the site of a violation of chapter 499; ~~or~~

64 (g) On more than two occasions within a 6-month period, as
65 the site of a violation of any combination of the following:

66 1. Section 782.04, relating to murder;
67 2. Section 782.051, relating to attempted felony murder;
68 3. Section 784.045(1)(a)2., relating to aggravated battery
69 with a deadly weapon; ~~or~~

70 4. Section 784.021(1)(a), relating to aggravated assault
71 with a deadly weapon without intent to kill; ~~or~~

72 (h) On more than two occasions within a 6-month period, as
73 the site of a violation of s. 562.12, relating to the unlicensed
74 or unlawful sale of alcoholic beverages,

75
76 may be declared to be a public nuisance, and such nuisance may
77 be abated pursuant to the procedures provided in this section.

78 Section 3. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

1090

Bill Number or Topic

2/6/24

Meeting Date

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

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name DAVID ROBERTS

Phone 850-443-4820

Address 210 S. MONROE ST.

Email david@norrob.com

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 INDEPENDENT SPIRITS ASSOCIATION

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

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

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

SB 1090

Bill Number or Topic

2/6/24

Meeting Date

CS

Committee

Amendment Barcode (if applicable)

Name Abby Hilley, Lt

Phone 321-229-7084

Address 2500 W. Colonial Dr. Street

Email abby.hilley@ocsofl.com

Orlando City

FL State

32804 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.

[X] I am a registered lobbyist, representing: Orange County Sheriff's Office - Sheriff John Mina

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1154

INTRODUCER: Criminal Justice Committee and Senator Simon

SUBJECT: Probation and Community Control Violations

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Fav/CS
2.	_____	_____	ACJ	_____
3.	_____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1154 amends s. 948.06, F.S., to revise provisions related to probation and the Alternative Sanctioning Program (ASP). The bill requires a court to modify or continue, rather than revoke probation, if a probationer meets specified criteria. The bill includes as part of that criteria that the probationer has not been found in violation on two or more separate occasions. A court may modify probation and include up to 90 days jail for a first violation and up to 120 days for a second violation, as a condition of probation.

If the violation is a low risk violation, the court must hold a hearing on a violation of probation within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later. If the hearing is not held within 30 days, the court must release the probationer or offender without bail unless the court determines that the hearing was not held in the applicable time frame due to circumstances attributable to the probationer or offender. The court may impose nonmonetary conditions of release.

The bill amends s. 921.0024, F.S., to provide that if a community sanction violation is committed by a felony offender and such community sanction violation is resolved through the alternative sanctioning program, no points are assessed. If a community sanction violation that has not been resolved through the alternative sanctioning program is before the court, no points are assessed for prior violations that were resolved through the alternative sanctioning program.

The Legislature's Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a negative indeterminate impact due to the possible increased use of alternative sanctions programs. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2024

II. Present Situation:

Probation and Community Control

Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.¹ Community control is a more intensive form of supervision involving an individualized program that restricts the offender's movement within the community, home, or residential placement.²

Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law.³ The court may also impose special conditions, such as community service hours, regular drug or alcohol testing, no contact orders, and treatment programs.⁴ Failure to meet any condition of supervision is a violation of probation or community control (VOP).

Generally, upon a finding that an offender violated probation or community control, the court may revoke, modify, or continue supervision.⁵ If the court revokes supervision, it may impose any sentence that was permissible at the offender's initial sentencing.⁶

If a violent felony offender of special concern (VFOSC)⁷ commits a VOP and the court finds the VFOSC poses a danger to the community, the court must revoke probation and sentence the offender up to the statutory maximum, or longer if permitted by law.⁸

When a person is arrested for committing a crime, he or she is generally entitled to pretrial release on reasonable conditions under the Florida Constitution.⁹ However, a person taken into custody for a VOP does not have a constitutional right to release pending the disposition of the VOP.¹⁰ If the offender qualifies as a VFOSC, the court is prohibited from granting pretrial release.¹¹

¹ Section 948.001(8), F.S.

² Section 948.001(3), F.S.

³ Section 948.03(1), F.S.

⁴ Section 948.03(2), F.S.

⁵ Section 948.06(2)(a), F.S.

⁶ Section 948.06(2)(b), F.S.

⁷ A VFOSC is an offender who commits a specified qualifying offense or is in a special status like habitual violent felony offender and meets other specified criteria. Examples of qualified offenses include murder, kidnapping, and sexual battery. For a complete list of criteria, see s. 948.06(8), F.S.

⁸ Section 948.06(8)(e)2.a., F.S.

⁹ Art. I, s. 14, Fla. Const. Exceptions include when a person is charged with a capital offense or offense punishable by life and the proof of guilt is evident or the presumption is great, or if no conditions can reasonably protect the community from risk of physical harm.

¹⁰ *Bernhardt v. State*, 288 So. 2d 490, 497 (Fla. 1974).

¹¹ Section 903.0351(1)(a), F.S.

Alternative Sanctioning Program

Section 948.06(9), F.S., requires each judicial circuit to establish an alternative sanctioning program (ASP) as provided in that subsection. The chief judge of each judicial circuit may, by administrative order, define additional sanctions or eligibility criteria and specify the process for reporting technical violations through the alternative sanctioning program. Any sanctions recommended for imposition through an alternative sanctions program must be submitted to the court by the probation officer for approval before imposing the sanction.¹²

If a probationer or offender on community control commits a technical violation, the probation officer must determine whether the probationer or offender on community control is eligible for the ASP. If the probation officer determines that the probationer or offender on community control is eligible, the probation officer may proceed with the ASP in lieu of filing an affidavit of violation with the court. For purposes of s. 948.06, F.S., the term “technical violation” means an alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.¹³

The ASP identifies eligible offenders, eligible violations, and permissible sanctions. Eligible violations are classified as either low-risk or moderate-risk.

Low-risk violations only apply to probationers, not offenders on community control, and include:

- A positive drug or alcohol test result;
- Failure to report to the probation office;
- Failure to report a change in address or other required information;
- Failure to attend a required class, treatment or counseling session, or meeting;
- Failure to submit to a drug or alcohol test;
- Violation of curfew;
- Failure to meet a monthly quota for any required probation condition, including making restitution payments, paying court costs, and completing community service hours;
- Leaving the county without permission;
- Failure to report a change in employment;
- Associating with people engaged in criminal activity; or
- Any other violation as determined by administrative order of the chief judge of the circuit.¹⁴

Moderate-risk violations include:

- Any violation classified as low-risk when committed by an offender on community control;
- Failure to remain at an approved residence by an offender on community control;
- A third low-risk violation by a probationer; or
- Any other violation as determined by administrative order of the chief judge of the circuit.¹⁵

¹² Section 948.06(9)(a), F.S.

¹³ Section 948.06(1)(c), F.S.

¹⁴ Section 948.06(9)(b), F.S.

¹⁵ Section 948.06(9)(c), F.S.

Participation in an ASP is voluntary.¹⁶ However, in no circumstance does participation in an ASP convert a withhold of adjudication into an adjudication of guilt.¹⁷

If a probationer or offender on community control is eligible for the ASP, he or she may:

- Waive participation in the program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court; or
- Elect to participate in the ASP after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, and admit the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:
 - Be represented by legal counsel.
 - Require the state to prove his or her guilt before a neutral and detached hearing body.
 - Subpoena witnesses and present to a judge evidence in his or her defense.
 - Confront and cross-examine adverse witnesses.
 - Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.¹⁸

If the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court with documentation reflecting the probationer's admission to the technical violation and agreement with the recommended sanction.¹⁹

The court may impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the court.²⁰

If a probationer or offender on community control waives or discontinues participation in the program or fails to successfully complete all alternative sanctions within 90 days after imposition or within the timeframe specified in the agreed-upon sanction, the probation officer may submit a violation report, affidavit, and warrant to the court. A prior admission by the probationer or offender on community control to a technical violation may not be used as evidence in subsequent proceedings.²¹

The permissible sanctions correspond to the violation risk level. For example, a probation officer may impose sanctions such as additional community service hours, counseling or treatment, drug testing, or curfew in response to a low-risk violation.²² In response to a moderate-risk violation, examples of additional sanctions include residential treatment or electronic monitoring for up to 90 days or a maximum jail sentence of up to 21 days.²³ Such responses are designed to be

¹⁶ Section 948.06(9)(g), F.S.

¹⁷ Section 948.06(9)(e)9.b. and (f)7.b., F.S.

¹⁸ Section 948.06(9)(h)1., F.S.

¹⁹ Section 948.06(9)(h)2., F.S.

²⁰ Section 948.06(9)(i), F.S.

²¹ Section 948.06(9)(j), F.S.

²² Section 948.06(9)(e), F.S.

²³ Section 948.06(9)(f), F.S.

proportional to the severity of the technical violation and to directly respond to the nature of the technical violation.

Offenders are disqualified from alternative sanctioning under any of the following circumstances:

- The offender is a VFOSC;
- The violation is a felony, misdemeanor, or criminal traffic offense;
- The violation is absconding;
- The violation is of a stay-away order or no-contact order;
- The violation is not identified as low-risk or moderate-risk by statute or administrative order;
- The offender has a prior moderate-risk level violation during the same term of supervision;
- The offender has three prior low-risk level violations during the same term of supervision;
- The term of probation is scheduled to terminate in less than 90 days; or
- The terms of the sentence prohibit alternative sanctioning.²⁴

Court Modification of Probation Order and Jail Term for Low-Risk Violation

Section 948.06(2)(f), F.S., requires a court to modify probation and imposes a 90-day jail cap for specified probationers appearing before a court for committing a low-risk technical violation. Unless waived by a defendant, a court is required to modify or continue a probationary term, when all of the following apply:

- The term of supervision is probation, rather than community control.
- The probationer does not qualify as a violent felony offender of special concern.
- The violation is a low-risk technical violation.
- The court has not previously found the probationer in violation of probation during the current term of supervision.

If a probationer has less than 90 days of supervision remaining on his or her term of probation and meets the criteria for mandatory modification of probation, a court may revoke probation and sentence the probationer to 90 days in county jail.²⁵

Criminal Punishment Code and Community Sanction Violation Points

The Criminal Punishment Code²⁶ (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (levels 1-10).²⁷ Points are assigned and accrue based upon the severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates and points may also be added or multiplied for other enumerated factors. The lowest permissible sentence is when the total sentence points are equal to or less than 44 points is any non-state prison sanction, unless the court determines that a prison sentence is appropriate. If the total sentence points exceed 44 points, the lowest permissible sentence in prison months is

²⁴ Section 948.06(9)(d), F.S.

²⁵ Section 948.06(2)(f)3., F.S.

²⁶ 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.

²⁷ 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.

calculated by a specified formula.²⁸ Absent mitigation,²⁹ the permissible sentencing range under the Code is generally the lowest permissible sentence up to and including the maximum penalty provided under s. 775.082, F.S.³⁰

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

- If the community sanction violation includes a new felony conviction before the sentencing court, 12 community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.
- If the community sanction violation is committed by a VFOSC:
 - Twelve community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where:
 - The violation does not include a new felony conviction; and
 - The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.
 - Twenty-four 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.³¹

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.³²

III. Effect of Proposed Changes:

The bill amends s. 948.06, F.S., to revise provisions related to probation and the Alternative Sanctioning Program (ASP). The bill requires a court to modify or continue, rather than revoke probation, if a probationer meets specified criteria. The bill includes as part of that criteria that the probationer has not been found in violation on two or more separate occasions. A court may modify probation and include up to 90 days jail for a first violation and up to 120 days for a second violation, as a condition of probation.

If the violation is a low risk violation, the court must hold a hearing on a violation of probation within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later. If the hearing is not held within 30 days, the court must release the probationer or offender without bail unless the court determines that the hearing was not held in the applicable time frame due to circumstances attributable to the probationer or offender. The court may impose nonmonetary conditions of release.

²⁸ Section 921.0024, F.S., provides the formula is the total sentence points minus 28 times 0.75.

²⁹ 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.

³⁰ 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.

³¹ Section 921.0024(1)(b), F.S.

³² *Id.*

The bill amends s. 921.0024, F.S., to provide that if a community sanction violation is committed by a felony offender and such community sanction violation is resolved through the alternative sanctioning program, no points are assessed. If a community sanction violation that has not been resolved through the alternative sanctioning program is before the court, no points are assessed for prior violations that were resolved through the alternative sanctioning program.

The bill provides an effective date of July 1, 2024.

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 Legislature's Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a negative indeterminate impact due to the possible increased use of alternative sanctions programs.³³

³³ Office of Economic and Demographic Research *SB 1154 Preliminary Estimate*, (on file with the Senate Committee on Criminal Justice).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 921.0024 and 948.06.

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 February 6, 2024:

The committee substitute:

- Restructures and clarifies the intent of the language. Under the amendment if any community sanction violation is resolved through the alternative sanctioning program, no points are assessed.

- B. **Amendments:**

None.



555360

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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:



555360

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

15

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

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

26 2. If the community sanction violation is committed by a
27 violent felony offender of special concern as defined in s.
28 948.06:

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

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

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

37 b. Twenty-four (24) community sanction violation points are
38 assessed for the violation and for each successive violation of
39 felony probation or community control where the violation



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40 includes a new felony conviction.

41

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

45

46 If the community sanction violation is resolved through the
47 alternative sanctioning program under s. 948.06(9), no points
48 are assessed. If a community sanction violation not resolved
49 through the alternative sanctioning program is before the court,
50 no points are assessed for prior violations that were resolved
51 through the alternative sanctioning program.

52

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

65

66 Prior capital felony points: If the offender has one or more
67 prior capital felonies in the offender's criminal record, points
68 shall be added to the subtotal sentence points of the offender



555360

69 equal to twice the number of points the offender receives for
70 the primary offense and any additional offense. A prior capital
71 felony in the offender's criminal record is a previous capital
72 felony offense for which the offender has entered a plea of nolo
73 contendere or guilty or has been found guilty; or a felony in
74 another jurisdiction which is a capital felony in that
75 jurisdiction, or would be a capital felony if the offense were
76 committed in this state.

77
78 Possession of a firearm, semiautomatic firearm, or machine gun:
79 If the offender is convicted of committing or attempting to
80 commit any felony other than those enumerated in s. 775.087(2)
81 while having in his or her possession: a firearm as defined in
82 s. 790.001, an additional eighteen (18) sentence points are
83 assessed; or if the offender is convicted of committing or
84 attempting to commit any felony other than those enumerated in
85 s. 775.087(3) while having in his or her possession a
86 semiautomatic firearm as defined in s. 775.087(3) or a machine
87 gun as defined in s. 790.001, an additional twenty-five (25)
88 sentence points are assessed.

89
90 Sentencing multipliers:

91
92 Drug trafficking: If the primary offense is drug trafficking
93 under s. 893.135, the subtotal sentence points are multiplied,
94 at the discretion of the court, for a level 7 or level 8
95 offense, by 1.5. The state attorney may move the sentencing
96 court to reduce or suspend the sentence of a person convicted of
97 a level 7 or level 8 offense, if the offender provides



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98 substantial assistance as described in s. 893.135(4).

99

100 Violent offenses committed against specified justice system
101 personnel: If the primary offense is a violation of s.
102 775.0823(2), (3), or (4), the subtotal sentence points are
103 multiplied by 2.5. If the primary offense is a violation of s.
104 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
105 are multiplied by 2.0. If the primary offense is a violation of
106 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
107 subtotal sentence points are multiplied by 1.5.

108

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

114

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

124

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



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

132

133 Adult-on-minor sex offense: If the offender was 18 years of age
134 or older and the victim was younger than 18 years of age at the
135 time the offender committed the primary offense, and if the
136 primary offense was an offense committed on or after October 1,
137 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
138 violation involved a victim who was a minor and, in the course
139 of committing that violation, the defendant committed a sexual
140 battery under chapter 794 or a lewd act under s. 800.04 or s.
141 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
142 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
143 800.04; or s. 847.0135(5), the subtotal sentence points are
144 multiplied by 2.0. If applying the multiplier results in the
145 lowest permissible sentence exceeding the statutory maximum
146 sentence for the primary offense under chapter 775, the court
147 may not apply the multiplier and must sentence the defendant to
148 the statutory maximum sentence.

149 Section 2. Paragraph (f) of subsection (2) and subsection
150 (4) of section 948.06, Florida Statutes, are amended to read:

151 948.06 Violation of probation or community control;
152 revocation; modification; continuance; failure to pay
153 restitution or cost of supervision.—

154 (2)

155 (f)1. Except as provided in subparagraph 3. or upon waiver



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156 by the probationer, the court shall modify or continue a
157 probationary term upon finding a probationer in violation when
158 all of the following apply:

159 a. The term of supervision is probation.

160 b. The probationer does not qualify as a violent felony
161 offender of special concern, as defined in paragraph (8) (b).

162 c. The violation is a low-risk technical violation, as
163 defined in paragraph (9) (b).

164 d. The court has not, on two or more separate occasions,
165 previously found the probationer in violation of his or her
166 probation pursuant to a filed violation of probation affidavit
167 during the current term of supervision. A probationer who has
168 successfully completed sanctions through the alternative
169 sanctioning program is eligible for mandatory modification or
170 continuation of his or her probation.

171 2. Upon modifying probation under subparagraph 1., the
172 court may include in the sentence a maximum of 90 days in county
173 jail as a special condition of probation. If the court has
174 previously found the probationer in violation of his or her
175 probation and modified probation with up to 90 days in county
176 jail as a special condition of probation, it may, upon
177 modification of probation under subparagraph 1., include in the
178 sentence a maximum of 120 days in county jail as a special
179 condition of probation.

180 3. Notwithstanding s. 921.0024, if a probationer meets the
181 criteria for mandatory modification in subparagraph 1. but has
182 less time on supervision remaining than the number of days in
183 jail authorized in subparagraph 2. ~~than 90 days of supervision~~
184 remaining on his or her term of probation and meets the criteria



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185 ~~for mandatory modification or continuation in subparagraph 1.,~~
186 the court may revoke probation and sentence the probationer to a
187 maximum of 90 or 120 days in county jail as provided in
188 subparagraph 2.

189 4. For purposes of imposing a jail sentence under this
190 paragraph only, the court may grant credit only for time served
191 in the county jail since the probationer's most recent arrest
192 for the violation. However, the court may not order the
193 probationer to a total term of incarceration greater than the
194 maximum provided by s. 775.082.

195 (4) Notwithstanding any other provision of this section, a
196 felony probationer or an offender in community control who is
197 arrested for violating his or her probation or community control
198 in a material respect may be taken before the court in the
199 county or circuit in which the probationer or offender was
200 arrested. That court shall advise him or her of the charge of a
201 violation and, if such charge is admitted, shall cause him or
202 her to be brought before the court that granted the probation or
203 community control. If the violation is not admitted by the
204 probationer or offender, the court may commit him or her or
205 release him or her with or without bail to await further
206 hearing. However, if the probationer or offender is under
207 supervision for any criminal offense proscribed in chapter 794,
208 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
209 registered sexual predator or a registered sexual offender, or
210 is under supervision for a criminal offense for which he or she
211 would meet the registration criteria in s. 775.21, s. 943.0435,
212 or s. 944.607 but for the effective date of those sections, the
213 court must make a finding that the probationer or offender is



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214 not a danger to the public prior to release with or without
215 bail. In determining the danger posed by the offender's or
216 probationer's release, the court may consider the nature and
217 circumstances of the violation and any new offenses charged; the
218 offender's or probationer's past and present conduct, including
219 convictions of crimes; any record of arrests without conviction
220 for crimes involving violence or sexual crimes; any other
221 evidence of allegations of unlawful sexual conduct or the use of
222 violence by the offender or probationer; the offender's or
223 probationer's family ties, length of residence in the community,
224 employment history, and mental condition; his or her history and
225 conduct during the probation or community control supervision
226 from which the violation arises and any other previous
227 supervisions, including disciplinary records of previous
228 incarcerations; the likelihood that the offender or probationer
229 will engage again in a criminal course of conduct; the weight of
230 the evidence against the offender or probationer; and any other
231 facts the court considers relevant. The court, as soon as is
232 practicable, shall give the probationer or offender an
233 opportunity to be fully heard on his or her behalf in person or
234 by counsel. If the alleged violation is a low-risk violation, as
235 defined in paragraph (9)(b), the court shall, within 30 days
236 after the probationer's or offender's arrest, give the
237 probationer or offender an opportunity to be fully heard on his
238 or her behalf in person or by counsel. If a hearing is not held
239 within 30 days after such arrest, the court must release the
240 probationer or offender without bail unless the court finds that
241 a hearing was not held in the applicable timeframe due to
242 circumstances attributable to the probationer or offender. If



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243 the probationer or offender is released, the court may impose
244 nonmonetary conditions of release. After the hearing, the court
245 shall make findings of fact and forward the findings to the
246 court that granted the probation or community control and to the
247 probationer or offender or his or her attorney. The findings of
248 fact by the hearing court are binding on the court that granted
249 the probation or community control. Upon the probationer or
250 offender being brought before it, the court that granted the
251 probation or community control may revoke, modify, or continue
252 the probation or community control or may place the probationer
253 into community control as provided in this section. However, the
254 probationer or offender shall not be released and shall not be
255 admitted to bail, but shall be brought before the court that
256 granted the probation or community control if any violation of
257 felony probation or community control other than a failure to
258 pay costs or fines or make restitution payments is alleged to
259 have been committed by:

260 (a) A violent felony offender of special concern, as
261 defined in this section;

262 (b) A person who is on felony probation or community
263 control for any offense committed on or after March 12, 2007,
264 ~~the effective date of this act~~ and who is arrested for a
265 qualifying offense as defined in this section; or

266 (c) A person who is on felony probation or community
267 control and has previously been found by a court to be a
268 habitual violent felony offender as defined in s. 775.084(1)(b),
269 a three-time violent felony offender as defined in s.
270 775.084(1)(c), or a sexual predator under s. 775.21, and who is
271 arrested for committing a qualifying offense as defined in this



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272 section on or after March 12, 2007 ~~the effective date of this~~
273 ~~act.~~

274 Section 3. This act shall take effect July 1, 2024.

275

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

277 And the title is amended as follows:

278 Delete everything before the enacting clause
279 and insert:

280 A bill to be entitled
281 An act relating to probation and community control
282 violations; amending s. 921.0024, F.S.; revising the
283 sentencing score sheet to reflect the absence of
284 community sanction points assessed in certain
285 circumstances; amending s. 948.06, F.S.; revising
286 sanctions for probation violations; providing for
287 hearings within a specified time period for low-risk
288 probation or community control violations; providing
289 for the release of offenders in certain circumstances
290 if a hearing is not held; providing for nonmonetary
291 conditions of release; making technical changes;
292 providing an effective date.

By Senator Simon

3-01514-24

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1 A bill to be entitled
 2 An act relating to probation and community control
 3 violations; amending s. 921.0024, F.S.; revising the
 4 sentencing score sheet to reflect the absence of
 5 community sanction points assessed in certain
 6 circumstances; amending s. 948.06, F.S.; revising
 7 sanctions for probation violations; providing for
 8 hearings within a specified time period for low-risk
 9 probation or community control violations; providing
 10 for the release of offenders in certain circumstances
 11 if a hearing is not held; providing for nonmonetary
 12 conditions of release; making technical changes;
 13 providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Paragraph (b) of subsection (1) of section
 18 921.0024, Florida Statutes, is amended to read:
 19 921.0024 Criminal Punishment Code; worksheet computations;
 20 scoresheets.—
 21 (1)
 22 (b) WORKSHEET KEY:
 23 Legal status points are assessed when any form of legal status
 24 existed at the time the offender committed an offense before the
 25 court for sentencing. Four (4) sentence points are assessed for
 26 an offender's legal status.
 27
 28 Community sanction violation points are assessed when a
 29 community sanction violation is before the court for sentencing.

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30 Six (6) sentence points are assessed for each community sanction
 31 violation and each successive community sanction violation,
 32 unless any of the following apply:
 33 1. If the community sanction violation includes a new
 34 felony conviction before the sentencing court, twelve (12)
 35 community sanction violation points are assessed for the
 36 violation, and for each successive community sanction violation
 37 involving a new felony conviction.
 38 2. If the community sanction violation is committed by a
 39 violent felony offender of special concern as defined in s.
 40 948.06:
 41 a. Twelve (12) community sanction violation points are
 42 assessed for the violation and for each successive violation of
 43 felony probation or community control where:
 44 I. The violation does not include a new felony conviction;
 45 and
 46 II. The community sanction violation is not based solely on
 47 the probationer or offender's failure to pay costs or fines or
 48 make restitution payments.
 49 b. Twenty-four (24) community sanction violation points are
 50 assessed for the violation and for each successive violation of
 51 felony probation or community control where the violation
 52 includes a new felony conviction. If the community sanction
 53 violation is resolved through the alternative sanctioning
 54 program under s. 948.06(9), no points are assessed. If a
 55 community sanction violation that has not been resolved through
 56 the alternative sanctioning program is before the court, no
 57 points are assessed for prior violations that were resolved
 58 through the alternative sanctioning program.

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~~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.

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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 are multiplied by 2.0. If the primary offense is a violation of

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117 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
 118 subtotal sentence points are multiplied by 1.5.
 119

120 Grand theft of a motor vehicle: If the primary offense is grand
 121 theft of the third degree involving a motor vehicle and in the
 122 offender's prior record, there are three or more grand thefts of
 123 the third degree involving a motor vehicle, the subtotal
 124 sentence points are multiplied by 1.5.
 125

126 Offense related to a criminal gang: If the offender is convicted
 127 of the primary offense and committed that offense for the
 128 purpose of benefiting, promoting, or furthering the interests of
 129 a criminal gang as defined in s. 874.03, the subtotal sentence
 130 points are multiplied by 1.5. If applying the multiplier results
 131 in the lowest permissible sentence exceeding the statutory
 132 maximum sentence for the primary offense under chapter 775, the
 133 court may not apply the multiplier and must sentence the
 134 defendant to the statutory maximum sentence.
 135

136 Domestic violence in the presence of a child: If the offender is
 137 convicted of the primary offense and the primary offense is a
 138 crime of domestic violence, as defined in s. 741.28, which was
 139 committed in the presence of a child under 16 years of age who
 140 is a family or household member as defined in s. 741.28(3) with
 141 the victim or perpetrator, the subtotal sentence points are
 142 multiplied by 1.5.
 143

144 Adult-on-minor sex offense: If the offender was 18 years of age
 145 or older and the victim was younger than 18 years of age at the

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146 time the offender committed the primary offense, and if the
 147 primary offense was an offense committed on or after October 1,
 148 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
 149 violation involved a victim who was a minor and, in the course
 150 of committing that violation, the defendant committed a sexual
 151 battery under chapter 794 or a lewd act under s. 800.04 or s.
 152 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
 153 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 154 800.04; or s. 847.0135(5), the subtotal sentence points are
 155 multiplied by 2.0. If applying the multiplier results in the
 156 lowest permissible sentence exceeding the statutory maximum
 157 sentence for the primary offense under chapter 775, the court
 158 may not apply the multiplier and must sentence the defendant to
 159 the statutory maximum sentence.

160 Section 2. Paragraph (f) of subsection (2) and subsection
 161 (4) of section 948.06, Florida Statutes, are amended to read:
 162 948.06 Violation of probation or community control;
 163 revocation; modification; continuance; failure to pay
 164 restitution or cost of supervision.—
 165 (2)
 166 (f)1. Except as provided in subparagraph 3. or upon waiver
 167 by the probationer, the court shall modify or continue a
 168 probationary term upon finding a probationer in violation when
 169 all of the following apply:
 170 a. The term of supervision is probation.
 171 b. The probationer does not qualify as a violent felony
 172 offender of special concern, as defined in paragraph (8)(b).
 173 c. The violation is a low-risk technical violation, as
 174 defined in paragraph (9)(b).

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175 d. The court has not, on two or more separate occasions,
 176 previously found the probationer in violation of his or her
 177 probation pursuant to a filed violation of probation affidavit
 178 during the current term of supervision. A probationer who has
 179 successfully completed sanctions through the alternative
 180 sanctioning program is eligible for mandatory modification or
 181 continuation of his or her probation.

182 2. Upon modifying probation under subparagraph 1., the
 183 court may include in the sentence a maximum of 90 days in county
 184 jail as a special condition of probation. If the court has
 185 previously found the probationer in violation of his or her
 186 probation and modified probation with up to 90 days in county
 187 jail as a special condition of probation, it may, upon
 188 modification of probation under subparagraph 1., include in the
 189 sentence a maximum of 120 days in county jail as a special
 190 condition of probation.

191 ~~3.2-~~ Upon modifying probation under subparagraph 1., the
 192 court may include in the sentence a maximum of 90 days in county
 193 jail as a special condition of probation.

194 ~~4.3-~~ Notwithstanding s. 921.0024, if a probationer meets
 195 the criteria for mandatory modification in subparagraph 1. but
 196 has less time on supervision remaining than the number of days
 197 in jail authorized in subparagraph 2. than 90 days of
 198 supervision remaining on his or her term of probation and meets
 199 the criteria for mandatory modification or continuation in
 200 subparagraph 1., the court may revoke probation and sentence the
 201 probationer to a maximum of 90 or 120 days in county jail as
 202 provided in subparagraph 2.

203 ~~5.4-~~ For purposes of imposing a jail sentence under this

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204 paragraph only, the court may grant credit only for time served
 205 in the county jail since the probationer's most recent arrest
 206 for the violation. However, the court may not order the
 207 probationer to a total term of incarceration greater than the
 208 maximum provided by s. 775.082.

209 (4) Notwithstanding any other provision of this section, a
 210 felony probationer or an offender in community control who is
 211 arrested for violating his or her probation or community control
 212 in a material respect may be taken before the court in the
 213 county or circuit in which the probationer or offender was
 214 arrested. That court shall advise him or her of the charge of a
 215 violation and, if such charge is admitted, shall cause him or
 216 her to be brought before the court that granted the probation or
 217 community control. If the violation is not admitted by the
 218 probationer or offender, the court may commit him or her or
 219 release him or her with or without bail to await further
 220 hearing. However, if the probationer or offender is under
 221 supervision for any criminal offense proscribed in chapter 794,
 222 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
 223 registered sexual predator or a registered sexual offender, or
 224 is under supervision for a criminal offense for which he or she
 225 would meet the registration criteria in s. 775.21, s. 943.0435,
 226 or s. 944.607 but for the effective date of those sections, the
 227 court must make a finding that the probationer or offender is
 228 not a danger to the public prior to release with or without
 229 bail. In determining the danger posed by the offender's or
 230 probationer's release, the court may consider the nature and
 231 circumstances of the violation and any new offenses charged; the
 232 offender's or probationer's past and present conduct, including

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233 convictions of crimes; any record of arrests without conviction
 234 for crimes involving violence or sexual crimes; any other
 235 evidence of allegations of unlawful sexual conduct or the use of
 236 violence by the offender or probationer; the offender's or
 237 probationer's family ties, length of residence in the community,
 238 employment history, and mental condition; his or her history and
 239 conduct during the probation or community control supervision
 240 from which the violation arises and any other previous
 241 supervisions, including disciplinary records of previous
 242 incarcerations; the likelihood that the offender or probationer
 243 will engage again in a criminal course of conduct; the weight of
 244 the evidence against the offender or probationer; and any other
 245 facts the court considers relevant. The court, as soon as is
 246 practicable, shall give the probationer or offender an
 247 opportunity to be fully heard on his or her behalf in person or
 248 by counsel. If the alleged violation is a low-risk violation, as
 249 defined in paragraph (9) (b), the court must, within 30 days
 250 after arrest or after counsel appears for the probationer or
 251 offender, whichever occurs later, give the probationer or
 252 offender an opportunity to be fully heard on his or her behalf
 253 in person or by counsel. If a hearing is not held within 30 days
 254 after arrest or after counsel appears for the probationer or
 255 offender, whichever occurs later, the court must release the
 256 probationer or offender without bail unless the court finds that
 257 a hearing was not held in the applicable timeframe due to
 258 circumstances attributable to the probationer or offender. If
 259 the probationer or offender is released, the court may impose
 260 nonmonetary conditions of release. After the hearing, the court
 261 shall make findings of fact and forward the findings to the

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262 court that granted the probation or community control and to the
 263 probationer or offender or his or her attorney. The findings of
 264 fact by the hearing court are binding on the court that granted
 265 the probation or community control. Upon the probationer or
 266 offender being brought before it, the court that granted the
 267 probation or community control may revoke, modify, or continue
 268 the probation or community control or may place the probationer
 269 into community control as provided in this section. However, the
 270 probationer or offender shall not be released and shall not be
 271 admitted to bail, but shall be brought before the court that
 272 granted the probation or community control if any violation of
 273 felony probation or community control other than a failure to
 274 pay costs or fines or make restitution payments is alleged to
 275 have been committed by:

276 (a) A violent felony offender of special concern, as
 277 defined in this section;

278 (b) A person who is on felony probation or community
 279 control for any offense committed on or after March 12, 2007,
 280 ~~the effective date of this act~~ and who is arrested for a
 281 qualifying offense as defined in this section; or

282 (c) A person who is on felony probation or community
 283 control and has previously been found by a court to be a
 284 habitual violent felony offender as defined in s. 775.084(1) (b),
 285 a three-time violent felony offender as defined in s.
 286 775.084(1) (c), or a sexual predator under s. 775.21, and who is
 287 arrested for committing a qualifying offense as defined in this
 288 section on or after March 12, 2007 ~~the effective date of this~~
 289 ~~act.~~

290 Section 3. This act shall take effect July 1, 2024.

SB 1154 – Probation and Community Control Violations

This bill amends multiple statutes, beginning with s. 921.0024, F.S., stating the following (new language in bold): “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. **If the community sanction violation is resolved through the alternative sanctioning program under s. 948.06(9), F.S., no points are assessed. If a community sanction violation that has not been resolved through the alternative sanctioning program is before the court, no points are assessed for prior violations that were resolved through the alternative sanctioning program.**” Furthermore, it deletes language stating that “multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.” It also amends s. 948.06, F.S., regarding when a court is required to modify rather than revoke probation, as follows (new language in bold): “The court has not, **on two or more separate occasions**, previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision.” These changes to the statutory language could lead to a decrease in the number of technical violators sentenced to prison.

Per DOC, in FY 22-23, there were 4,339 technical violators sentenced to prison that might be eligible for the alternative sanctioning program under the new language. However, it is not known how many of these potentially eligible offenders would be impacted by the new language.

EDR PROPOSED ESTIMATE: Negative Indeterminate

Requested by: Senate

The Florida Senate

APPEARANCE RECORD

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

2/16/24

Meeting Date

SB1154

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name LAurette Philipson- Florida Cares Phone 561-855-0833

Address 2048 Ponce DeLeon Ave Email laurette@floridacarescharity.org

Street

West Palm Beach FL 33407

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

MURRAY HORNE 37 / Senate Budget

The Florida Senate

APPEARANCE RECORD

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

2/6/24 Meeting Date
Criminal Justice. Committee

1154 Bill Number or Topic
Amendment Barcode (if applicable)

Name Dr. JOHN FRANK Phone 904-705-4322

Address 1552 Greenidge Cir. W Street
St. Johns Fl. 32259 City State Zip
Email jwfrank904@gmail.com

Reset Form

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:
PAX CHRISTI - Florida
PAX CHRISTI - 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1154

Bill Number or Topic

2/6/24

Meeting Date

Senate Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Katie Bohnett ("Bow-Net")

Phone

850-339-9599

Address

2273 Seminole Dr

Email

kbohnett@safeandjust.org

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:

Alliance for Safety and Justice

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)



The Florida Senate

Committee Agenda Request

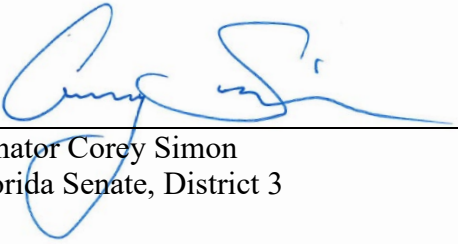
To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 9, 2024

I respectfully request that **Senate Bill # 1154**, relating to Probation and Community Control Violations, be placed on the:

- Committee agenda at your earliest possible convenience.
- Next committee agenda.



Senator Corey Simon
Florida Senate, District 3

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 Criminal Justice

BILL: SB 1196

INTRODUCER: Senator Ingoglia

SUBJECT: Harm to Minors

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1196 creates s. 501.173, F.S., requiring manufacturers of tablets or smartphones to manufacture a device that when activated in this state, automatically enables a filter that prevents the user from accessing or downloading material that is harmful to minors; notifies the user of the device when the filter blocks the device from downloading an application or accessing an Internet website; gives a user with a password the opportunity to unblock a filtered application or website; and reasonably precludes a user other than a user with the password the opportunity to deactivate, modify, or uninstall the filter.

The bill provides civil and criminal penalties and provides that a manufacturer of a device is subject to civil and criminal liability if:

- The device is activated in this state;
- The device does not, upon activation, enable a filter that complies with specified requirements; and
- A minor accesses material that is harmful to minors on the device.

The bill amends s. 787.025, F.S., increasing the criminal penalty, from a first degree misdemeanor to a third degree felony, for adults who intentionally lure or entice, or who attempt to lure or entice, children under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose. The bill also increases the criminal penalty from a third degree felony¹ to a second degree felony² for committing a second or subsequent offense. Additionally, the penalty for this offense is increased from a third degree felony to a second degree felony if the offender has previous specified convictions.

¹ A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in s. 775.082, s. 775.083, or s. 775.083, F.S.

² A second degree felony is punishable by a term of 15 years of imprisonment, as provided in s. 775.082, s. 775.083, or s. 775.083, F.S.

The bill creates s. 827.12, F.S., providing that a person 18 years of age or older may not knowingly engage in any communication that is part of a pattern of communication or behavior that is:

- Designed to maintain an inappropriate relationship with a minor or another person believed by the person to be a minor; or
- Harmful to minors as defined in s. 847.001, F.S.³

A person 18 years of age or older may not knowingly use a computer online service, Internet service, local bulletin board service, or any other means or device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice a minor, or another person believed by the person to be a minor, to share an image or a recorded image depicting nudity of the minor for the sexual excitement of either party.

A person who violates this section commits the offense of harmful communication with a minor and commits a third degree felony. If the minor is younger than 12 years of age, the person commits a second degree felony. A person convicted under this section must register as a sexual offender.

The bill provides an exception under this section for medical diagnosis, treatment, or educational conversation by a parent, caregiver, or educator for the purposes of sexual education, and not intended to elicit sexual excitement.

The bill defines the terms “inappropriate relationship,” “harmful to minors,” “sexual conduct,” and “sexual excitement.”

The bill amends s. 921.0022, F.S., by ranking the above described offenses:

- Section 827.12(3)(a), F.S., Harmful communication with a minor who is 12 years of age or older, ranking the third degree felony as a level 3 offense in the offense severity ranking chart.
- Section 827.12(3)(b), F.S., Harmful communication with a minor younger than 12 years of age, ranking the second degree felony as a level 5 offense in the offense severity ranking chart.

This bill may have a positive indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill becomes effective October 1, 2024.

³ Section 847.001(7), F.S., provides that “harmful to minors,” means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it: (a) Predominantly appeals to a prurient, shameful, or morbid interest; (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduce for minors; and (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

II. Present Situation:

Content Filtering, Safety Measures, and Parental Controls

Content filtering is a process involving the use of software or hardware to screen and/or restrict access to objectionable email, webpages, executables and other suspicious items. Companies often use content-based filtering, also known as information filtering, as part of their Internet firewalls. A common security measure, content filtering helps companies execute corporate policies on the use of information systems -- for example, the filtering and blocking of employee access to social media platforms. Additionally, parents often use web filtering to screen and/or exclude content their children have access to from a home computer. Filtering software can screen content for anything that is objectionable or criminal, including online porn, hate sites, illegal content and social media. However, one drawback of content filtering programs is that it is easy to unintentionally block access to content that should not be blocked.⁴

Providing children with information on ways to more safely use social media may decrease the harm they experience. Having conversations about social media, its benefits, and its risks, may help promote positive social media usage.⁵ Parental controls may also help protect children from inappropriate content, cyberbullying, and other online safety issues.⁶ Examples of parental controls include blocking websites, filtering content, imposing limits on screen time, allowing parents to monitor online activity, using location tracking, and disabling Wi-Fi.⁷

However, two studies at the University of Central Florida found that parental control apps may actually be counterproductive, harming the trust between a parent and child and reducing the child's ability to respond to online threats. In one of the studies, children believed that the apps were overly restrictive and prevented them from doing everyday tasks, such as homework assignments. Additionally, a researcher stated that "parental involvement and direct supervision were both associated with fewer peer problems and less online victimization for teens, but neither of these factors correlated with the use of parental control apps."⁸

Protection of Children in Online Spaces Act

Section 501.1735, F.S., provides that any online service, product, game, or feature likely to be predominantly accessed by children under 18 years of age may not, except under certain situations:

⁴ Tech Target Network, Loshin, Peter, *What is Content Filtering and how does it work?*, available at, <https://www.techtarget.com/searchsecurity/definition/content-filtering> (last visited on January 29, 2024).

⁵ WebMD Editorial Contributors, April 9, 2023, *How to Talk to Your Kids About Social Media*, available at, <https://www.webmd.com/parenting/how-to-talk-to-kids-about-social-media> (last visited on January 29, 2024).

⁶ Internetmatters.org, *Parental Controls*, available at, <https://www.internetmatters.org/parental-controls/> (last visited on January 29, 2024).

⁷ Commonsensemedia.org, Knorr, Caroline, March 9, 2021, *Parents' Ultimate Guide to Parental Controls*, available at, <https://www.commonsensemedia.org/articles/parents-ultimate-guide-to-parental-controls> (last visited on January 29, 2024).

⁸ UCF Today, Abney, Barbara and Kotola, Zenaida, April 2, 2018, *Apps to Keep Children Safe Online May be Counterproductive*, available at, <https://www.ucf.edu/news/apps-keep-children-safe-online-may-counterproductive/> (last visited on January 29, 2024).

- Process the personal information of any child if the platform has actual knowledge or willfully disregards that the processing may result in substantial harm or privacy risk to children.
- Profile a child.
- Collect, sell, share, or retain any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged.
- Use a child’s personal information for any unstated reason.
- Collect, sell, or share any precise geolocation of data of children.
- Use dark patterns to lead or encourage children to provide personal information beyond what personal information would otherwise be reasonably expected to be provided for that online service, product, game or feature; to forego privacy protections; or to take any action that the online platform has actual knowledge of or willfully disregards that may result in substantial harm or privacy risk to children.
- Use collected information to estimate age or age range for any other purpose or retain that personal information longer than necessary to estimate age.

Freedom of Speech and the Protection of Minors

Background

Freedom of speech is guaranteed to citizens in the United States Constitution and the State Constitution.⁹ As a foundational principle, this prohibits the government from dictating what people “see or read or speak or hear.”¹⁰ However, there are limits to the freedom of speech; it is not absolute. Categories of speech that do not enjoy complete protection include defamation, incitement, obscenity, and pornography involving real children.¹¹

Courts have held, as a bedrock principle of the First Amendment, that a government may not prohibit or suppress the expression of an idea simply because an audience finds the idea offensive or disagreeable.¹² When evaluating what constitutes the free speech rights of adults, the U.S. Supreme Court held, “[W]e have made it perfectly clear that ‘[s]exual expression which is indecent but not obscene is protected by the First Amendment.’”¹³ Stated slightly differently, this means that some forms of pornography are protected under the Constitution, but obscenity is not.

The Miller Test

In 1973, the U.S. Supreme Court developed a three-prong test in *Miller v. California*,¹⁴ to define whether speech is obscene. According to the Miller test, speech is determined to be obscene if:

- The average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

⁹The United States Constitution states, “Congress shall make no law ... abridging the freedom of speech.” U.S. CONST. amend. I. The State Constitution similarly states “No law shall be passed to restrain or abridge the liberty of speech or of the press.” Fla. Const. art. I, s. 4.

¹⁰ *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 245 (2002).

¹¹ *Id.*

¹² *Simon & Schuster, Inc. v. Members of New York State Crime Victims Bd.*, 502 U.S. 105, 118 (1991).

¹³ *Ashcroft*, 245, quoting *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989).

¹⁴ *Miller v. California*, 413 U.S. 15 (1973).

- The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.¹⁵

The *Miller* test is incorporated into the definition of what is “harmful to minors” in s. 847.001(6), F.S., and “obscenity” in s. 847.001(12), F.S.

Further, courts have found that the state has a “‘compelling interest in protecting the physical and psychological well-being of minors’ which ‘extends to shielding minors from the influence of literature that is not obscene by adult standards.’ In doing so, however, the means must be narrowly tailored to achieve that end so as not to unnecessarily deny adults access to material which is constitutionally protected indecent material. No similar tailoring is required when the material is obscene material, which is not protected by the First Amendment.”¹⁶

Current Florida law

Transmission of Material Harmful to Minors

Section 847.0138, F.S., provides that:

- Any person who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, F.S., to a specific individual known by the defendant to be a minor commits a third degree felony.¹⁷
- Any person in any jurisdiction other than this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, F.S., to a specific individual known by the defendant to be a minor commits a third degree felony.¹⁸

Section 847.001(7), F.S., defines “harmful to minors” as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement¹⁹ when it:

- Predominantly appeals to a prurient, shameful, or morbid interest;
- Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
- Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

Prohibited Computer Usage

A person commits a third degree felony²⁰ 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:

¹⁵ *Id.* at 24.

¹⁶ *Simmons v. State*, 944 So. 2d 317 (Fla. 2006). *See also Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244-45 (2002).

¹⁷ Section 847.0138(2), F.S.

¹⁸ Section 847.0138(3), F.S.

¹⁹ Section 847.001(20), F.S., defines “sexual excitement” as the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

²⁰ Section 847.0135(3)(b), F.S.

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person 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 to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in any sexual conduct.

Prohibited Acts in Connection with Obscene Materials

Under s. 847.0133, F.S., a person commits a third-degree felony if he or she knowingly sells, rents, loans, gives away, distributes, transmits, or shows any obscene material to a minor.²¹

“Obscene material” means any obscene book, magazine, periodical, pamphlet, newspaper, comic book, story paper, written or printed story or article, writing paper, card, picture, drawing, photograph, motion picture film, figure, image, videotape, videocassette, phonograph record, or wire or tape or other recording, or any written, printed, or recorded matter of any such character which may or may not require mechanical or other means to be transmuted into auditory, visual, or sensory representations of such character, or any article or instrument for obscene use, or purporting to be for obscene use or purpose.²²

Other States with Device Level Content Filter Mandates

In 2021, Utah passed into law its “Children Device Protection Act” requiring cellphone manufacturers to turn on every available content filter blocking material that is harmful to minors.²³ The Utah bill contained the following core requirements:

- That all tablets or smartphones sold or activated within the state contain a content filter that prevents the user of that device from accessing “material that is harmful to minors”;
- That these filters are turned on by default upon activating the device but can also be disabled via a passcode provided to the purchaser; and
- That a legal right of action—usually a private right of civil action—is allowed against manufacturers for each violation of the above.²⁴

III. Effect of Proposed Changes:

The bill creates s. 501.173, F.S., requiring manufacturers of tablets or smartphones to manufacture a device that when activated in this state, automatically enables a filter that prevents the user from accessing or downloading material that is harmful to minors; notifies the user of the device when the filter blocks the device from downloading an application or accessing an

²¹ This offense is unranked on the OSRC, and as such, defaults to the statutorily assigned level as described in s. 921.0023, F.S. Accordingly, because the offense is punishable as a third-degree felony it will be ranked as a level 1 offense on the OSRC.

²² Section 847.0133(1), F.S.

²³ State of Utah, H.B. 72 Device Filter Amendments (2021).

²⁴ Withrow, Josh, *Device-Level Content Filter Mandates Defy Common Sense and the Constitution*, R Street, June 1, 2023, available at, <https://www.rstreet.org/commentary/device-level-content-filter-mandates-defy-common-sense-and-the-constitution/> (last visited on January 29, 2024).

Internet website; gives a user with a password the opportunity to unblock a filtered application or website; and reasonably precludes a user other than a user with the password the opportunity to deactivate, modify, or uninstall the filter.

The bill provides civil and criminal penalties and provides that a manufacturer of a device is subject to civil and criminal liability if:

- The device is activated in this state;
- The device does not, upon activation, enable a filter that complies with specified requirements; and
- A minor accesses material that is harmful to minors on the device.

The bill amends s. 787.025, F.S., increasing the criminal penalty, from a first degree misdemeanor to a third degree felony, for adults who intentionally lure or entice, or who attempt to lure or entice, children under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose. The bill also increases the criminal penalty from a third degree felony²⁵ to a second degree felony²⁶ for committing a second or subsequent offense. Additionally, the penalty for this offense is increased from a third degree felony to a second degree felony if the offender has previous specified convictions.

The bill creates s. 827.12, F.S., providing that a person 18 years of age or older may not knowingly engage in any communication that is part of a pattern of communication or behavior that is:

- Designed to maintain an inappropriate relationship with a minor or another person believed by the person to be a minor; or
- Harmful to minors as defined in s. 847.001, F.S.²⁷

A person 18 years of age or older may not knowingly use a computer online service, Internet service, local bulletin board service, or any other means or device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice a minor, or another person believed by the person to be a minor, to share an image or a recorded image depicting nudity of the minor for the sexual excitement of either party.

A person who violates this section commits the offense of harmful communication with a minor and commits a third degree felony. If the minor is younger than 12 years of age, the person commits a second degree felony. A person convicted under this section must register as a sexual offender.

²⁵ A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in s. 775.082, s. 775.083, or s. 775.083, F.S.

²⁶ A second degree felony is punishable by a term of 15 years of imprisonment, as provided in s. 775.082, s. 775.083, or s. 775.083, F.S.

²⁷ Section 847.001(7), F.S., provides that “harmful to minors,” means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it: (a) Predominantly appeals to a prurient, shameful, or morbid interest; (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduce for minors; and (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

The bill provides an exception under this section for medical diagnosis, treatment, or educational conversation by a parent, caregiver, or educator for the purposes of sexual education, and not intended to elicit sexual excitement.

The bill defines the terms “inappropriate relationship,” “harmful to minors,” “sexual conduct,” and “sexual excitement.”

The bill amends s. 921.0022, F.S., by ranking the above described offenses:

- Section 827.12(3)(a), F.S., Harmful communication with a minor who is 12 years of age or older, ranking the third degree felony as a level 3 offense in the offense severity ranking chart.
- Section 827.12(3)(b), F.S., Harmful communication with a minor younger than 12 years of age, ranking the second degree felony as a level 5 offense in the offense severity ranking chart.

The bill becomes effective October 1, 2024.

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:

The First Amendment of the U.S. Constitution prevents the government from creating laws that restrict the speech of citizens.²⁸ “Congress shall make no law ... abridging the freedom of speech.” The rights guaranteed by the First Amendment apply with equal force to state governments through the due process clause of the Fourteenth Amendment.²⁹

The state has a compelling interest in protecting the physical and psychological well-being of children. Courts have recognized that speech used to further the sexual

²⁸ U.S. Const., amend I.

²⁹ U.S. Const. amend XIV. *See also* Art. I, Fla. Const.

exploitation of children does not enjoy constitutional protection.³⁰ The state also has a compelling interest in protecting minors from being seduced to perform sexual actions, and no legitimate commerce is burdened by penalizing the transmission of harmful sexual material to known minors in order to seduce them.³¹

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Law Enforcement (FDLE) estimates that there will be an increase in the number of people required to register as sexual offenders in Florida, which increases the volume of in-person registration at sheriffs' offices and address verifications required of law enforcement around Florida and will have an indeterminate financial impact.³²

There may be indeterminate costs incurred by the FDLE for the sexual offender/predator registry to review approximately 250 records to determine if persons with out of state convictions who were previously determined not to qualify would now qualify for sexual offender registration based on this new provision.³³

The FDLE estimates an anticipated technology fiscal impact, reporting an estimated time to complete the necessary programmatic changes to fulfill the needs of this legislation is an estimated 1 week to complete utilizing existing staff resources. The estimated total cost is \$4,000.³⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³⁰ *Cashatt v. State*, 873 So.3d 430, (1st DCA 2004).

³¹ *Pike v. Bruce Church*, 397 U.S. 137, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970).

³² FDLE, *2024 Legislative Bill Analysis*, (January 12, 2024), p. 3 (on file with the Senate Committee on Criminal Justice).

³³ *Id.*

³⁴ *Id.* at p. 4.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes:

501.173, 787.025, 827.12, 921.0022, 943.0435, 944.606, 944.607, 61.13, 68.07, 92.55, 98.0751, 394.9125, 397.487, 435.07, 775.0862, 900.05, 903.046, 903.133, 907.043, 921.1425, 934.255, 938.10, 943.0584, 943.0595, 947.1405, 948.013, 948.05, 948.06, 948.30, 985.4815, 1012.467, 944.608, 320.02, 322.141, 322.19, 775.13, 775.21, 775.261, 948.063, 775.24, 775.25, 943.0436, 948.31, and 985.04.

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.



967462

LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Criminal Justice (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 129 - 270.

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

And the title is amended as follows:

Delete lines 3 - 17

and insert:

title; amending

By Senator Ingoglia

11-00241E-24

20241196__

1 A bill to be entitled
 2 An act relating to harm to minors; providing a short
 3 title; creating s. 501.173, F.S.; defining terms;
 4 requiring manufacturers of tablets or smartphones to
 5 manufacture such devices so that a filter meeting
 6 certain requirements is enabled upon activation of the
 7 device in this state; subjecting such manufacturers to
 8 civil and criminal liability for certain acts of
 9 noncompliance; providing an exception; providing civil
 10 liability for individuals who enable a password to
 11 remove the required filter on a device in the
 12 possession of a minor under certain circumstances;
 13 authorizing the Attorney General to enforce the act;
 14 providing damages; authorizing a parent or legal
 15 guardian to bring a civil action against certain
 16 parties who violate the act under certain
 17 circumstances; providing criminal penalties; amending
 18 s. 787.025, F.S.; increasing criminal penalties for
 19 adults who intentionally lure or entice, or who
 20 attempt to lure or entice, children under the age of
 21 12 into a structure, dwelling, or conveyance for other
 22 than a lawful purpose; increasing criminal penalties
 23 for committing a second or subsequent offense;
 24 increasing criminal penalties for persons with
 25 specified previous convictions who commit such
 26 offense; creating s. 827.12, F.S.; defining the terms
 27 "inappropriate relationship" and "sexual excitement";
 28 prohibiting persons who are of at least a specified
 29 age from knowingly engaging in any communication that

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

11-00241E-24

20241196__

30 is part of a pattern of communication or behavior that
 31 meets specified criteria; prohibiting persons who are
 32 of at least a specified age from knowingly using
 33 specified devices to seduce, solicit, lure, or entice
 34 minors to, or attempt to, share specified images or
 35 recorded images; providing criminal penalties;
 36 providing enhanced criminal penalties; providing
 37 applicability; amending s. 921.0022, F.S.; ranking
 38 offenses on the offense severity ranking chart of the
 39 Criminal Punishment Code; amending ss. 943.0435,
 40 944.606, and 944.607, F.S.; revising the definition of
 41 the term "sexual offender"; reenacting ss. 61.13(2)(c)
 42 and (9)(c), 68.07(3)(i) and (6), 92.55(1)(b),
 43 98.0751(2)(b), 394.9125(2), 397.487(10)(b),
 44 435.07(4)(b), 775.0862(2), 900.05(2)(cc),
 45 903.046(2)(m), 903.133, 907.043(4)(b), 921.1425(7)(d),
 46 934.255(2)(a), 938.10(1), 943.0584(2), 943.0595(2)(a),
 47 944.607(4)(a) and (9), 947.1405(12), 948.013(2)(b),
 48 948.05(2)(f), 948.06(4), 948.30(4), 985.4815(9), and
 49 1012.467(2)(b), F.S., relating to support of children,
 50 parenting and time-sharing, and powers of court;
 51 change of name; special protections in proceedings
 52 involving a victim or witness younger than 18 years of
 53 age, a person with intellectual disability, or a
 54 sexual offense victim; restoration of voting rights
 55 and termination of ineligibility subsequent to a
 56 felony conviction; state attorneys and the authority
 57 to refer a person for civil commitment; voluntary
 58 certification of recovery residences; exemptions from

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59 disqualification; sexual offenses against students by
 60 authority figures and reclassification; criminal
 61 justice data collection; purpose of and criteria for
 62 bail determination; bail on appeal, prohibited for
 63 certain felony convictions; pretrial release and
 64 citizens' right to know; sentences of death or life
 65 imprisonment for capital sexual battery and further
 66 proceedings to determine sentence; subpoenas in
 67 investigations of sexual offenses; additional court
 68 cost imposed in cases of certain crimes; criminal
 69 history records ineligible for court-ordered
 70 expunction or court-ordered sealing; automatic sealing
 71 of criminal history records and confidentiality of
 72 related court records; notification to the Department
 73 of Law Enforcement of information on sexual offenders;
 74 conditional release program; administrative probation;
 75 court to admonish or commend probationer or offender
 76 in community control and graduated incentives;
 77 violation of probation or community control,
 78 revocation, modification, continuance, and failure to
 79 pay restitution or cost of supervision; additional
 80 terms and conditions of probation or community control
 81 for certain sex offenses; notification to the
 82 department of information on juvenile sexual
 83 offenders; and noninstructional contractors who are
 84 permitted access to school grounds when students are
 85 present and background screening requirements,
 86 respectively, to incorporate the amendment made to s.
 87 943.0435, F.S., in references thereto; reenacting s.

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88 944.608(7), F.S., relating to notification to the
 89 department of information on career offenders, to
 90 incorporate the amendment made to s. 944.607, F.S., in
 91 a reference thereto; reenacting s. 943.0435(3) and
 92 (4)(a), F.S., relating to sexual offenders required to
 93 register with the department and penalties, to
 94 incorporate the amendments made to ss. 944.606 and
 95 944.607, F.S., in references thereto; reenacting ss.
 96 320.02(4), 322.141(3), 322.19(1) and (2), 775.13(4),
 97 775.21(5)(d), (6)(f), and (10)(d), 775.261(3)(b),
 98 948.06(4), and 948.063, F.S., relating to registration
 99 required, applications for registration, and forms;
 100 color or markings of certain licenses or
 101 identification cards; change of address or name;
 102 registration of convicted felons, exemptions, and
 103 penalties; the Florida Sexual Predators Act; the
 104 Florida Career Offender Registration Act; violation of
 105 probation or community control, revocation,
 106 modification, continuance, and failure to pay
 107 restitution or cost of supervision; and violations of
 108 probation or community control by designated sexual
 109 offenders and sexual predators, respectively, to
 110 incorporate the amendments made by this act to ss.
 111 943.0435 and 944.607, F.S., in references thereto;
 112 reenacting ss. 775.24(2), 775.25, 943.0436(2), 948.31,
 113 and 985.04(6)(b), F.S., relating to the duty of the
 114 court to uphold laws governing sexual predators and
 115 sexual offenders; prosecutions for acts or omissions;
 116 the duty of the court to uphold laws governing sexual

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117 predators and sexual offenders; evaluation and
 118 treatment of sexual predators and offenders on
 119 probation or community control; and oaths, records,
 120 confidential information, respectively, to incorporate
 121 the amendments made to ss. 943.0435, 944.606, and
 122 944.607, F.S., in references thereto; providing an
 123 effective date.

124
 125 Be It Enacted by the Legislature of the State of Florida:

126
 127 Section 1. This act may be cited as the "Protect Our
 128 Children Act."

129 Section 2. Section 501.173, Florida Statutes, is created to
 130 read:

131 501.173 Device filtering of content harmful to minors.—

132 (1) DEFINITIONS.—As used in this section, the term:

133 (a) "Activate" means the process of powering on a device
 134 and associating it with a new user account.

135 (b) "Device" means a tablet or smartphone manufactured on
 136 or after January 1, 2025.

137 (c) "Filter" means software installed on a device which is
 138 capable of preventing the device from accessing or displaying
 139 material that is harmful to minors through the Internet or
 140 through an application owned and controlled by the manufacturer
 141 and installed on the device.

142 (d) "Harmful to minors" has the same meaning as in s.
 143 847.001.

144 (e) "Internet" means the global information system
 145 logically linked together by a globally unique address space

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146 based on the Internet protocol (IP), or its subsequent
 147 extensions, which is able to support communications using the
 148 transmission control protocol/Internet protocol suite, or its
 149 subsequent extensions, or other IP-compatible protocols, and
 150 which provides, uses, or makes accessible, either publicly or
 151 privately, high-level services layered on communications and
 152 related infrastructure.

153 (f) "Manufacturer" means a person that:

154 1. Is engaged in the business of manufacturing a device;

155 and

156 2. Has a registered agent in this state in accordance with
 157 part I of chapter 607.

158 (g) "Minor" means an individual under the age of 18 who is
 159 not emancipated, married, or a member of the Armed Forces of the
 160 United States.

161 (h) "Smartphone" means an electronic device that combines a
 162 cellular phone with a handheld computer, typically offering
 163 Internet access, data storage, texting, and e-mail capabilities.

164 (i) "Tablet" means an Internet-ready device equipped with
 165 an operating system, a touchscreen display, and a rechargeable
 166 battery which has the ability to support access to a cellular
 167 network.

168 (2) FILTER REQUIRED.—Beginning on January 1, 2025, a
 169 manufacturer shall manufacture a device that, when activated in
 170 this state, automatically enables a filter that does all of the
 171 following:

172 (a) Prevents the user from accessing or downloading
 173 material that is harmful to minors on any of the following:

174 1. A mobile data network.

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175 2. An application owned and controlled by the manufacturer.
 176 3. A wired Internet network.
 177 4. A wireless Internet network.
 178 (b) Notifies the user of the device when the filter blocks
 179 the device from downloading an application or accessing an
 180 Internet website.
 181 (c) Gives a user with a password the opportunity to unblock
 182 a filtered application or website.
 183 (d) Reasonably precludes a user other than a user with a
 184 password the opportunity to deactivate, modify, or uninstall the
 185 filter.
 186 (3) MANUFACTURER LIABILITY.—
 187 (a) Beginning January 1, 2025, a manufacturer of a device
 188 is subject to civil and criminal liability if:
 189 1. The device is activated in this state;
 190 2. The device does not, upon activation, enable a filter
 191 that complies with the requirements described in subsection (2);
 192 and
 193 3. A minor accesses material that is harmful to minors on
 194 the device.
 195 (b) Notwithstanding paragraph (a), this section does not
 196 apply to a manufacturer that makes a good faith effort to
 197 provide a device that, upon activation of the device in this
 198 state, automatically enables a generally accepted and
 199 commercially reasonable filter in accordance with this section
 200 and industry standards.
 201 (4) INDIVIDUAL LIABILITY.—With the exception of a minor’s
 202 parent or legal guardian, any person may be liable in a civil
 203 action for enabling the password to remove the filter on a

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204 device in the possession of a minor if the minor accesses
 205 content that is harmful to minors on the device.
 206 (5) PROCEEDINGS BY THE ATTORNEY GENERAL.—
 207 (a) If the Attorney General has reason to believe a person
 208 violated or is violating this section, the Attorney General,
 209 acting in the public interest, may do any of the following:
 210 1. Enjoin an action that constitutes a violation of this
 211 section by issuing a temporary restraining order or preliminary
 212 or permanent injunction.
 213 2. Bring an action to recover from the alleged violator a
 214 civil penalty not to exceed \$5,000 per violation and not to
 215 exceed a total of \$50,000 in aggregate, as determined by the
 216 court.
 217 3. Bring an action to recover from the alleged violator the
 218 Attorney General’s reasonable expenses, investigative costs, and
 219 attorney fees.
 220 4. Bring an action to obtain other appropriate relief as
 221 provided for under this section.
 222 (b) The Attorney General, in addition to other powers
 223 conferred upon him or her by this subsection, may issue
 224 subpoenas to any person and conduct hearings in aid of any
 225 investigation or inquiry.
 226 (c) The Attorney General may seek the revocation of any
 227 license or certificate authorizing a manufacturer to engage in
 228 business in this state.
 229 (d) For purposes of assessing a penalty under this section,
 230 a manufacturer is considered to have committed a separate
 231 violation for each device manufactured on or after January 1,
 232 2025, which violates this section.

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233 (6) CIVIL ACTION BY THE PARENT OR LEGAL GUARDIAN.-
 234 (a) Any parent or legal guardian of a minor who accesses
 235 content that is harmful to minors in violation of this section
 236 may bring a private cause of action in any court of competent
 237 jurisdiction against a manufacturer that failed to comply with
 238 this section. A prevailing plaintiff may recover any of the
 239 following:
 240 1. Actual damages or, in the discretion of the court when
 241 actual damages are difficult to ascertain due to the nature of
 242 the injury, liquidated damages in the amount of \$50,000 for each
 243 violation.
 244 2. When a violation is found to be knowing and willful,
 245 punitive damages in an amount determined by the court.
 246 3. Nominal damages.
 247 4. Such other relief as the court deems appropriate,
 248 including court costs and expenses.
 249 5. For a prevailing plaintiff, the collection of attorney
 250 fees against a violating manufacturer.
 251 (b) This section does not preclude the bringing of a class
 252 action lawsuit against a manufacturer when its conduct in
 253 violation of this section is knowing and willful.
 254 (c) Any parent or legal guardian of a child may bring an
 255 action in a court of competent jurisdiction against any person
 256 who is not the parent or legal guardian of the child and who
 257 enables the password to remove the filter from a device in the
 258 possession of the child which results in the child's exposure to
 259 content that is harmful to minors.
 260 (7) CRIMINAL PENALTIES.-
 261 (a) Beginning on January 1, 2025, a person, with the

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262 exception of a parent or legal guardian, may not enable the
 263 password to remove the filter on a device in the possession of a
 264 minor.
 265 (b) A person who violates paragraph (a) is subject to a
 266 fine not to exceed \$5,000 for a first offense and not to exceed
 267 \$50,000 for a second offense. However, a person who violates
 268 paragraph (a) for a second or subsequent time within 1 year of
 269 the first violation commits a misdemeanor of the first degree,
 270 punishable as provided in s. 775.082 or s. 775.083.
 271 Section 3. Subsection (2) of section 787.025, Florida
 272 Statutes, is amended to read:
 273 787.025 Luring or enticing a child.-
 274 (2) (a) A person 18 years of age or older who intentionally
 275 lures or entices, or attempts to lure or entice, a child under
 276 the age of 12 into a structure, dwelling, or conveyance for
 277 other than a lawful purpose commits a felony ~~misdemeanor~~ of the
 278 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 279 775.083, or s. 775.084.
 280 (b) A person 18 years of age or older who, having been
 281 previously convicted of a violation of paragraph (a),
 282 intentionally lures or entices, or attempts to lure or entice, a
 283 child under the age of 12 into a structure, dwelling, or
 284 conveyance for other than a lawful purpose commits a felony of
 285 the second ~~third~~ degree, punishable as provided in s. 775.082,
 286 s. 775.083, or s. 775.084.
 287 (c) A person 18 years of age or older who, having been
 288 previously convicted of a violation of chapter 794, s. 800.04,
 289 or s. 847.0135(5), or a violation of a similar law of another
 290 jurisdiction, intentionally lures or entices, or attempts to

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291 lure or entice, a child under the age of 12 into a structure,
 292 dwelling, or conveyance for other than a lawful purpose commits
 293 a felony of the ~~second~~ third degree, punishable as provided in
 294 s. 775.082, s. 775.083, or s. 775.084.

295 Section 4. Section 827.12, Florida Statutes, is created to
 296 read:

297 827.12 Harmful communication with a minor; penalty.-
 298 (1) As used in this section, the term:
 299 (a) "Inappropriate relationship" means a relationship in
 300 which a person 18 years of age or older engages in communication
 301 with a minor which is explicit and includes detailed verbal
 302 descriptions or narrative accounts of sexual conduct as defined
 303 in s. 847.001 or sexual excitement for the purpose of sexual
 304 excitement of either party using a computer online service,
 305 Internet service, local bulletin board service, or any other
 306 means or device capable of electronic data storage or
 307 transmission.
 308 (b) "Sexual excitement" has the same meaning as in s.
 309 847.001.
 310 (2) (a) A person 18 years of age or older may not knowingly
 311 engage in any communication that is part of a pattern of
 312 communication or behavior that is:
 313 1. Designed to maintain an inappropriate relationship with
 314 a minor or another person believed by the person to be a minor;
 315 or
 316 2. Harmful to minors as defined in s. 847.001.
 317 (b) A person 18 years of age or older may not knowingly use
 318 a computer online service, Internet service, local bulletin
 319 board service, or any other means or device capable of

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320 electronic data storage or transmission to seduce, solicit,
 321 lure, or entice, or attempt to seduce, solicit, lure, or entice,
 322 a minor or another person believed by the person to be a minor
 323 to share an image or a recorded image depicting nudity of the
 324 minor for the sexual excitement of either party. As used in this
 325 paragraph, nudity has the same meaning as in s. 847.001.
 326 (c) A person who violates this subsection commits the
 327 offense of harmful communication with a minor.
 328 (3) (a) Except as provided in paragraph (b), a person who
 329 violates this section commits a felony of the third degree,
 330 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 331 (b) A person who violates this section with a minor who is
 332 younger than 12 years of age commits a felony of the second
 333 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 334 775.084.
 335 (4) This section does not apply to any act of medical
 336 diagnosis, treatment, or educational conversations by a parent,
 337 caregiver, or educator for the purposes of sexual education, and
 338 not intended to elicit sexual excitement.
 339 Section 5. Paragraphs (c) and (e) of subsection (3) of
 340 section 921.0022, Florida Statutes, are amended to read:
 341 921.0022 Criminal Punishment Code; offense severity ranking
 342 chart.-
 343 (3) OFFENSE SEVERITY RANKING CHART
 344 (c) LEVEL 3
 345

Florida Statute	Felony Degree	Description
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346

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	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
347			
	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3)(b)-(d)		
348			
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
349			
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
350			
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
351			
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
352			
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.

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353	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
354			
	327.35(2)(b)	3rd	Felony BUI.
355			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
356			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
357			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
358			
	379.2431	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling,
	(1)(e)5.		

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offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

359

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.

360

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

361

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services
requiring licensure,
without a license.

362

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or

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failing to report
information.

363

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making
such a report.

364

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

365

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

366

624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

367

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

368

697.08

3rd

Equity skimming.

369

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	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
370	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.
371	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
372	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
373	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
374	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.

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375	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
376	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
377	812.081(2)	3rd	Theft of a trade secret.
378	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
379	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
380	817.233	3rd	Burning to defraud insurer.
381	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
382			

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383	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance application.
384	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
385	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
386	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
387	<u>827.12(3)(a)</u>	<u>3rd</u>	<u>Harmful communication with a minor who is 12 years of age or older.</u>
388	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment

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			instrument with intent to defraud.
389	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
390	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
391	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
392	860.15(3)	3rd	Overcharging for repairs and parts.
393	870.01(2)	3rd	Riot.
394	870.01(4)	3rd	Inciting a riot.
395	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.,

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396

893.13(1)(d)2.

2nd

(2)(c)9., (2)(c)10., (3),
or (4) drugs).

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.

397

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.

398

893.13(4)(c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

399

893.13(6)(a)

3rd

Possession of any
controlled substance
other than felony

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400

893.13(7)(a)8.

3rd

possession of cannabis.

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

401

893.13(7)(a)9.

3rd

Obtain or attempt to
obtain controlled
substance by fraud,
forgery,
misrepresentation, etc.

402

893.13(7)(a)10.

3rd

Affix false or forged
label to package of
controlled substance.

403

893.13(7)(a)11.

3rd

Furnish false or
fraudulent material
information on any
document or record
required by chapter 893.

404

893.13(8)(a)1.

3rd

Knowingly assist a
patient, other person, or
owner of an animal in
obtaining a controlled
substance through

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deceptive, untrue, or
fraudulent
representations in or
related to the
practitioner's practice.

405

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.

406

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for
a fictitious person.

407

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.

408

918.13(1)

3rd

Tampering with or

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fabricating physical
evidence.

409

944.47

3rd

Introduce contraband to
correctional facility.

410

(1)(a)1. & 2.

944.47(1)(c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

411

985.721

3rd

Escapes from a juvenile
facility (secure
detention or residential
commitment facility).

412

413

414

(e) LEVEL 5

Florida
Statute

Felony
Degree

Description

415

316.027(2)(a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to
stop; leaving scene.

416

316.1935(4)(a)

2nd

Aggravated fleeing or
eluding.

417

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	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
418	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
419	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
420	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,

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			forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
421	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
422	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
423	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
424	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.

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425	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
426	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
427	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
428	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
429	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
430	790.162	2nd	Threat to throw or

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			discharge destructive device.
431	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
432	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
433	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
434	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
435	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
436	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.

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

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437	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
438	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
439	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
440	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
441	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
442	812.081(3)	2nd	Trafficking in trade secrets.
443	812.131(2)(b)	3rd	Robbery by sudden

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			snatching.
444	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
445	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
446	<u>827.12(3)(b)</u>	<u>2nd</u>	<u>Harmful communication with a minor younger than 12 years of age.</u>
447	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
448	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
449	817.568(2)(b)	2nd	Fraudulent use of

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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.

450

817.611(2)(a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

451

817.625(2)(b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

452

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

453

827.071(4)

2nd

Possess with intent to

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promote any photographic material, motion picture, etc., which includes child pornography.

454

827.071(5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.

455

828.12(2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

456

836.14(4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

457

839.13(2)(b)

2nd

Falsifying records of an individual in the care and custody of a

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state agency involving
great bodily harm or
death.

458

843.01(1)

3rd

Resist officer with
violence to person;
resist arrest with
violence.

459

847.0135(5)(b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

460

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

461

847.0138
(2) & (3)

3rd

Transmission of
material harmful to
minors to a minor by
electronic device or
equipment.

462

874.05(1)(b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent

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offense.

463

874.05(2)(a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

464

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).

465

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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466 893.13(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.

467 893.13(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.

468 893.13(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

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1,000 feet of public
 housing facility.

469 893.13(4)(b) 2nd Use or hire of minor;
 deliver to minor other
 controlled substance.

470 893.1351(1) 3rd Ownership, lease, or
 rental for trafficking
 in or manufacturing of
 controlled substance.

471

472 Section 6. Paragraph (h) of subsection (1) of section
 473 943.0435, Florida Statutes, is amended to read:
 474 943.0435 Sexual offenders required to register with the
 475 department; penalty.—
 476 (1) As used in this section, the term:
 477 (h)1. "Sexual offender" means a person who meets the
 478 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 479 subparagraph c., or sub-subparagraph d., as follows:
 480 a.(I) Has been convicted of committing, or attempting,
 481 soliciting, or conspiring to commit, any of the criminal
 482 offenses proscribed in the following statutes in this state or
 483 similar offenses in another jurisdiction: s. 393.135(2); s.
 484 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 485 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 486 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 487 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 488 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s. 847.0133; s.

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 489 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 490 847.0145; s. 895.03, if the court makes a written finding that
 491 the racketeering activity involved at least one sexual offense
 492 listed in this sub-sub-subparagraph or at least one offense
 493 listed in this sub-sub-subparagraph with sexual intent or
 494 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
 495 committed in this state which has been redesignated from a
 496 former statute number to one of those listed in this sub-sub-
 497 subparagraph; and

(II) Has been released on or after October 1, 1997, from a
 498 sanction imposed for any conviction of an offense described in
 499 sub-sub-subparagraph (I) and does not otherwise meet the
 500 criteria for registration as a sexual offender under chapter 944
 501 or chapter 985. For purposes of this sub-sub-subparagraph, a
 502 sanction imposed in this state or in any other jurisdiction
 503 means probation, community control, parole, conditional release,
 504 control release, or incarceration in a state prison, federal
 505 prison, private correctional facility, or local detention
 506 facility. If no sanction is imposed, the person is deemed to be
 507 released upon conviction;
 508

b. Establishes or maintains a residence in this state and
 509 who has not been designated as a sexual predator by a court of
 510 this state but who has been designated as a sexual predator, as
 511 a sexually violent predator, or by another sexual offender
 512 designation in another state or jurisdiction and was, as a
 513 result of such designation, subjected to registration or
 514 community or public notification, or both, or would be if the
 515 person were a resident of that state or jurisdiction, without
 516 regard to whether the person otherwise meets the criteria for
 517

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 518 registration as a sexual offender;
 519 c. Establishes or maintains a residence in this state who
 520 is in the custody or control of, or under the supervision of,
 521 any other state or jurisdiction as a result of a conviction for
 522 committing, or attempting, soliciting, or conspiring to commit,
 523 any of the criminal offenses proscribed in the following
 524 statutes or similar offense in another jurisdiction: s.
 525 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 526 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 527 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 528 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 529 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s.
 530 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 531 847.0138; s. 847.0145; s. 895.03, if the court makes a written
 532 finding that the racketeering activity involved at least one
 533 sexual offense listed in this sub-subparagraph or at least one
 534 offense listed in this sub-subparagraph with sexual intent or
 535 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
 536 committed in this state which has been redesignated from a
 537 former statute number to one of those listed in this sub-
 538 subparagraph; or

d. On or after July 1, 2007, has been adjudicated
 539 delinquent for committing, or attempting, soliciting, or
 540 conspiring to commit, any of the criminal offenses proscribed in
 541 the following statutes in this state or similar offenses in
 542 another jurisdiction when the juvenile was 14 years of age or
 543 older at the time of the offense:
 544

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12

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547 years of age or where the court finds sexual activity by the use
548 of force or coercion;

549 (III) Section 800.04(5)(c)1. where the court finds
550 molestation involving unclothed genitals;

551 (IV) Section 800.04(5)(d) where the court finds the use of
552 force or coercion and unclothed genitals; or

553 (V) Any similar offense committed in this state which has
554 been redesignated from a former statute number to one of those
555 listed in this sub-subparagraph.

556 2. For all qualifying offenses listed in sub-subparagraph
557 1.d., the court shall make a written finding of the age of the
558 offender at the time of the offense.

559
560 For each violation of a qualifying offense listed in this
561 subsection, except for a violation of s. 794.011, the court
562 shall make a written finding of the age of the victim at the
563 time of the offense. For a violation of s. 800.04(4), the court
564 shall also make a written finding indicating whether the offense
565 involved sexual activity and indicating whether the offense
566 involved force or coercion. For a violation of s. 800.04(5), the
567 court shall also make a written finding that the offense did or
568 did not involve unclothed genitals or genital area and that the
569 offense did or did not involve the use of force or coercion.

570 Section 7. Paragraph (f) of subsection (1) of section
571 944.606, Florida Statutes, is amended to read:

572 944.606 Sexual offenders; notification upon release.—

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

574 (f) "Sexual offender" means a person who has been convicted
575 of committing, or attempting, soliciting, or conspiring to

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576 commit, any of the criminal offenses proscribed in the following
577 statutes in this state or similar offenses in another
578 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
579 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
580 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
581 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
582 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
583 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.
584 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
585 if the court makes a written finding that the racketeering
586 activity involved at least one sexual offense listed in this
587 paragraph or at least one offense listed in this paragraph with
588 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
589 any similar offense committed in this state which has been
590 redesignated from a former statute number to one of those listed
591 in this subsection, when the department has received verified
592 information regarding such conviction; an offender's
593 computerized criminal history record is not, in and of itself,
594 verified information.

595 Section 8. Paragraph (f) of subsection (1) of section
596 944.607, Florida Statutes, is amended to read:

597 944.607 Notification to Department of Law Enforcement of
598 information on sexual offenders.—

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

600 (f) "Sexual offender" means a person who is in the custody
601 or control of, or under the supervision of, the department or is
602 in the custody of a private correctional facility:

603 1. On or after October 1, 1997, as a result of a conviction
604 for committing, or attempting, soliciting, or conspiring to

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605 commit, any of the criminal offenses proscribed in the following
 606 statutes in this state or similar offenses in another
 607 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 608 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 609 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 610 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 611 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
 612 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.
 613 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 614 if the court makes a written finding that the racketeering
 615 activity involved at least one sexual offense listed in this
 616 subparagraph or at least one offense listed in this subparagraph
 617 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
 618 or any similar offense committed in this state which has been
 619 redesignated from a former statute number to one of those listed
 620 in this paragraph; or

621 2. Who establishes or maintains a residence in this state
 622 and who has not been designated as a sexual predator by a court
 623 of this state but who has been designated as a sexual predator,
 624 as a sexually violent predator, or by another sexual offender
 625 designation in another state or jurisdiction and was, as a
 626 result of such designation, subjected to registration or
 627 community or public notification, or both, or would be if the
 628 person were a resident of that state or jurisdiction, without
 629 regard as to whether the person otherwise meets the criteria for
 630 registration as a sexual offender.

631 Section 9. For the purpose of incorporating the amendment
 632 made by this act to section 943.0435, Florida Statutes, in
 633 references thereto, paragraph (c) of subsection (2) and

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634 paragraph (c) of subsection (9) of section 61.13, Florida
 635 Statutes, are reenacted to read:
 636 61.13 Support of children; parenting and time-sharing;
 637 powers of court.—
 638 (2)
 639 (c) The court shall determine all matters relating to
 640 parenting and time-sharing of each minor child of the parties in
 641 accordance with the best interests of the child and in
 642 accordance with the Uniform Child Custody Jurisdiction and
 643 Enforcement Act, except that modification of a parenting plan
 644 and time-sharing schedule requires a showing of a substantial
 645 and material change of circumstances.

646 1. It is the public policy of this state that each minor
 647 child has frequent and continuing contact with both parents
 648 after the parents separate or the marriage of the parties is
 649 dissolved and to encourage parents to share the rights and
 650 responsibilities, and joys, of childrearing. Unless otherwise
 651 provided in this section or agreed to by the parties, there is a
 652 rebuttable presumption that equal time-sharing of a minor child
 653 is in the best interests of the minor child. To rebut this
 654 presumption, a party must prove by a preponderance of the
 655 evidence that equal time-sharing is not in the best interests of
 656 the minor child. Except when a time-sharing schedule is agreed
 657 to by the parties and approved by the court, the court must
 658 evaluate all of the factors set forth in subsection (3) and make
 659 specific written findings of fact when creating or modifying a
 660 time-sharing schedule.

661 2. The court shall order that the parental responsibility
 662 for a minor child be shared by both parents unless the court

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663 finds that shared parental responsibility would be detrimental
664 to the child. In determining detriment to the child, the court
665 shall consider:

666 a. Evidence of domestic violence, as defined in s. 741.28;
667 b. Whether either parent has or has had reasonable cause to
668 believe that he or she or his or her minor child or children are
669 or have been in imminent danger of becoming victims of an act of
670 domestic violence as defined in s. 741.28 or sexual violence as
671 defined in s. 784.046(1)(c) by the other parent against the
672 parent or against the child or children whom the parents share
673 in common regardless of whether a cause of action has been
674 brought or is currently pending in the court;

675 c. Whether either parent has or has had reasonable cause to
676 believe that his or her minor child or children are or have been
677 in imminent danger of becoming victims of an act of abuse as
678 defined in s. 39.01(2), abandonment as defined in s. 39.01(1),
679 or neglect as defined in s. 39.01(50) by the other parent
680 against the child or children whom the parents share in common
681 regardless of whether a cause of action has been brought or is
682 currently pending in the court; and

683 d. Any other relevant factors.

684 3. The following evidence creates a rebuttable presumption
685 that shared parental responsibility is detrimental to the child:

686 a. A parent has been convicted of a misdemeanor of the
687 first degree or higher involving domestic violence, as defined
688 in s. 741.28 and chapter 775;

689 b. A parent meets the criteria of s. 39.806(1)(d); or

690 c. A parent has been convicted of or had adjudication
691 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and

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692 at the time of the offense:

693 (I) The parent was 18 years of age or older.

694 (II) The victim was under 18 years of age or the parent
695 believed the victim to be under 18 years of age.

696
697 If the presumption is not rebutted after the convicted parent is
698 advised by the court that the presumption exists, shared
699 parental responsibility, including time-sharing with the child,
700 and decisions made regarding the child, may not be granted to
701 the convicted parent. However, the convicted parent is not
702 relieved of any obligation to provide financial support. If the
703 court determines that shared parental responsibility would be
704 detrimental to the child, it may order sole parental
705 responsibility and make such arrangements for time-sharing as
706 specified in the parenting plan as will best protect the child
707 or abused spouse from further harm. Whether or not there is a
708 conviction of any offense of domestic violence or child abuse or
709 the existence of an injunction for protection against domestic
710 violence, the court shall consider evidence of domestic violence
711 or child abuse as evidence of detriment to the child.

712 4. In ordering shared parental responsibility, the court
713 may consider the expressed desires of the parents and may grant
714 to one party the ultimate responsibility over specific aspects
715 of the child's welfare or may divide those responsibilities
716 between the parties based on the best interests of the child.
717 Areas of responsibility may include education, health care, and
718 any other responsibilities that the court finds unique to a
719 particular family.

720 5. The court shall order sole parental responsibility for a

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721 minor child to one parent, with or without time-sharing with the
722 other parent if it is in the best interests of the minor child.

723 6. There is a rebuttable presumption against granting time-
724 sharing with a minor child if a parent has been convicted of or
725 had adjudication withheld for an offense enumerated in s.
726 943.0435(1)(h)1.a., and at the time of the offense:

727 a. The parent was 18 years of age or older.

728 b. The victim was under 18 years of age or the parent
729 believed the victim to be under 18 years of age.

730

731 A parent may rebut the presumption upon a specific finding in
732 writing by the court that the parent poses no significant risk
733 of harm to the child and that time-sharing is in the best
734 interests of the minor child. If the presumption is rebutted,
735 the court must consider all time-sharing factors in subsection
736 (3) when developing a time-sharing schedule.

737 7. Access to records and information pertaining to a minor
738 child, including, but not limited to, medical, dental, and
739 school records, may not be denied to either parent. Full rights
740 under this subparagraph apply to either parent unless a court
741 order specifically revokes these rights, including any
742 restrictions on these rights as provided in a domestic violence
743 injunction. A parent having rights under this subparagraph has
744 the same rights upon request as to form, substance, and manner
745 of access as are available to the other parent of a child,
746 including, without limitation, the right to in-person
747 communication with medical, dental, and education providers.

748 (9)

749 (c) A court may not order visitation at a recovery

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750 residence if any resident of the recovery residence is currently
751 required to register as a sexual predator under s. 775.21 or as
752 a sexual offender under s. 943.0435.

753 Section 10. For the purpose of incorporating the amendment
754 made by this act to section 943.0435, Florida Statutes, in
755 references thereto, paragraph (i) of subsection (3) and
756 subsection (6) of section 68.07, Florida Statutes, are reenacted
757 to read:

758 68.07 Change of name.—

759 (3) Each petition shall be verified and show:

760 (i) Whether the petitioner has ever been required to
761 register as a sexual predator under s. 775.21 or as a sexual
762 offender under s. 943.0435.

763 (6) The clerk of the court must, within 5 business days
764 after the filing of the final judgment, send a report of the
765 judgment to the Department of Law Enforcement on a form to be
766 furnished by that department. If the petitioner is required to
767 register as a sexual predator or a sexual offender pursuant to
768 s. 775.21 or s. 943.0435, the clerk of court shall
769 electronically notify the Department of Law Enforcement of the
770 name change, in a manner prescribed by that department, within 2
771 business days after the filing of the final judgment. The
772 Department of Law Enforcement must send a copy of the report to
773 the Department of Highway Safety and Motor Vehicles, which may
774 be delivered by electronic transmission. The report must contain
775 sufficient information to identify the petitioner, including the
776 results of the criminal history records check if applicable, the
777 new name of the petitioner, and the file number of the judgment.
778 The Department of Highway Safety and Motor Vehicles shall

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779 monitor the records of any sexual predator or sexual offender
 780 whose name has been provided to it by the Department of Law
 781 Enforcement. If the sexual predator or sexual offender does not
 782 obtain a replacement driver license or identification card
 783 within the required time as specified in s. 775.21 or s.
 784 943.0435, the Department of Highway Safety and Motor Vehicles
 785 shall notify the Department of Law Enforcement. The Department
 786 of Law Enforcement shall notify applicable law enforcement
 787 agencies of the predator's or offender's failure to comply with
 788 registration requirements. Any information retained by the
 789 Department of Law Enforcement and the Department of Highway
 790 Safety and Motor Vehicles may be revised or supplemented by said
 791 departments to reflect changes made by the final judgment. With
 792 respect to a person convicted of a felony in another state or of
 793 a federal offense, the Department of Law Enforcement must send
 794 the report to the respective state's office of law enforcement
 795 records or to the office of the Federal Bureau of Investigation.
 796 The Department of Law Enforcement may forward the report to any
 797 other law enforcement agency it believes may retain information
 798 related to the petitioner.

799 Section 11. For the purpose of incorporating the amendment
 800 made by this act to section 943.0435, Florida Statutes, in a
 801 reference thereto, paragraph (b) of subsection (1) of section
 802 92.55, Florida Statutes, is reenacted to read:

803 92.55 Special protections in proceedings involving victim
 804 or witness under 18, person with intellectual disability, or
 805 sexual offense victim.—

806 (1) For purposes of this section, the term:

807 (b) "Sexual offense" means any offense specified in s.

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808 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

809 Section 12. For the purpose of incorporating the amendment
 810 made by this act to section 943.0435, Florida Statutes, in a
 811 reference thereto, paragraph (b) of subsection (2) of section
 812 98.0751, Florida Statutes, is reenacted to read:

813 98.0751 Restoration of voting rights; termination of
 814 ineligibility subsequent to a felony conviction.—

815 (2) For purposes of this section, the term:

816 (b) "Felony sexual offense" means any of the following:

817 1. Any felony offense that serves as a predicate to
 818 registration as a sexual offender in accordance with s.

819 943.0435;

820 2. Section 491.0112;

821 3. Section 784.049(3)(b);

822 4. Section 794.08;

823 5. Section 796.08;

824 6. Section 800.101;

825 7. Section 826.04;

826 8. Section 847.012;

827 9. Section 872.06(2);

828 10. Section 944.35(3)(b)2.;

829 11. Section 951.221(1); or

830 12. Any similar offense committed in another jurisdiction
 831 which would be an offense listed in this paragraph if it had
 832 been committed in violation of the laws of this state.

833 Section 13. For the purpose of incorporating the amendment
 834 made by this act to section 943.0435, Florida Statutes, in a
 835 reference thereto, subsection (2) of section 394.9125, Florida
 836 Statutes, is reenacted to read:

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837 394.9125 State attorney; authority to refer a person for
838 civil commitment.—

839 (2) A state attorney may refer a person to the department
840 for civil commitment proceedings if the person:

841 (a) Is required to register as a sexual offender pursuant
842 to s. 943.0435;

843 (b) Has previously been convicted of a sexually violent
844 offense as defined in s. 394.912(9)(a)-(h); and

845 (c) Has been sentenced to a term of imprisonment in a
846 county or municipal jail for any criminal offense.

847 Section 14. For the purpose of incorporating the amendment
848 made by this act to section 943.0435, Florida Statutes, in a
849 reference thereto, paragraph (b) of subsection (10) of section
850 397.487, Florida Statutes, is reenacted to read:

851 397.487 Voluntary certification of recovery residences.—
852 (10)

853 (b) A certified recovery residence may not allow a minor
854 child to visit a parent who is a resident of the recovery
855 residence at any time if any resident of the recovery residence
856 is currently required to register as a sexual predator under s.
857 775.21 or as a sexual offender under s. 943.0435.

858 Section 15. For the purpose of incorporating the amendment
859 made by this act to section 943.0435, Florida Statutes, in a
860 reference thereto, paragraph (b) of subsection (4) of section
861 435.07, Florida Statutes, as amended by chapter 2023-220, Laws
862 of Florida, is reenacted to read:

863 435.07 Exemptions from disqualification.—Unless otherwise
864 provided by law, the provisions of this section apply to
865 exemptions from disqualification for disqualifying offenses

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866 revealed pursuant to background screenings required under this
867 chapter, regardless of whether those disqualifying offenses are
868 listed in this chapter or other laws.

869 (4)

870 (b) Disqualification from employment or affiliation under
871 this chapter may not be removed from, nor may an exemption be
872 granted to, any person who is a:

873 1. Sexual predator as designated pursuant to s. 775.21;
874 2. Career offender pursuant to s. 775.261; or
875 3. Sexual offender pursuant to s. 943.0435, unless the
876 requirement to register as a sexual offender has been removed
877 pursuant to s. 943.04354.

878 Section 16. For the purpose of incorporating the amendment
879 made by this act to section 943.0435, Florida Statutes, in a
880 reference thereto, subsection (2) of section 775.0862, Florida
881 Statutes, is reenacted to read:

882 775.0862 Sexual offenses against students by authority
883 figures; reclassification.—

884 (2) The felony degree of a violation of an offense listed
885 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
886 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
887 as provided in this section if the offense is committed by an
888 authority figure of a school against a student of the school.

889 Section 17. For the purpose of incorporating the amendment
890 made by this act to section 943.0435, Florida Statutes, in a
891 reference thereto, paragraph (cc) of subsection (2) of section
892 900.05, Florida Statutes, is reenacted to read:

893 900.05 Criminal justice data collection.—
894 (2) DEFINITIONS.—As used in this section, the term:

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895 (cc) "Sexual offender flag" means an indication that a
896 defendant was required to register as a sexual predator as
897 defined in s. 775.21 or as a sexual offender as defined in s.
898 943.0435.

899 Section 18. For the purpose of incorporating the amendment
900 made by this act to section 943.0435, Florida Statutes, in a
901 reference thereto, paragraph (m) of subsection (2) of section
902 903.046, Florida Statutes, is reenacted to read:

903 903.046 Purpose of and criteria for bail determination.—
904 (2) When determining whether to release a defendant on bail
905 or other conditions, and what that bail or those conditions may
906 be, the court shall consider:

907 (m) Whether the defendant, other than a defendant whose
908 only criminal charge is a misdemeanor offense under chapter 316,
909 is required to register as a sexual offender under s. 943.0435
910 or a sexual predator under s. 775.21; and, if so, he or she is
911 not eligible for release on bail or surety bond until the first
912 appearance on the case in order to ensure the full participation
913 of the prosecutor and the protection of the public.

914 Section 19. For the purpose of incorporating the amendment
915 made by this act to section 943.0435, Florida Statutes, in a
916 reference thereto, section 903.133, Florida Statutes, is
917 reenacted to read:

918 903.133 Bail on appeal; prohibited for certain felony
919 convictions.—Notwithstanding s. 903.132, no person shall be
920 admitted to bail pending review either by posttrial motion or
921 appeal if he or she was adjudged guilty of:

922 (1) A felony of the first degree for a violation of s.
923 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.

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924 893.13, or s. 893.135;

925 (2) A violation of s. 794.011(2) or (3); or

926 (3) Any other offense requiring sexual offender
927 registration under s. 943.0435(1)(h) or sexual predator
928 registration under s. 775.21(4) when, at the time of the
929 offense, the offender was 18 years of age or older and the
930 victim was a minor.

931 Section 20. For the purpose of incorporating the amendment
932 made by this act to section 943.0435, Florida Statutes, in a
933 reference thereto, paragraph (b) of subsection (4) of section
934 907.043, Florida Statutes, is reenacted to read:

935 907.043 Pretrial release; citizens' right to know.—

936 (4)

937 (b) The annual report must contain, but need not be limited
938 to:

939 1. The name, location, and funding sources of the pretrial
940 release program, including the amount of public funds, if any,
941 received by the pretrial release program.

942 2. The operating and capital budget of each pretrial
943 release program receiving public funds.

944 3.a. The percentage of the pretrial release program's total
945 budget representing receipt of public funds.

946 b. The percentage of the total budget which is allocated to
947 assisting defendants obtain release through a nonpublicly funded
948 program.

949 c. The amount of fees paid by defendants to the pretrial
950 release program.

951 4. The number of persons employed by the pretrial release
952 program.

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953 5. The number of defendants assessed and interviewed for
954 pretrial release.

955 6. The number of defendants recommended for pretrial
956 release.

957 7. The number of defendants for whom the pretrial release
958 program recommended against nonsecured release.

959 8. The number of defendants granted nonsecured release
960 after the pretrial release program recommended nonsecured
961 release.

962 9. The number of defendants assessed and interviewed for
963 pretrial release who were declared indigent by the court.

964 10. The number of defendants accepted into a pretrial
965 release program who paid a surety or cash bail or bond.

966 11. The number of defendants for whom a risk assessment
967 tool was used in determining whether the defendant should be
968 released pending the disposition of the case and the number of
969 defendants for whom a risk assessment tool was not used.

970 12. The specific statutory citation for each criminal
971 charge related to a defendant whose case is accepted into a
972 pretrial release program, including, at a minimum, the number of
973 defendants charged with dangerous crimes as defined in s.
974 907.041; nonviolent felonies; or misdemeanors only. A
975 "nonviolent felony" for purposes of this subparagraph excludes
976 the commission of, an attempt to commit, or a conspiracy to
977 commit any of the following:

978 a. An offense enumerated in s. 775.084(1)(c);

979 b. An offense that requires a person to register as a
980 sexual predator in accordance with s. 775.21 or as a sexual
981 offender in accordance with s. 943.0435;

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982 c. Failure to register as a sexual predator in violation of
983 s. 775.21 or as a sexual offender in violation of s. 943.0435;

984 d. Facilitating or furthering terrorism in violation of s.
985 775.31;

986 e. A forcible felony as described in s. 776.08;

987 f. False imprisonment in violation of s. 787.02;

988 g. Burglary of a dwelling or residence in violation of s.
989 810.02(3);

990 h. Abuse, aggravated abuse, and neglect of an elderly
991 person or disabled adult in violation of s. 825.102;

992 i. Abuse, aggravated abuse, and neglect of a child in
993 violation of s. 827.03;

994 j. Poisoning of food or water in violation of s. 859.01;

995 k. Abuse of a dead human body in violation of s. 872.06;

996 l. A capital offense in violation of chapter 893;

997 m. An offense that results in serious bodily injury or
998 death to another human; or

999 n. A felony offense in which the defendant used a weapon or
1000 firearm in the commission of the offense.

1001 13. The number of defendants accepted into a pretrial
1002 release program with no prior criminal conviction.

1003 14. The name and case number of each person granted
1004 nonsecured release who:

1005 a. Failed to attend a scheduled court appearance.

1006 b. Was issued a warrant for failing to appear.

1007 c. Was arrested for any offense while on release through
1008 the pretrial release program.

1009 15. Any additional information deemed necessary by the
1010 governing body to assess the performance and cost efficiency of

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1011 the pretrial release program.

1012 Section 21. For the purpose of incorporating the amendment

1013 made by this act to section 943.0435, Florida Statutes, in a

1014 reference thereto, paragraph (d) of subsection (7) of section

1015 921.1425, Florida Statutes, is reenacted to read:

1016 921.1425 Sentence of death or life imprisonment for capital

1017 sexual battery; further proceedings to determine sentence.—

1018 (7) AGGRAVATING FACTORS.—Aggravating factors shall be

1019 limited to the following:

1020 (d) The capital felony was committed by a sexual offender

1021 who is required to register pursuant to s. 943.0435 or a person

1022 previously required to register as a sexual offender who had

1023 such requirement removed.

1024 Section 22. For the purpose of incorporating the amendment

1025 made by this act to section 943.0435, Florida Statutes, in a

1026 reference thereto, paragraph (a) of subsection (2) of section

1027 934.255, Florida Statutes, is reenacted to read:

1028 934.255 Subpoenas in investigations of sexual offenses.—

1029 (2) An investigative or law enforcement officer who is

1030 conducting an investigation into:

1031 (a) Allegations of the sexual abuse of a child or an

1032 individual's suspected commission of a crime listed in s.

1033 943.0435(1)(h)1.a.(I) may use a subpoena to compel the

1034 production of records, documents, or other tangible objects and

1035 the testimony of the subpoena recipient concerning the

1036 production and authenticity of such records, documents, or

1037 objects, except as provided in paragraphs (b) and (c).

1038

1039 A subpoena issued under this subsection must describe the

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1040 records, documents, or other tangible objects required to be

1041 produced, and must prescribe a date by which such records,

1042 documents, or other tangible objects must be produced.

1043 Section 23. For the purpose of incorporating the amendment

1044 made by this act to section 943.0435, Florida Statutes, in a

1045 reference thereto, subsection (1) of section 938.10, Florida

1046 Statutes, is reenacted to read:

1047 938.10 Additional court cost imposed in cases of certain

1048 crimes.—

1049 (1) If a person pleads guilty or nolo contendere to, or is

1050 found guilty of, regardless of adjudication, any offense against

1051 a minor in violation of s. 784.085, chapter 787, chapter 794,

1052 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.

1053 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,

1054 s. 893.147(3), or s. 985.701, or any offense in violation of s.

1055 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the

1056 court shall impose a court cost of \$151 against the offender in

1057 addition to any other cost or penalty required by law.

1058 Section 24. For the purpose of incorporating the amendment

1059 made by this act to section 943.0435, Florida Statutes, in a

1060 reference thereto, subsection (2) of section 943.0584, Florida

1061 Statutes, is reenacted to read:

1062 943.0584 Criminal history records ineligible for court-

1063 ordered expunction or court-ordered sealing.—

1064 (2) A criminal history record is ineligible for a

1065 certificate of eligibility for expunction or a court-ordered

1066 expunction pursuant to s. 943.0585 or a certificate of

1067 eligibility for sealing or a court-ordered sealing pursuant to

1068 s. 943.059 if the record is a conviction for any of the

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1069 following offenses:

1070 (a) Sexual misconduct, as defined in s. 393.135, s.

1071 394.4593, or s. 916.1075;

1072 (b) Illegal use of explosives, as defined in chapter 552;

1073 (c) Terrorism, as defined in s. 775.30;

1074 (d) Murder, as defined in s. 782.04, s. 782.065, or s.

1075 782.09;

1076 (e) Manslaughter or homicide, as defined in s. 782.07, s.

1077 782.071, or s. 782.072;

1078 (f) Assault or battery, as defined in ss. 784.011 and

1079 784.03, respectively, of one family or household member by

1080 another family or household member, as defined in s. 741.28(3);

1081 (g) Aggravated assault, as defined in s. 784.021;

1082 (h) Felony battery, domestic battery by strangulation, or

1083 aggravated battery, as defined in ss. 784.03, 784.041, and

1084 784.045, respectively;

1085 (i) Stalking or aggravated stalking, as defined in s.

1086 784.048;

1087 (j) Luring or enticing a child, as defined in s. 787.025;

1088 (k) Human trafficking, as defined in s. 787.06;

1089 (l) Kidnapping or false imprisonment, as defined in s.

1090 787.01 or s. 787.02;

1091 (m) Any offense defined in chapter 794;

1092 (n) Procuring a person less than 18 years of age for

1093 prostitution, as defined in former s. 796.03;

1094 (o) Lewd or lascivious offenses committed upon or in the

1095 presence of persons less than 16 years of age, as defined in s.

1096 800.04;

1097 (p) Arson, as defined in s. 806.01;

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1098 (q) Burglary of a dwelling, as defined in s. 810.02;

1099 (r) Voyeurism or video voyeurism, as defined in ss. 810.14

1100 and 810.145, respectively;

1101 (s) Robbery or robbery by sudden snatching, as defined in

1102 ss. 812.13 and 812.131, respectively;

1103 (t) Carjacking, as defined in s. 812.133;

1104 (u) Home-invasion robbery, as defined in s. 812.135;

1105 (v) A violation of the Florida Communications Fraud Act, as

1106 provided in s. 817.034;

1107 (w) Abuse of an elderly person or disabled adult, or

1108 aggravated abuse of an elderly person or disabled adult, as

1109 defined in s. 825.102;

1110 (x) Lewd or lascivious offenses committed upon or in the

1111 presence of an elderly person or disabled person, as defined in

1112 s. 825.1025;

1113 (y) Child abuse or aggravated child abuse, as defined in s.

1114 827.03;

1115 (z) Sexual performance by a child, as defined in s.

1116 827.071;

1117 (aa) Any offense defined in chapter 839;

1118 (bb) Certain acts in connection with obscenity, as defined

1119 in s. 847.0133;

1120 (cc) Any offense defined in s. 847.0135;

1121 (dd) Selling or buying of minors, as defined in s.

1122 847.0145;

1123 (ee) Aircraft piracy, as defined in s. 860.16;

1124 (ff) Manufacturing a controlled substance in violation of

1125 chapter 893;

1126 (gg) Drug trafficking, as defined in s. 893.135; or

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1127 (hh) Any violation specified as a predicate offense for
 1128 registration as a sexual predator pursuant to s. 775.21, or
 1129 sexual offender pursuant to s. 943.0435, without regard to
 1130 whether that offense alone is sufficient to require such
 1131 registration.

1132 Section 25. For the purpose of incorporating the amendment
 1133 made by this act to section 943.0435, Florida Statutes, in a
 1134 reference thereto, paragraph (a) of subsection (2) of section
 1135 943.0595, Florida Statutes, is reenacted to read:

1136 943.0595 Automatic sealing of criminal history records;
 1137 confidentiality of related court records.-

1138 (2) ELIGIBILITY.-

1139 (a) The department shall automatically seal a criminal
 1140 history record that does not result from an indictment,
 1141 information, or other charging document for a forcible felony as
 1142 defined in s. 776.08 or for an offense enumerated in s.
 1143 943.0435(1)(h)1.a.(I), if:

1144 1. An indictment, information, or other charging document
 1145 was not filed or issued in the case giving rise to the criminal
 1146 history record.

1147 2. An indictment, information, or other charging document
 1148 was filed in the case giving rise to the criminal history
 1149 record, but was dismissed or nolle prosequi by the state
 1150 attorney or statewide prosecutor or was dismissed by a court of
 1151 competent jurisdiction as to all counts. However, a person is
 1152 not eligible for automatic sealing under this section if the
 1153 dismissal was pursuant to s. 916.145 or s. 985.19.

1154 3. A not guilty verdict was rendered by a judge or jury as
 1155 to all counts. However, a person is not eligible for automatic

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1156 sealing under this section if the defendant was found not guilty
 1157 by reason of insanity.

1158 4. A judgment of acquittal was rendered by a judge as to
 1159 all counts.

1160 Section 26. For the purpose of incorporating the amendment
 1161 made by this act to section 943.0435, Florida Statutes, in
 1162 references thereto, paragraph (a) of subsection (4) and
 1163 subsection (9) of section 944.607, Florida Statutes, are
 1164 reenacted to read:

1165 944.607 Notification to Department of Law Enforcement of
 1166 information on sexual offenders.-

1167 (4) A sexual offender, as described in this section, who is
 1168 under the supervision of the Department of Corrections but is
 1169 not incarcerated shall register with the Department of
 1170 Corrections within 3 business days after sentencing for a
 1171 registrable offense and otherwise provide information as
 1172 required by this subsection.

1173 (a) The sexual offender shall provide his or her name; date
 1174 of birth; social security number; race; sex; height; weight;
 1175 hair and eye color; tattoos or other identifying marks; all
 1176 electronic mail addresses and Internet identifiers required to
 1177 be provided pursuant to s. 943.0435(4)(e); employment
 1178 information required to be provided pursuant to s.
 1179 943.0435(4)(e); all home telephone numbers and cellular
 1180 telephone numbers required to be provided pursuant to s.
 1181 943.0435(4)(e); the make, model, color, vehicle identification
 1182 number (VIN), and license tag number of all vehicles owned;
 1183 permanent or legal residence and address of temporary residence
 1184 within the state or out of state while the sexual offender is

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1185 under supervision in this state, including any rural route
 1186 address or post office box; if no permanent or temporary
 1187 address, any transient residence within the state; and address,
 1188 location or description, and dates of any current or known
 1189 future temporary residence within the state or out of state. The
 1190 sexual offender shall also produce his or her passport, if he or
 1191 she has a passport, and, if he or she is an alien, shall produce
 1192 or provide information about documents establishing his or her
 1193 immigration status. The sexual offender shall also provide
 1194 information about any professional licenses he or she has. The
 1195 Department of Corrections shall verify the address of each
 1196 sexual offender in the manner described in ss. 775.21 and
 1197 943.0435. The department shall report to the Department of Law
 1198 Enforcement any failure by a sexual predator or sexual offender
 1199 to comply with registration requirements.

1200 (9) A sexual offender, as described in this section, who is
 1201 under the supervision of the Department of Corrections but who
 1202 is not incarcerated shall, in addition to the registration
 1203 requirements provided in subsection (4), register and obtain a
 1204 distinctive driver license or identification card in the manner
 1205 provided in s. 943.0435(3), (4), and (5), unless the sexual
 1206 offender is a sexual predator, in which case he or she shall
 1207 register and obtain a distinctive driver license or
 1208 identification card as required under s. 775.21. A sexual
 1209 offender who fails to comply with the requirements of s.
 1210 943.0435 is subject to the penalties provided in s. 943.0435(9).

1211 Section 27. For the purpose of incorporating the amendment
 1212 made by this act to section 943.0435, Florida Statutes, in a
 1213 reference thereto, subsection (12) of section 947.1405, Florida

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1214 Statutes, is reenacted to read:
 1215 947.1405 Conditional release program.—
 1216 (12) In addition to all other conditions imposed, for a
 1217 releasee who is subject to conditional release for a crime that
 1218 was committed on or after May 26, 2010, and who has been
 1219 convicted at any time of committing, or attempting, soliciting,
 1220 or conspiring to commit, any of the criminal offenses listed in
 1221 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
 1222 jurisdiction against a victim who was under 18 years of age at
 1223 the time of the offense, if the releasee has not received a
 1224 pardon for any felony or similar law of another jurisdiction
 1225 necessary for the operation of this subsection, if a conviction
 1226 of a felony or similar law of another jurisdiction necessary for
 1227 the operation of this subsection has not been set aside in any
 1228 postconviction proceeding, or if the releasee has not been
 1229 removed from the requirement to register as a sexual offender or
 1230 sexual predator pursuant to s. 943.04354, the commission must
 1231 impose the following conditions:
 1232 (a) A prohibition on visiting schools, child care
 1233 facilities, parks, and playgrounds without prior approval from
 1234 the releasee's supervising officer. The commission may also
 1235 designate additional prohibited locations to protect a victim.
 1236 The prohibition ordered under this paragraph does not prohibit
 1237 the releasee from visiting a school, child care facility, park,
 1238 or playground for the sole purpose of attending a religious
 1239 service as defined in s. 775.0861 or picking up or dropping off
 1240 the releasee's child or grandchild at a child care facility or
 1241 school.
 1242 (b) A prohibition on distributing candy or other items to

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1243 children on Halloween; wearing a Santa Claus costume, or other
 1244 costume to appeal to children, on or preceding Christmas;
 1245 wearing an Easter Bunny costume, or other costume to appeal to
 1246 children, on or preceding Easter; entertaining at children's
 1247 parties; or wearing a clown costume without prior approval from
 1248 the commission.

1249 Section 28. For the purpose of incorporating the amendment
 1250 made by this act to section 943.0435, Florida Statutes, in a
 1251 reference thereto, paragraph (b) of subsection (2) of section
 1252 948.013, Florida Statutes, is reenacted to read:

1253 948.013 Administrative probation.—

1254 (2)

1255 (b) Effective for an offense committed on or after October
 1256 1, 2017, a person is ineligible for placement on administrative
 1257 probation if the person is sentenced to or is serving a term of
 1258 probation or community control, regardless of the conviction or
 1259 adjudication, for committing, or attempting, conspiring, or
 1260 soliciting to commit, any of the felony offenses described in s.
 1261 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

1262 Section 29. For the purpose of incorporating the amendment
 1263 made by this act to section 943.0435, Florida Statutes, in a
 1264 reference thereto, paragraph (f) of subsection (2) of section
 1265 948.05, Florida Statutes, is reenacted to read:

1266 948.05 Court to admonish or commend probationer or offender
 1267 in community control; graduated incentives.—

1268 (2) The department shall implement a system of graduated
 1269 incentives to promote compliance with the terms of supervision,
 1270 encourage educational achievement and stable employment, and
 1271 prioritize the highest levels of supervision for probationers or

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1272 offenders presenting the greatest risk of recidivism.

1273 (f) A probationer or offender in community control who is
 1274 placed under supervision for committing or attempting,
 1275 soliciting, or conspiring to commit a violation of any felony
 1276 offense described in s. 775.21(4)(a)1.a. or b. or s.
 1277 943.0435(1)(h)1.a., or who qualifies as a violent felony
 1278 offender of special concern under s. 948.06(8)(b) is not
 1279 eligible for any reduction of his or her term of supervision
 1280 under this section.

1281 Section 30. For the purpose of incorporating the amendment
 1282 made by this act to section 943.0435, Florida Statutes, in a
 1283 reference thereto, subsection (4) of section 948.06, Florida
 1284 Statutes, is reenacted to read:

1285 948.06 Violation of probation or community control;
 1286 revocation; modification; continuance; failure to pay
 1287 restitution or cost of supervision.—

1288 (4) Notwithstanding any other provision of this section, a
 1289 felony probationer or an offender in community control who is
 1290 arrested for violating his or her probation or community control
 1291 in a material respect may be taken before the court in the
 1292 county or circuit in which the probationer or offender was
 1293 arrested. That court shall advise him or her of the charge of a
 1294 violation and, if such charge is admitted, shall cause him or
 1295 her to be brought before the court that granted the probation or
 1296 community control. If the violation is not admitted by the
 1297 probationer or offender, the court may commit him or her or
 1298 release him or her with or without bail to await further
 1299 hearing. However, if the probationer or offender is under
 1300 supervision for any criminal offense proscribed in chapter 794,

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1301 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
 1302 registered sexual predator or a registered sexual offender, or
 1303 is under supervision for a criminal offense for which he or she
 1304 would meet the registration criteria in s. 775.21, s. 943.0435,
 1305 or s. 944.607 but for the effective date of those sections, the
 1306 court must make a finding that the probationer or offender is
 1307 not a danger to the public prior to release with or without
 1308 bail. In determining the danger posed by the offender's or
 1309 probationer's release, the court may consider the nature and
 1310 circumstances of the violation and any new offenses charged; the
 1311 offender's or probationer's past and present conduct, including
 1312 convictions of crimes; any record of arrests without conviction
 1313 for crimes involving violence or sexual crimes; any other
 1314 evidence of allegations of unlawful sexual conduct or the use of
 1315 violence by the offender or probationer; the offender's or
 1316 probationer's family ties, length of residence in the community,
 1317 employment history, and mental condition; his or her history and
 1318 conduct during the probation or community control supervision
 1319 from which the violation arises and any other previous
 1320 supervisions, including disciplinary records of previous
 1321 incarcerations; the likelihood that the offender or probationer
 1322 will engage again in a criminal course of conduct; the weight of
 1323 the evidence against the offender or probationer; and any other
 1324 facts the court considers relevant. The court, as soon as is
 1325 practicable, shall give the probationer or offender an
 1326 opportunity to be fully heard on his or her behalf in person or
 1327 by counsel. After the hearing, the court shall make findings of
 1328 fact and forward the findings to the court that granted the
 1329 probation or community control and to the probationer or

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1330 offender or his or her attorney. The findings of fact by the
 1331 hearing court are binding on the court that granted the
 1332 probation or community control. Upon the probationer or offender
 1333 being brought before it, the court that granted the probation or
 1334 community control may revoke, modify, or continue the probation
 1335 or community control or may place the probationer into community
 1336 control as provided in this section. However, the probationer or
 1337 offender shall not be released and shall not be admitted to
 1338 bail, but shall be brought before the court that granted the
 1339 probation or community control if any violation of felony
 1340 probation or community control other than a failure to pay costs
 1341 or fines or make restitution payments is alleged to have been
 1342 committed by:

1343 (a) A violent felony offender of special concern, as
 1344 defined in this section;

1345 (b) A person who is on felony probation or community
 1346 control for any offense committed on or after the effective date
 1347 of this act and who is arrested for a qualifying offense as
 1348 defined in this section; or

1349 (c) A person who is on felony probation or community
 1350 control and has previously been found by a court to be a
 1351 habitual violent felony offender as defined in s. 775.084(1)(b),
 1352 a three-time violent felony offender as defined in s.
 1353 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 1354 arrested for committing a qualifying offense as defined in this
 1355 section on or after the effective date of this act.

1356 Section 31. For the purpose of incorporating the amendment
 1357 made by this act to section 943.0435, Florida Statutes, in a
 1358 reference thereto, subsection (4) of section 948.30, Florida

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1359 Statutes, is reenacted to read:

1360 948.30 Additional terms and conditions of probation or
 1361 community control for certain sex offenses.—Conditions imposed
 1362 pursuant to this section do not require oral pronouncement at
 1363 the time of sentencing and shall be considered standard
 1364 conditions of probation or community control for offenders
 1365 specified in this section.

1366 (4) In addition to all other conditions imposed, for a
 1367 probationer or community controllee who is subject to
 1368 supervision for a crime that was committed on or after May 26,
 1369 2010, and who has been convicted at any time of committing, or
 1370 attempting, soliciting, or conspiring to commit, any of the
 1371 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
 1372 similar offense in another jurisdiction, against a victim who
 1373 was under the age of 18 at the time of the offense; if the
 1374 offender has not received a pardon for any felony or similar law
 1375 of another jurisdiction necessary for the operation of this
 1376 subsection, if a conviction of a felony or similar law of
 1377 another jurisdiction necessary for the operation of this
 1378 subsection has not been set aside in any postconviction
 1379 proceeding, or if the offender has not been removed from the
 1380 requirement to register as a sexual offender or sexual predator
 1381 pursuant to s. 943.04354, the court must impose the following
 1382 conditions:

1383 (a) A prohibition on visiting schools, child care
 1384 facilities, parks, and playgrounds, without prior approval from
 1385 the offender's supervising officer. The court may also designate
 1386 additional locations to protect a victim. The prohibition
 1387 ordered under this paragraph does not prohibit the offender from

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1388 visiting a school, child care facility, park, or playground for
 1389 the sole purpose of attending a religious service as defined in
 1390 s. 775.0861 or picking up or dropping off the offender's
 1391 children or grandchildren at a child care facility or school.

1392 (b) A prohibition on distributing candy or other items to
 1393 children on Halloween; wearing a Santa Claus costume, or other
 1394 costume to appeal to children, on or preceding Christmas;
 1395 wearing an Easter Bunny costume, or other costume to appeal to
 1396 children, on or preceding Easter; entertaining at children's
 1397 parties; or wearing a clown costume; without prior approval from
 1398 the court.

1399 Section 32. For the purpose of incorporating the amendment
 1400 made by this act to section 943.0435, Florida Statutes, in a
 1401 reference thereto, subsection (9) of section 985.4815, Florida
 1402 Statutes, is reenacted to read:

1403 985.4815 Notification to Department of Law Enforcement of
 1404 information on juvenile sexual offenders.—

1405 (9) A sexual offender, as described in this section, who is
 1406 under the care, jurisdiction, or supervision of the department
 1407 but who is not incarcerated shall, in addition to the
 1408 registration requirements provided in subsection (4), register
 1409 in the manner provided in s. 943.0435(3), (4), and (5), unless
 1410 the sexual offender is a sexual predator, in which case he or
 1411 she shall register as required under s. 775.21. A sexual
 1412 offender who fails to comply with the requirements of s.
 1413 943.0435 is subject to the penalties provided in s. 943.0435(9).

1414 Section 33. For the purpose of incorporating the amendment
 1415 made by this act to section 943.0435, Florida Statutes, in a
 1416 reference thereto, paragraph (b) of subsection (2) of section

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1417 1012.467, Florida Statutes, is reenacted to read:

1418 1012.467 Noninstructional contractors who are permitted

1419 access to school grounds when students are present; background

1420 screening requirements.—

1421 (2)

1422 (b) A noninstructional contractor for whom a criminal

1423 history check is required under this section may not have been

1424 convicted of any of the following offenses designated in the

1425 Florida Statutes, any similar offense in another jurisdiction,

1426 or any similar offense committed in this state which has been

1427 redesignated from a former provision of the Florida Statutes to

1428 one of the following offenses:

1429 1. Any offense listed in s. 943.0435(1)(h)1., relating to

1430 the registration of an individual as a sexual offender.

1431 2. Section 393.135, relating to sexual misconduct with

1432 certain developmentally disabled clients and the reporting of

1433 such sexual misconduct.

1434 3. Section 394.4593, relating to sexual misconduct with

1435 certain mental health patients and the reporting of such sexual

1436 misconduct.

1437 4. Section 775.30, relating to terrorism.

1438 5. Section 782.04, relating to murder.

1439 6. Section 787.01, relating to kidnapping.

1440 7. Any offense under chapter 800, relating to lewdness and

1441 indecent exposure.

1442 8. Section 826.04, relating to incest.

1443 9. Section 827.03, relating to child abuse, aggravated

1444 child abuse, or neglect of a child.

1445 Section 34. For the purpose of incorporating the amendment

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1446 made by this act to section 944.607, Florida Statutes, in a

1447 reference thereto, subsection (7) of section 944.608, Florida

1448 Statutes, is reenacted to read:

1449 944.608 Notification to Department of Law Enforcement of

1450 information on career offenders.—

1451 (7) A career offender who is under the supervision of the

1452 department but who is not incarcerated shall, in addition to the

1453 registration requirements provided in subsection (3), register

1454 in the manner provided in s. 775.261(4)(c), unless the career

1455 offender is a sexual predator, in which case he or she shall

1456 register as required under s. 775.21, or is a sexual offender,

1457 in which case he or she shall register as required in s.

1458 944.607. A career offender who fails to comply with the

1459 requirements of s. 775.261(4) is subject to the penalties

1460 provided in s. 775.261(8).

1461 Section 35. For the purpose of incorporating the amendments

1462 made by this act to sections 944.606 and 944.607, Florida

1463 Statutes, in references thereto, subsection (3) and paragraph

1464 (a) of subsection (4) of section 943.0435, Florida Statutes, are

1465 reenacted to read:

1466 943.0435 Sexual offenders required to register with the

1467 department; penalty.—

1468 (3) Within 48 hours after the report required under

1469 subsection (2), a sexual offender shall report in person at a

1470 driver license office of the Department of Highway Safety and

1471 Motor Vehicles, unless a driver license or identification card

1472 that complies with the requirements of s. 322.141(3) was

1473 previously secured or updated under s. 944.607. At the driver

1474 license office the sexual offender shall:

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1475 (a) If otherwise qualified, secure a Florida driver
 1476 license, renew a Florida driver license, or secure an
 1477 identification card. The sexual offender shall identify himself
 1478 or herself as a sexual offender who is required to comply with
 1479 this section and shall provide proof that the sexual offender
 1480 reported as required in subsection (2). The sexual offender
 1481 shall provide any of the information specified in subsection
 1482 (2), if requested. The sexual offender shall submit to the
 1483 taking of a photograph for use in issuing a driver license,
 1484 renewed license, or identification card, and for use by the
 1485 department in maintaining current records of sexual offenders.

1486 (b) Pay the costs assessed by the Department of Highway
 1487 Safety and Motor Vehicles for issuing or renewing a driver
 1488 license or identification card as required by this section. The
 1489 driver license or identification card issued must be in
 1490 compliance with s. 322.141(3).

1491 (c) Provide, upon request, any additional information
 1492 necessary to confirm the identity of the sexual offender,
 1493 including a set of fingerprints.

1494 (4) (a) Each time a sexual offender's driver license or
 1495 identification card is subject to renewal, and, without regard
 1496 to the status of the offender's driver license or identification
 1497 card, within 48 hours after any change in the offender's
 1498 permanent, temporary, or transient residence or change in the
 1499 offender's name by reason of marriage or other legal process,
 1500 the offender shall report in person to a driver license office,
 1501 and is subject to the requirements specified in subsection (3).
 1502 The Department of Highway Safety and Motor Vehicles shall
 1503 forward to the department all photographs and information

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1504 provided by sexual offenders. Notwithstanding the restrictions
 1505 set forth in s. 322.142, the Department of Highway Safety and
 1506 Motor Vehicles may release a reproduction of a color-photograph
 1507 or digital-image license to the Department of Law Enforcement
 1508 for purposes of public notification of sexual offenders as
 1509 provided in this section and ss. 943.043 and 944.606. A sexual
 1510 offender who is unable to secure or update a driver license or
 1511 an identification card with the Department of Highway Safety and
 1512 Motor Vehicles as provided in subsection (3) and this subsection
 1513 shall also report any change in the sexual offender's permanent,
 1514 temporary, or transient residence or change in the offender's
 1515 name by reason of marriage or other legal process within 48
 1516 hours after the change to the sheriff's office in the county
 1517 where the offender resides or is located and provide
 1518 confirmation that he or she reported such information to the
 1519 Department of Highway Safety and Motor Vehicles. The reporting
 1520 requirements under this paragraph do not negate the requirement
 1521 for a sexual offender to obtain a Florida driver license or an
 1522 identification card as required in this section.

1523 Section 36. For the purpose of incorporating the amendments
 1524 made by this act to sections 943.0435 and 944.607, Florida
 1525 Statutes, in references thereto, subsection (4) of section
 1526 320.02, Florida Statutes, is reenacted to read:

1527 320.02 Registration required; application for registration;
 1528 forms.—

1529 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
 1530 944.607, and 985.4815, the owner of any motor vehicle registered
 1531 in the state shall notify the department in writing of any
 1532 change of address within 30 days of such change. The

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1533 notification shall include the registration license plate
1534 number, the vehicle identification number (VIN) or title
1535 certificate number, year of vehicle make, and the owner's full
1536 name.

1537 Section 37. For the purpose of incorporating the amendments
1538 made by this act to sections 943.0435 and 944.607, Florida
1539 Statutes, in references thereto, subsection (3) of section
1540 322.141, Florida Statutes, is reenacted to read:

1541 322.141 Color or markings of certain licenses or
1542 identification cards.—

1543 (3) All licenses for the operation of motor vehicles or
1544 identification cards originally issued or reissued by the
1545 department to persons who are designated as sexual predators
1546 under s. 775.21 or subject to registration as sexual offenders
1547 under s. 943.0435 or s. 944.607, or who have a similar
1548 designation or are subject to a similar registration under the
1549 laws of another jurisdiction, shall have on the front of the
1550 license or identification card the following:

1551 (a) For a person designated as a sexual predator under s.
1552 775.21 or who has a similar designation under the laws of
1553 another jurisdiction, the marking "SEXUAL PREDATOR."

1554 (b) For a person subject to registration as a sexual
1555 offender under s. 943.0435 or s. 944.607, or subject to a
1556 similar registration under the laws of another jurisdiction, the
1557 marking "943.0435, F.S."

1558 Section 38. For the purpose of incorporating the amendments
1559 made by this act to sections 943.0435 and 944.607, Florida
1560 Statutes, in references thereto, subsections (1) and (2) of
1561 section 322.19, Florida Statutes, are reenacted to read:

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1562 322.19 Change of address or name.—

1563 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
1564 944.607, and 985.4815, whenever any person, after applying for
1565 or receiving a driver license or identification card, changes
1566 his or her legal name, that person must within 30 days
1567 thereafter obtain a replacement license or card that reflects
1568 the change.

1569 (2) If a person, after applying for or receiving a driver
1570 license or identification card, changes the legal residence or
1571 mailing address in the application, license, or card, the person
1572 must, within 30 calendar days after making the change, obtain a
1573 replacement license or card that reflects the change. A written
1574 request to the department must include the old and new addresses
1575 and the driver license or identification card number. Any person
1576 who has a valid, current student identification card issued by
1577 an educational institution in this state is presumed not to have
1578 changed his or her legal residence or mailing address. This
1579 subsection does not affect any person required to register a
1580 permanent or temporary address change pursuant to s. 775.13, s.
1581 775.21, s. 775.25, or s. 943.0435.

1582 Section 39. For the purpose of incorporating the amendments
1583 made by this act to sections 943.0435 and 944.607, Florida
1584 Statutes, in references thereto, subsection (4) of section
1585 775.13, Florida Statutes, is reenacted to read:

1586 775.13 Registration of convicted felons, exemptions;
1587 penalties.—

1588 (4) This section does not apply to an offender:

1589 (a) Who has had his or her civil rights restored;

1590 (b) Who has received a full pardon for the offense for

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1591 which convicted;

1592 (c) Who has been lawfully released from incarceration or
1593 other sentence or supervision for a felony conviction for more
1594 than 5 years prior to such time for registration, unless the
1595 offender is a fugitive from justice on a felony charge or has
1596 been convicted of any offense since release from such
1597 incarceration or other sentence or supervision;

1598 (d) Who is a parolee or probationer under the supervision
1599 of the United States Parole Commission if the commission knows
1600 of and consents to the presence of the offender in Florida or is
1601 a probationer under the supervision of any federal probation
1602 officer in the state or who has been lawfully discharged from
1603 such parole or probation;

1604 (e) Who is a sexual predator and has registered as required
1605 under s. 775.21;

1606 (f) Who is a sexual offender and has registered as required
1607 in s. 943.0435 or s. 944.607; or

1608 (g) Who is a career offender who has registered as required
1609 in s. 775.261 or s. 944.609.

1610 Section 40. For the purpose of incorporating the amendments
1611 made by this act to sections 943.0435 and 944.607, Florida
1612 Statutes, in references thereto, paragraph (d) of subsection
1613 (5), paragraph (f) of subsection (6), and paragraph (d) of
1614 subsection (10) of section 775.21, Florida Statutes, are
1615 reenacted to read:

1616 775.21 The Florida Sexual Predators Act.—

1617 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
1618 as a sexual predator as follows:

1619 (d) A person who establishes or maintains a residence in

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1620 this state and who has not been designated as a sexual predator
1621 by a court of this state but who has been designated as a sexual
1622 predator, as a sexually violent predator, or by another sexual
1623 offender designation in another state or jurisdiction and was,
1624 as a result of such designation, subjected to registration or
1625 community or public notification, or both, or would be if the
1626 person was a resident of that state or jurisdiction, without
1627 regard to whether the person otherwise meets the criteria for
1628 registration as a sexual offender, shall register in the manner
1629 provided in s. 943.0435 or s. 944.607 and shall be subject to
1630 community and public notification as provided in s. 943.0435 or
1631 s. 944.607. A person who meets the criteria of this section is
1632 subject to the requirements and penalty provisions of s.
1633 943.0435 or s. 944.607 until the person provides the department
1634 with an order issued by the court that designated the person as
1635 a sexual predator, as a sexually violent predator, or by another
1636 sexual offender designation in the state or jurisdiction in
1637 which the order was issued which states that such designation
1638 has been removed or demonstrates to the department that such
1639 designation, if not imposed by a court, has been removed by
1640 operation of law or court order in the state or jurisdiction in
1641 which the designation was made, and provided such person no
1642 longer meets the criteria for registration as a sexual offender
1643 under the laws of this state.

1644 (6) REGISTRATION.—

1645 (f) Within 48 hours after the registration required under
1646 paragraph (a) or paragraph (e), a sexual predator who is not
1647 incarcerated and who resides in the community, including a
1648 sexual predator under the supervision of the Department of

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1649 Corrections, shall register in person at a driver license office
 1650 of the Department of Highway Safety and Motor Vehicles and shall
 1651 present proof of registration unless a driver license or an
 1652 identification card that complies with the requirements of s.
 1653 322.141(3) was previously secured or updated under s. 944.607.
 1654 At the driver license office the sexual predator shall:

1655 1. If otherwise qualified, secure a Florida driver license,
 1656 renew a Florida driver license, or secure an identification
 1657 card. The sexual predator shall identify himself or herself as a
 1658 sexual predator who is required to comply with this section,
 1659 provide his or her place of permanent, temporary, or transient
 1660 residence, including a rural route address and a post office
 1661 box, and submit to the taking of a photograph for use in issuing
 1662 a driver license, a renewed license, or an identification card,
 1663 and for use by the department in maintaining current records of
 1664 sexual predators. A post office box may not be provided in lieu
 1665 of a physical residential address. If the sexual predator's
 1666 place of residence is a motor vehicle, trailer, mobile home, or
 1667 manufactured home, as defined in chapter 320, the sexual
 1668 predator shall also provide to the Department of Highway Safety
 1669 and Motor Vehicles the vehicle identification number; the
 1670 license tag number; the registration number; and a description,
 1671 including color scheme, of the motor vehicle, trailer, mobile
 1672 home, or manufactured home. If a sexual predator's place of
 1673 residence is a vessel, live-aboard vessel, or houseboat, as
 1674 defined in chapter 327, the sexual predator shall also provide
 1675 to the Department of Highway Safety and Motor Vehicles the hull
 1676 identification number; the manufacturer's serial number; the
 1677 name of the vessel, live-aboard vessel, or houseboat; the

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1678 registration number; and a description, including color scheme,
 1679 of the vessel, live-aboard vessel, or houseboat.

1680 2. Pay the costs assessed by the Department of Highway
 1681 Safety and Motor Vehicles for issuing or renewing a driver
 1682 license or an identification card as required by this section.
 1683 The driver license or identification card issued to the sexual
 1684 predator must comply with s. 322.141(3).

1685 3. Provide, upon request, any additional information
 1686 necessary to confirm the identity of the sexual predator,
 1687 including a set of fingerprints.

1688 (10) PENALTIES.—

1689 (d) Any person who misuses public records information
 1690 relating to a sexual predator, as defined in this section, or a
 1691 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 1692 secure a payment from such a predator or offender; who knowingly
 1693 distributes or publishes false information relating to such a
 1694 predator or offender which the person misrepresents as being
 1695 public records information; or who materially alters public
 1696 records information with the intent to misrepresent the
 1697 information, including documents, summaries of public records
 1698 information provided by law enforcement agencies, or public
 1699 records information displayed by law enforcement agencies on
 1700 websites or provided through other means of communication,
 1701 commits a misdemeanor of the first degree, punishable as
 1702 provided in s. 775.082 or s. 775.083.

1703 Section 41. For the purpose of incorporating the amendments
 1704 made by this act to sections 943.0435 and 944.607, Florida
 1705 Statutes, in references thereto, paragraph (b) of subsection (3)
 1706 of section 775.261, Florida Statutes, is reenacted to read:

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1707 775.261 The Florida Career Offender Registration Act.—
 1708 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—
 1709 (b) This section does not apply to any person who has been
 1710 designated as a sexual predator and required to register under
 1711 s. 775.21 or who is required to register as a sexual offender
 1712 under s. 943.0435 or s. 944.607. However, if a person is no
 1713 longer required to register as a sexual predator under s. 775.21
 1714 or as a sexual offender under s. 943.0435 or s. 944.607, the
 1715 person must register as a career offender under this section if
 1716 the person is otherwise designated as a career offender as
 1717 provided in this section.

1718 Section 42. For the purpose of incorporating the amendments
 1719 made by this act to sections 943.0435 and 944.607, Florida
 1720 Statutes, in references thereto, subsection (4) of section
 1721 948.06, Florida Statutes, is reenacted to read:

1722 948.06 Violation of probation or community control;
 1723 revocation; modification; continuance; failure to pay
 1724 restitution or cost of supervision.—

1725 (4) Notwithstanding any other provision of this section, a
 1726 felony probationer or an offender in community control who is
 1727 arrested for violating his or her probation or community control
 1728 in a material respect may be taken before the court in the
 1729 county or circuit in which the probationer or offender was
 1730 arrested. That court shall advise him or her of the charge of a
 1731 violation and, if such charge is admitted, shall cause him or
 1732 her to be brought before the court that granted the probation or
 1733 community control. If the violation is not admitted by the
 1734 probationer or offender, the court may commit him or her or
 1735 release him or her with or without bail to await further

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1736 hearing. However, if the probationer or offender is under
 1737 supervision for any criminal offense proscribed in chapter 794,
 1738 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
 1739 registered sexual predator or a registered sexual offender, or
 1740 is under supervision for a criminal offense for which he or she
 1741 would meet the registration criteria in s. 775.21, s. 943.0435,
 1742 or s. 944.607 but for the effective date of those sections, the
 1743 court must make a finding that the probationer or offender is
 1744 not a danger to the public prior to release with or without
 1745 bail. In determining the danger posed by the offender's or
 1746 probationer's release, the court may consider the nature and
 1747 circumstances of the violation and any new offenses charged; the
 1748 offender's or probationer's past and present conduct, including
 1749 convictions of crimes; any record of arrests without conviction
 1750 for crimes involving violence or sexual crimes; any other
 1751 evidence of allegations of unlawful sexual conduct or the use of
 1752 violence by the offender or probationer; the offender's or
 1753 probationer's family ties, length of residence in the community,
 1754 employment history, and mental condition; his or her history and
 1755 conduct during the probation or community control supervision
 1756 from which the violation arises and any other previous
 1757 supervisions, including disciplinary records of previous
 1758 incarcerations; the likelihood that the offender or probationer
 1759 will engage again in a criminal course of conduct; the weight of
 1760 the evidence against the offender or probationer; and any other
 1761 facts the court considers relevant. The court, as soon as is
 1762 practicable, shall give the probationer or offender an
 1763 opportunity to be fully heard on his or her behalf in person or
 1764 by counsel. After the hearing, the court shall make findings of

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1765 fact and forward the findings to the court that granted the
 1766 probation or community control and to the probationer or
 1767 offender or his or her attorney. The findings of fact by the
 1768 hearing court are binding on the court that granted the
 1769 probation or community control. Upon the probationer or offender
 1770 being brought before it, the court that granted the probation or
 1771 community control may revoke, modify, or continue the probation
 1772 or community control or may place the probationer into community
 1773 control as provided in this section. However, the probationer or
 1774 offender shall not be released and shall not be admitted to
 1775 bail, but shall be brought before the court that granted the
 1776 probation or community control if any violation of felony
 1777 probation or community control other than a failure to pay costs
 1778 or fines or make restitution payments is alleged to have been
 1779 committed by:

1780 (a) A violent felony offender of special concern, as
 1781 defined in this section;

1782 (b) A person who is on felony probation or community
 1783 control for any offense committed on or after the effective date
 1784 of this act and who is arrested for a qualifying offense as
 1785 defined in this section; or

1786 (c) A person who is on felony probation or community
 1787 control and has previously been found by a court to be a
 1788 habitual violent felony offender as defined in s. 775.084(1)(b),
 1789 a three-time violent felony offender as defined in s.
 1790 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 1791 arrested for committing a qualifying offense as defined in this
 1792 section on or after the effective date of this act.

1793 Section 43. For the purpose of incorporating the amendments

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1794 made by this act to sections 943.0435 and 944.607, Florida
 1795 Statutes, in references thereto, section 948.063, Florida
 1796 Statutes, is reenacted to read:

1797 948.063 Violations of probation or community control by
 1798 designated sexual offenders and sexual predators.—

1799 (1) If probation or community control for any felony
 1800 offense is revoked by the court pursuant to s. 948.06(2)(e) and
 1801 the offender is designated as a sexual offender pursuant to s.
 1802 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
 1803 775.21 for unlawful sexual activity involving a victim 15 years
 1804 of age or younger and the offender is 18 years of age or older,
 1805 and if the court imposes a subsequent term of supervision
 1806 following the revocation of probation or community control, the
 1807 court must order electronic monitoring as a condition of the
 1808 subsequent term of probation or community control.

1809 (2) If the probationer or offender is required to register
 1810 as a sexual predator under s. 775.21 or as a sexual offender
 1811 under s. 943.0435 or s. 944.607 for unlawful sexual activity
 1812 involving a victim 15 years of age or younger and the
 1813 probationer or offender is 18 years of age or older and has
 1814 violated the conditions of his or her probation or community
 1815 control, but the court does not revoke the probation or
 1816 community control, the court shall nevertheless modify the
 1817 probation or community control to include electronic monitoring
 1818 for any probationer or offender not then subject to electronic
 1819 monitoring.

1820 Section 44. For the purpose of incorporating the amendments
 1821 made by this act to sections 943.0435, 944.606, and 944.607,
 1822 Florida Statutes, in references thereto, subsection (2) of

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1823 section 775.24, Florida Statutes, is reenacted to read:

1824 775.24 Duty of the court to uphold laws governing sexual
1825 predators and sexual offenders.—

1826 (2) If a person meets the criteria in this chapter for
1827 designation as a sexual predator or meets the criteria in s.
1828 943.0435, s. 944.606, s. 944.607, or any other law for
1829 classification as a sexual offender, the court may not enter an
1830 order, for the purpose of approving a plea agreement or for any
1831 other reason, which:

1832 (a) Exempts a person who meets the criteria for designation
1833 as a sexual predator or classification as a sexual offender from
1834 such designation or classification, or exempts such person from
1835 the requirements for registration or community and public
1836 notification imposed upon sexual predators and sexual offenders;

1837 (b) Restricts the compiling, reporting, or release of
1838 public records information that relates to sexual predators or
1839 sexual offenders; or

1840 (c) Prevents any person or entity from performing its
1841 duties or operating within its statutorily conferred authority
1842 as such duty or authority relates to sexual predators or sexual
1843 offenders.

1844 Section 45. For the purpose of incorporating the amendments
1845 made by this act to sections 943.0435, 944.606, and 944.607,
1846 Florida Statutes, in references thereto, section 775.25, Florida
1847 Statutes, is reenacted to read:

1848 775.25 Prosecutions for acts or omissions.—A sexual
1849 predator or sexual offender who commits any act or omission in
1850 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
1851 944.607, or former s. 947.177 may be prosecuted for the act or

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1852 omission in the county in which the act or omission was
1853 committed, in the county of the last registered address of the
1854 sexual predator or sexual offender, in the county in which the
1855 conviction occurred for the offense or offenses that meet the
1856 criteria for designating a person as a sexual predator or sexual
1857 offender, in the county where the sexual predator or sexual
1858 offender was released from incarceration, or in the county of
1859 the intended address of the sexual predator or sexual offender
1860 as reported by the predator or offender prior to his or her
1861 release from incarceration. In addition, a sexual predator may
1862 be prosecuted for any such act or omission in the county in
1863 which he or she was designated a sexual predator.

1864 Section 46. For the purpose of incorporating the amendments
1865 made by this act to sections 943.0435, 944.606, and 944.607,
1866 Florida Statutes, in references thereto, subsection (2) of
1867 section 943.0436, Florida Statutes, is reenacted to read:

1868 943.0436 Duty of the court to uphold laws governing sexual
1869 predators and sexual offenders.—

1870 (2) If a person meets the criteria in chapter 775 for
1871 designation as a sexual predator or meets the criteria in s.
1872 943.0435, s. 944.606, s. 944.607, or any other law for
1873 classification as a sexual offender, the court may not enter an
1874 order, for the purpose of approving a plea agreement or for any
1875 other reason, which:

1876 (a) Exempts a person who meets the criteria for designation
1877 as a sexual predator or classification as a sexual offender from
1878 such designation or classification, or exempts such person from
1879 the requirements for registration or community and public
1880 notification imposed upon sexual predators and sexual offenders;

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1881 (b) Restricts the compiling, reporting, or release of
1882 public records information that relates to sexual predators or
1883 sexual offenders; or

1884 (c) Prevents any person or entity from performing its
1885 duties or operating within its statutorily conferred authority
1886 as such duty or authority relates to sexual predators or sexual
1887 offenders.

1888 Section 47. For the purpose of incorporating the amendments
1889 made by this act to sections 943.0435, 944.606, and 944.607,
1890 Florida Statutes, in references thereto, section 948.31, Florida
1891 Statutes, is reenacted to read:

1892 948.31 Evaluation and treatment of sexual predators and
1893 offenders on probation or community control.—The court may
1894 require any probationer or community controllee who is required
1895 to register as a sexual predator under s. 775.21 or sexual
1896 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
1897 an evaluation, at the probationer or community controllee's
1898 expense, by a qualified practitioner to determine whether such
1899 probationer or community controllee needs sexual offender
1900 treatment. If the qualified practitioner determines that sexual
1901 offender treatment is needed and recommends treatment, the
1902 probationer or community controllee must successfully complete
1903 and pay for the treatment. Such treatment must be obtained from
1904 a qualified practitioner as defined in s. 948.001. Treatment may
1905 not be administered by a qualified practitioner who has been
1906 convicted or adjudicated delinquent of committing, or
1907 attempting, soliciting, or conspiring to commit, any offense
1908 that is listed in s. 943.0435(1)(h)1.a.(I).

1909 Section 48. For the purpose of incorporating the amendments

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

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1910 made by this act to sections 943.0435, 944.606, and 944.607,
1911 Florida Statutes, in references thereto, paragraph (b) of
1912 subsection (6) of section 985.04, Florida Statutes, is reenacted
1913 to read:

1914 985.04 Oaths; records; confidential information.—

1915 (6)

1916 (b) Sexual offender and predator registration information
1917 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
1918 and 985.4815 is a public record pursuant to s. 119.07(1) and as
1919 otherwise provided by law.

1920 Section 49. This act shall take effect October 1, 2024.

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



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION	
BILL NUMBER:	SB1196
BILL TITLE:	Harm to Minors
BILL SPONSOR:	Senator Ingoglia
EFFECTIVE DATE:	October 1, 2024

COMMITTEES OF REFERENCE
1) Criminal Justice
2) Appropriations Committee on Criminal and Civil Justice
3) Fiscal Policy
4)
5)

CURRENT COMMITTEE
Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	HB1129
SPONSOR:	Representative Salzman

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	January 12, 2024
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Mike Duffey; Becky Bezemek; Heather Faulkner; Grant Geyer
LEGAL ANALYST:	Jim Martin, Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Requires manufacturers of tablets or smartphones to manufacture such devices so that filter is enabled upon activation; provides for enforcement; provides civil liability for individuals who enable password to remove filter on device in possession of minor; increases criminal penalties for certain offenses; prohibits persons who are of at least specified age from knowingly engaging in communication that is part of pattern of communication or behavior that meets specified criteria.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Currently, there is not a specific statute which focuses on grooming of a child in a sexual context.

EFFECT OF THE BILL: The bill creates s. 827.12, F.S., Harmful communication with a minor, in which it is a felony violation for an adult to knowingly engage in any communication that is part of a pattern and designed to maintain an inappropriate relationship with a minor or a person believed to be a minor, or that is harmful to minors as defined in s. 847.001, F.S. Additionally, an adult commits a felony if they knowingly use a computer online service, Internet service, local bulletin board service, or any other means or device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a person believed to be a minor to share an image or a recorded image depicting nudity of the minor for the sexual excitement of either party.

The bill adds s. 827.12, F.S., to the list of offenses that qualify for sexual offender registration under ss. 943.0435 and 944.607, F.S., so a person with a conviction or withhold of adjudication for this offense will be subject to lifetime sexual offender registration.

2. **DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES?** Y N

If yes, explain:	
What is the expected impact to the agency's core mission?	
Rule(s) impacted (provide references to F.A.C., etc.):	

3. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

4. **ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?** Y N

If yes, provide a description:	
Date Due:	
Bill Section Number:	

5. **ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?** Y N

Board:	
--------	--

Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	
Expenditures:	Increases the number of people required to register as sexual offenders in Florida, which increases the volume of in-person registration at sheriffs' offices and address verifications required of law enforcement around Florida and will have an indeterminate financial impact.
Does the legislation increase local taxes or fees?	No
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	
Expenditures:	Indeterminate costs will be incurred by FDLE for the sexual offender/predator registry to review approximately 250 records to determine if persons with out of state convictions who were previously determined not to qualify would now qualify for sexual offender registration based on this new provision.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY’S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	The estimated time to complete the necessary programmatic changes to fulfill the needs of this legislation is an estimated 1 week to complete utilizing existing staff resources. The estimated total cost is \$4,000.
--	--

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	
--	--

LEGAL - GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments and recommended action:	No additional comments.
--	-------------------------

ADDITIONAL COMMENTS

- Florida’s sexual offender registration laws are retroactive. If passed, this bill will require the department to review approximately 250 records associated with out of state convictions to determine if persons previously reviewed with a conviction for an out of state crime involving the acts described in s. 827.12, F.S., would now be required to register in Florida as a sexual offender. The time needed to review the 250 records depends on the complexity of each record. While the impact of this bill does not necessitate additional FTE or other resources at this time, this bill could rise to the level requiring additional staffing and other resources.
- Similar sexual offender offenses, such as ss. 827.071 and s. 847.0135(5), F.S., require sexual offender registration but are listed as offenses that could be considered for removal of the requirement to under s. 943.04354, F.S. This bill requires sexual offender registration for s. 827.21, F.S., but does not make it eligible for removal under s. 943.04354, F.S.

2/6/24

Meeting Date

CRIMINAL JUSTICE

Committee

The Florida Senate APPEARANCE RECORD

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

SB 1196

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryan Kennedy

Phone

239-671-5733

Address

9745 Roundstone Cir.

Email

ryan@gotlca.org

Street

Fort Myers FL

33967

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 Citizens
Alliance

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

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

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

S-001 (08/10/2021)

2/6/24

Meeting Date

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

1196

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Richard Montecalvo

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:

Chief Assistant State Attorney

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

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

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S-001 (08/10/2021)

2-6-2024

Meeting Date

Criminal Justice

Committee

Name Erin Collins/Junior Leagues of Florida

Phone (850) 570-1492

Address 1400 Village Square Blvd., #3-110

Email Erin@FloridaAllianceEndHT.co

Street

Tallahassee

FL

32312

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

2/6/24

Meeting Date

SB 1196

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box 530103

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

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 Family Policy Council

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)

2/6/24

The Florida Senate
APPEARANCE RECORD

SB 1196

Meeting Date

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

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-575-2084

Address PO Box 650216

Email John.Labriola@ctfclorida.net

Street

Miami

FL

33265

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:

Christian Family Coalition Florida

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

COMMITTEES:
Finance and Tax, *Chair*
Appropriations
Banking and Insurance
Criminal Justice
Ethics and Elections

SELECT COMMITTEE:
Select Committee on Resiliency

JOINT COMMITTEE:
Joint Administrative Procedures
Committee, *Alternating Chair*

Senator Blaise Ingoglia
11th District

January 9, 2024

The Honorable Jonathan Martin, Chair
Criminal Justice
315 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Re: SB 1196 Harm to Minors

Chair Martin,

SB 1196 has been referred to the Criminal Justice as its first committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large loop and a long horizontal stroke.

Blaise Ingoglia
State Senator, District 11

Cc: Amanda Stokes, Staff Director, Sue Arnold, Committee Administration Assistant

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 Criminal Justice

BILL: CS/SB 1286

INTRODUCER: Criminal Justice Committee and Senator Collins

SUBJECT: Return of Weapons and Arms Following an Arrest

DATE: February 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1286 requires a law enforcement agency to return any weapons or firearms that are taken from a person following an arrest, but that are *not* seized as evidence, within 45 days of his or her release from detention if he or she meets these other criteria:

- He or she must provide a form of government-issued photographic identification; and
- If requesting the return of a firearm, he or she must successfully complete a criminal history background check confirming the person is not prohibited from possessing a firearm under state or federal law, including not having any prohibition arising from an injunction, a risk protection order, or any other court order prohibiting the person from possessing a firearm.

The bill authorizes a sheriff or chief of police to develop reasonable procedures to ensure the timely return of weapons or firearms which are not inconsistent with the bill.

II. Present Situation:

Section 790.08, F.S., requires every law enforcement officer who makes an arrest under s. 790.07, F.S., which prohibits the use or attempted use of a weapon, electric weapon or device, or firearm in committing a felony, to take possession of any weapon or firearm found upon the person. Additionally, in making any arrest under any other law or municipal ordinance, the law

enforcement officer must take possession of any weapon, electric weapon or device, or firearm found upon the person arrested.¹

The law enforcement officer must deliver such weapons, electric weapons or devices, or “arms”² to the sheriff or chief of police of the jurisdiction in which the arrest was made. The sheriff or the chief of police must retain such weapon or firearm until after the trial of the person arrested.³

Sections 790.08(2) and (3), F.S., require the forfeiture of a weapon or firearm if a person is convicted of violating s. 790.07, F.S., or a similar offense involving the use or attempted use of a weapon or firearm in committing a felony, and the return of a weapon or firearm if a person is acquitted or such charges are dismissed.

If a person fails to claim a weapon or firearm within 60 days of his or her acquittal or the dismissal of charges, the weapon or firearm must be delivered to the sheriff of the county in which the person was arrested.⁴ If a person fails to claim a weapon or firearm within six months from the date it was delivered to the sheriff, such weapon or firearm is forfeited to the state.⁵

The forfeiture and return requirements in s. 790.08(2) and (3), F.S., do *not* apply if a person is arrested for committing an offense in which a weapon or firearm is seized and held as evidence but was not *used* in committing a felony. In such circumstances, the return of such a weapon or firearm is governed by s. 705.105, F.S., which generally provides for the disposition of unclaimed evidence following the conclusion of a criminal proceeding.⁶

III. Effect of Proposed Changes:

The bill amends s. 790.08, F.S., to delete the requirement for a sheriff or chief of police to retain custody of all weapons or firearms seized incident to an arrest until after the trial of the person arrested. Instead, the bill requires a law enforcement agency to return any weapons or firearms that are taken from a person following an arrest, but that are *not* seized as evidence, within 45 days after he or she has been released from detention and if he or she meets all of the following criteria:

¹ Section 790.08(1), F.S.

² The use of the term “arms” is not common in the Florida Statutes, however it does appear throughout s. 790.08, F.S. “Electric weapon or device” means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. s. 790.001(7), F.S.; “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime. Section 790.001(9), F.S.; and “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife. Section 790.001(20), F.S.

³ Section 790.08(1), F.S.

⁴ If the weapon, electric weapon or device, or firearm was delivered to the sheriff immediately following a person’s arrest, no transfer is necessary. *Id.*

⁵ Section 790.08(5), F.S.

⁶ Under s. 705.105, F.S., title to unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation in the custody of the court or clerk of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency vests permanently in the law enforcement agency 60 days after the conclusion of the proceeding. Section 705.105(1), F.S.

- The person must provide a form of government-issued photographic identification; and
- If requesting the return of a firearm, he or she must successfully complete a criminal history background check confirming the person is not prohibited from possessing a firearm under state or federal law, including not having any prohibition arising from an injunction, a risk protection order, or any other court order prohibiting the person from possessing a firearm.

The bill authorizes a sheriff or chief of police to develop reasonable procedures to ensure the timely return of weapons or firearms which are not inconsistent with the bill. The bill prohibits a sheriff or chief of police from requiring a court order to release weapons or firearms that are not seized as evidence in a criminal proceeding unless there are competing claims of ownership of such weapons or firearms.

The bill provides an effective date of July 1, 2024.

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:

None anticipated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.08 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 February 6, 2024:

The committee substitute:

- Requires a law enforcement agency to return any weapons or firearms that are taken from a person following an arrest, but that are *not* seized as evidence, within 45 days after he or she has been released from detention.

- B. **Amendments:**

None.



908506

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 33 - 36
and insert:
as evidence must be returned to the person within 45 days after
he or she is released from detention and if he or she meets all
of the following criteria:

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

And the title is amended as follows:



11 Delete lines 6 - 7
12 and insert:
13 which are not seized as evidence be returned to the
14 person within a certain timeframe if

By Senator Collins

14-01515-24

20241286__

A bill to be entitled

An act relating to the return of weapons and arms following an arrest; amending s. 790.08, F.S.; requiring that weapons, electric weapons or devices, or arms taken from a person pursuant to an arrest which are not seized as evidence be returned upon request to the person from whom they were taken if specified conditions are met; authorizing a sheriff or chief of police to develop reasonable procedures to ensure the timely return of certain weapons, electric weapons or devices, or arms; prohibiting a sheriff or chief of police from requiring a court order before releasing certain weapons, electric weapons or devices, or arms; providing an exception; providing an effective date.

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

Section 1. Subsection (1) of section 790.08, Florida Statutes, is amended to read:

790.08 Taking possession of weapons and arms; reports; disposition; custody.—

(1) (a) Every officer making an arrest under s. 790.07, or under any other law or municipal ordinance within the state, shall take possession of any weapons, electric weapons or devices, or arms mentioned in s. 790.07 found upon the person arrested and deliver them to the sheriff of the county, or the chief of police of the municipality wherein the arrest is made, ~~who shall retain the same until after the trial of the person~~

Page 1 of 2

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

14-01515-24

20241286__

~~arrested.~~

(b) Any weapons, electric weapons or devices, or arms that are taken from a person under paragraph (a) which are not seized as evidence must be returned upon request to the person from whom the weapons, electric weapons or devices, or arms were taken if the person meets all of the following criteria:

1. The person has been released from detention.

2. The person provides a form of government-issued photographic identification.

3. If requesting the return of a firearm, a completed criminal history background check confirms the person is not prohibited from possessing a firearm under state or federal law, including not having any prohibition arising from an injunction, a risk protection order, or any other court order prohibiting the person from possessing a firearm.

(c) The sheriff or chief of police may develop reasonable procedures to ensure the timely return of weapons, electric weapons or devices, or arms which are not inconsistent with this subsection.

(d) The sheriff or chief of police may not require a court order to release weapons, electric weapons or devices, or arms that are not seized as evidence in a criminal proceeding unless there are competing claims of ownership of such weapons, electric weapons or devices, or arms.

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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

APPEARANCE RECORD

SB 1286

Feb 6, 2024

Meeting Date

Criminal Justice

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Gerald Carroll, FL Deputy Director

Phone 703-321-8585

Address 8001 Forbes Place - Suite 202

Email jed.carroll@gunowners.org

Street

Springfield

VA

22151

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:

Gun Owners of America

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

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 1286

Feb 6, 2024

Meeting Date

Criminal Justice

Committee

Deliver both copies of this form to
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Bill Number or Topic

Amendment Barcode (if applicable)

Name Luis Valdes, FL State Director

Phone 703-321-8585

Address 8001 Forbes Place - Suite 202

Email luis.valdes@gunowners.org

Street

Springfield

VA

22151

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:

Gun Owners of America

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)

Feb 6, 2024

The Florida Senate
APPEARANCE RECORD

SB 1286

Meeting Date

Deliver both copies of this form to
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Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name **Jennifer Cook Pritt**

Phone **8502193631**

Address **2636 Mitcham Drive**

Email **jpritt@fpca.com**

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:

FL Police Chiefs 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)

Feb 6, 2024

Meeting Date

Criminal Justice

Committee

The Florida Senate APPEARANCE RECORD

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

SB 1286

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jennifer Cook Pritt**

Phone **8502193631**

Address **2636 Mitcham Drive**

Email **jpritt@fpca.com**

Street

Tallahassee

FL

32308

City

State

Zip

Reset Form

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB1286

2-6-2023

Meeting Date

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

Mike Johnson

Phone

407 947-5417

Address

312 Tangerine St

Email

shjohnson@aol.com

Street

Altamonte Springs FL

32701

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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SB 1286
Bill Number or Topic

06 Feb 2024
Meeting Date

Criminal Justice
Committee

Amendment Barcode (if applicable)

Ami Nibhanupudy
Name

407 388 5698
Phone

512 Ballantyne Ct
Address
Street

yosemikami@gmail.com
Email

Little Manassas FL 32246
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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2/6/24

Meeting Date

531286

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paseo del Mar # D

Email

Street

Casselberry

FL

State

32707

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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Feb 16, 24

Meeting Date

SB 1286

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Wendy Burnell

Phone 321-436-7893

Address 101 Little Wakivada

Street

Email

Longwood FL

City

State

32779

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 11, 2024

I respectfully request that **Senate Bill #1286**, relating to Return of Weapons and Arms Following an Arrest, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

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 Criminal Justice

BILL: CS/SB 1356

INTRODUCER: Criminal Justice Committee and Senator Calatayud

SUBJECT: School Safety

DATE: February 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1356 modifies school safety requirements for public and private schools. The bill:

- Requires schools and sheriffs to report guardian information to the Florida Department of Law Enforcement.
- Establishes a statewide school safety inspection process with regular inspections on a 3-year cycle, reporting, and compliance verification.
- Requires district school boards to adopt a progressive discipline policy for school safety violations.
- Authorizes the Marjory Stoneman Douglas High School Public Safety Commission to research best practices in school safety and update legislative recommendations.
- Requires the Florida Safe Schools Assessment Tool to specifically address best practices for locked access points and safe spaces in schools.
- Provides for criminal penalties against a person who knowingly or willfully operates a drone over a K-12 school or allows a drone to make contact with a school.
- Modifies existing guardian training requirements to require a guardian candidate to receive training to improve the school guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises.
- Includes, subject to appropriation, grants for local law enforcement to assist private schools with security assessments and threat management programs.
- Enables certification as a guardian without initial training for certain qualified individuals.
- Requires specific annual instruction to be provided to students regarding FortifyFL.

- Requires the district school superintendent to notify the postsecondary institution at which a student is dually enrolled of certain allegations of crimes by the student.

The bill takes effect July 1, 2024.

II. Present Situation:

Marjory Stoneman Douglas High School Public Safety Commission

The Marjory Stoneman Douglas High School Public Safety Commission (commission) was established in 2018 to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and to develop recommendations for system improvements.¹ The commission is housed within the Florida Department of Law Enforcement.² The commission submitted its initial report to the Governor and the Legislature on January 2, 2019,³ and its second report on November 1, 2019.⁴

Among its various duties, the commission is required to monitor implementation of school safety legislation by:

- Evaluating the activities of the Office of Safe Schools (OSS) to provide guidance to school districts, identifying areas of noncompliance and mechanisms used to achieve compliance.
- Reviewing the findings of the Auditor General regarding school district school safety policies and procedures that need improvement to ensure and demonstrate compliance with state law.
- Reviewing school hardening grant expenditures and evaluating such expenditures based on the report of the School Hardening and Harm Mitigation Workgroup, recommendations of law enforcement agencies, and the return on investment.
- Evaluating the utilization of the centralized integrated data repository by schools and its effectiveness in conducting threat assessments.
- Assessing efforts by local governments to improve communication and coordination among regional emergency communications systems.
- Investigating any failures in incident responses by local law enforcement agencies and school resource officers.
- Investigating any failures in interactions with perpetrators preceding incidents of violence.⁵

Safe-School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement and security agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools. These options include:⁶

¹ Section 943.687(3), F.S.

² Section 943.687(1), F.S.

³ Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited Feb. 3, 2023).

⁴ Commission, *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President*, (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>.

⁵ Section 943.687(3), F.S.

⁶ Section 1006.12, F.S.

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers and are responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers who are employed by either a law enforcement agency or by the district school board.
- Participating in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.
- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training and evaluation requirements as a school guardian.

Additionally, a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers.⁷

Safe-school officers who are sworn law enforcement officers are required to complete mental health crisis intervention training. Each safe-school officer who is not a sworn law enforcement officer is required to receive training to improve the officer’s knowledge and skills necessary to respond to and de-escalate incidents on school premises.⁸

Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program

Sheriffs are required to assist district school boards, charter school governing boards, and private schools in exercising options for safe-school officers. A sheriff is required to provide access to a Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises.⁹

A sheriff who establishes a Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program is required to consult with the Department of Law Enforcement on programmatic guiding principles, practices, and resources, and certify as school guardians, school employees who:¹⁰

- Hold a license to carry a concealed weapon or concealed firearm.
- Complete a 144-hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors.
- Pass a psychological evaluation.
- Submit to and pass an initial drug test and subsequent random drug tests.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

⁷ Section 1006.12(18)(a), F.S.

⁸ Section 1006.12(6), F.S.

⁹ Section 30.15(1)(k), F.S.

¹⁰ Section 30.15(1)(k)2., F.S.

The required 132 hours of comprehensive firearm safety and proficiency training includes:¹¹

- Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
- Sixteen hours of instruction in precision pistol.
- Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.
- Sixteen hours of instruction in active shooter or assailant scenarios.
- Eight hours of instruction in defensive tactics.
- Four hours of instruction in legal issues.

The sheriff who conducts the guardian training is required to issue a school guardian certificate to individuals who meet these requirements and maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff.¹²

There are currently 49 counties that are participating in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.¹³ The Florida Department of Law Enforcement (FDLE) is not directly involved with the training or tracking of persons appointed as school guardians. The responsibility is assigned to the sheriff's office in each county that certifies school guardians.¹⁴

The Office of Safe Schools

The OSS in the Department of Education (DOE) serves as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.¹⁵ The OSS, in part, must:

- Establish and update as necessary a school security risk assessment tool¹⁶ for use by school districts and charter schools, and provide annual training on the proper assessment of physical site security and completion of the school security risk assessment tool.
- Provide ongoing professional development opportunities to school district and charter school personnel.
- Provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to school districts on safety and security and recommendations to address findings identified in the school security risk assessment.¹⁷

¹¹ Section 30.15(1)(k)2.b., F.S.

¹² Section 30.15(1)(k), F.S.

¹³ Florida Department of Education, *Chris Hixon, Coach Aaron Feis, & Coach Scott Beigel Guardian Program*, <https://www.fldoe.org/safe-schools/guardian-program.stml> (last visited Feb. 1, 2024).

¹⁴ Florida Department of Law Enforcement, *2024 FDLE Legislative Bill Analysis for HB 1473* (Jan. 29, 2024) at 2.

¹⁵ Section 1001.212, F.S. *See also*: Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited February 3, 2023).

¹⁶ Section 1006.1493, F.S., provides guidelines for the Florida Safe Schools Assessment Tool (FSSAT).

¹⁷ Section 1006.07(6)(a)4., F.S., requires a school security risk assessment at each public school using the school security risk assessment tool (FSSAT) developed by the Office of Safe Schools.

- Develop and implement a School Safety Specialist Training Program for school safety specialists.¹⁸ The office must develop the training program based on national and state best practices on school safety and security and must include active shooter training. A school safety specialist certificate of completion must be awarded to a school safety specialist who satisfactorily completes the training.
- Review and provide recommendations on the security risk assessments.
- Monitor compliance with requirements relating to school safety by school districts and public schools.¹⁹
- Provide data to support the evaluation of mental health services.²⁰
- Provide technical assistance to school districts and charter school governing boards for school environmental safety incident reporting.
- Award grants to schools to improve the safety and security of school buildings based on the recommendations of the security risk assessment developed.
- Disseminate, in consultation with the FDLE, to participating schools awareness and education materials on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information.
- Convene a School Hardening and Harm Mitigation Workgroup.²¹
- Develop a standardized, statewide behavioral threat assessment instrument for use by all public schools, including charter schools, which addresses early identification, evaluation, early intervention, and student support.
- Establish the Statewide Threat Assessment Database Workgroup.²²

Emergency Response Policies and Procedures

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools.

Drills for active assailant and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.²³ Law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in

¹⁸ Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator as a school safety specialist for the district.

¹⁹ Section 1001.212(14), F.S.

²⁰ Section 1001.212(7), F.S., provides such data must include, for each school, the number of involuntary examinations as defined in s. 394.455, F.S., which are initiated at the school, on school transportation, or at a school-sponsored activity and the number of children for whom an examination is initiated.

²¹ Section 1001.212(11), F.S. This subsection will be repealed on June 30, 2023.

²² Section 1001.212(13), F.S., provides that members are appointed by the DOE, to complement the work of the DOE and FDLE associated with the centralized integrated data repository and data analytics resources initiative and make recommendations regarding the development of a statewide threat assessment database. The database must allow authorized public school personnel to enter information related to any threat assessment conducted at their schools using a specified instrument, and must provide such information to authorized personnel in each school district and public school and to appropriate stakeholders.

²³ Section 1006.07(4), F.S.

coordination with the district's school safety specialist, must be physically present on campus and directly involved in the execution of active assailant emergency drills.²⁴

School Safety Specialist

Each district school superintendent is required to designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. The school safety specialist is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district.²⁵

Each district school safety specialist is required to conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT) and report findings and subsequent school board action to the Office of Safe Schools within 30 days after the district school board meeting.²⁶

Safe Schools Allocation

Each school district receives a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, one-third is required to be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and two-thirds based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.²⁷

Florida Safe Schools Assessment Tool

The FSSAT is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.²⁸

Mobile Suspicious Activity Reporting Tool

The mobile suspicious activity reporting tool (FortifyFL) allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.²⁹ FortifyFL is a computer and mobile phone application free to all public and private schools in Florida. District and school-level administrators receive and must respond to

²⁴ Section 1006.07(4), F.S.

²⁵ Section 1006.07(6)(a), F.S.

²⁶ Section 1006.07(6)(a)4., F.S.

²⁷ Section 1011.62(12), F.S.

²⁸ Section 1006.1493, F.S.

²⁹ Section 943.082(1), F.S.

tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.³⁰

District school boards are required to promote the use of the mobile suspicious activity reporting tool by advertising it on the school district website, in newsletters, on school campuses, in school publications, by installing it on all mobile devices issued to students, and by bookmarking the website on all computer devices issued to students.³¹

The reporting tool is required to notify the reporting party that:³²

- If, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the Internet protocol (IP) address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation; and
- The reporting party may be subject to criminal penalties for a false report to law enforcement authorities.³³
- In circumstances that do not involve a false tip submitted through FortifyFL, unless the reporting party has chosen to disclose his or her identity, the report remains anonymous.

Specific Crimes Involving Threats or False Reports

Threat to throw, project, place, or discharge any destructive device

It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree.³⁴

False report concerning planting a bomb, an explosive, or a weapon of mass destruction, or concerning the use of firearms in a violent manner

It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons. A person who commits such an act commits a felony of the second degree.³⁵

When a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.³⁶

³⁰ Florida Department of Education, *FortifyFL School Safety Awareness Program*, at 1-2 (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>.

³¹ Section 943.082(4)(b), F.S.

³² Section 943.082(2)(c), F.S.

³³ False reports to law enforcement authorities are addressed in s. 837.05, F.S.

³⁴ Section 790.162, F.S.

³⁵ Section 790.163(1), F.S.

³⁶ Section 985.04(4)(a), F.S.

Drones

A drone is a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.³⁷

A person commits a second-degree misdemeanor if the person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;³⁸
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.³⁹

A subsequent violation is a first-degree misdemeanor.⁴⁰

Dual Enrollment Program

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.⁴¹ To be eligible for dual enrollment a student must be enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law⁴² and provides a secondary curriculum pursuant to law. Dual enrollment instruction may be offered on the high school or eligible postsecondary institution campus.⁴³ Students who meet the eligibility requirement and who participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.⁴⁴

³⁷ Section 934.50(2)(a), F.S.

³⁸ A critical infrastructure facility includes secure facilities that are crucial to infrastructure and enumerated in s. 330.41(2)(a), F.S.

³⁹ Section 330.41(4), F.S.

⁴⁰ Section 330.41(4)(b), F.S.

⁴¹ Section 1007.271(1), F.S.

⁴² Section 1002.42, F.S.

⁴³ Eligible postsecondary institutions include career centers under s. 1001.44, F.S., state universities under s. 1000.21(8), F.S., Florida College System institutions under s. 1000.21(5), F.S., and private colleges and universities that are not for profit, are accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confer degrees, pursuant to s. 1011.61(1)(i), F.S.

⁴⁴ Section 1007.271, F.S. However, s. 1011.62(1)(i), F.S., specifies that the exemption from tuition and fees does not apply to dual enrollment at an eligible private postsecondary institution.

III. Effect of Proposed Changes:

The bill modifies school safety requirements for public and private schools. The bill:

- Requires schools and sheriffs to report guardian information to the Florida Department of Law Enforcement (FDLE).
- Establishes a statewide school safety inspection process with regular inspections on a 3-year cycle, reporting, and compliance verification.
- Requires district school boards to adopt a progressive discipline policy for school safety violations.
- Authorizes the Marjory Stoneman Douglas High School Public Safety Commission (commission) to research best practices in school safety and update legislative recommendations.
- Requires the Florida Safe Schools Assessment Tool (FSSAT) to specifically address best practices for locked access points and safe spaces in schools.
- Provides for criminal penalties against a person who knowingly or willfully operates a drone over a K-12 school or allows a drone to make contact with a school.
- Modifies existing guardian training requirements to require a guardian candidate to receive training to improve the school guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises.
- Includes, subject to appropriation, grants for local law enforcement to assist private schools with security assessments and threat management programs.
- Enables certification as a guardian without initial training for certain qualified individuals.
- Requires specific annual instruction to be provided to students regarding FortifyFL.
- Requires the district school superintendent to notify the postsecondary institution at which a student is dually enrolled of certain allegations of crimes by the student.

Marjory Stoneman Douglas High School Public Safety Commission

The bill modifies s. 943.687, F.S., to require the commission to research best practices in school safety and make additional legislative recommendations if necessary.

Safe-School Officer Requirements

The bill amends s. 1006.12, F.S., to require that agreements between a school district and a law enforcement agency for the provision of school resource officers (SRO) in district schools must identify the entity responsible for maintaining records relating to SRO training.

Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program

The bill modifies s. 30.15, F.S., to clarify that private schools seeking to participate in the guardian program are responsible for costs associated with background screening in addition to costs associated with training. However, the bill authorizes a sheriff to waive training and background screening costs for a private school participating in the school guardian program. Funds provided to the sheriff by the Department of Education (DOE) for the school guardian program may not be used to subsidize any costs that have been waived by the sheriff.

The bill provides that an individual certified and in good standing under the Florida Criminal Justice Standards and Training Commission, and who is otherwise qualified to serve as a guardian, is exempt from the 144-hour training requirement prior to certification as a guardian. The bill authorizes a sheriff to issue a school guardian certificate to such individuals.

The bill requires a school guardian to complete 12 hours of training to improve the guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises, and deletes a requirement for a school guardian to complete 12 hours of certified nationally recognized diversity training. A conforming change is made in s. 1006.12, F.S.

The bill creates a framework for reporting and maintaining information about school guardians certified by sheriffs or appointed by the employer that employs a certified school guardian to serve as a school guardian, including a district school board, a charter school governing board, a security agency which provides school guardian services, or a private school. Specifically, the bill requires:

- By September 1, 2024, and thereafter within 30 days after certification by the sheriff, each sheriff to report to the FDLE the name, date of birth, and certification date of each school guardian certified by the sheriff.
- By February 1 and September 1 of each year, each employer of an appointed school guardian to report to the FDLE the name, date of birth, and initial and end-of-appointment dates, as applicable, of each appointed or separated school guardian which has not been reported.
- The FDLE to maintain a list of each person appointed as a school guardian and provide the list to any school safety specialist upon request. The list must include the name, certification date, and any appointment or end-of-appointment date of each school guardian, including the name of the employer or last employer of the school guardian. The bill requires the FDLE to remove from the list any person whose training has expired.
- Each sheriff to report on a quarterly basis to the FDLE the schedule for upcoming school guardian trainings, including the dates of the training, the training locations, a contact person to register for the training, and the class capacity.
- The FDLE to publish on its website a list of the upcoming school guardian trainings and update such list quarterly.
- By March 1 and October 1 of each year, the FDLE to notify the DOE of any employer of a school guardian which has not complied with the reporting requirements.

The bill provides that an employer that is out of compliance with the reporting requirements may not operate a school guardian program until the employer comes into compliance by reporting the information for all school guardians the employer has appointed. Similarly, the bill provides that a sheriff who is out of compliance with the reporting requirements may not receive reimbursement from the DOE for school guardian trainings until the sheriff comes into compliance by reporting the information for all school guardians whom the sheriff has certified.

The Office of Safe Schools

The bill modifies s. 1001.212, F.S., to require the Office of Safe Schools (OSS), by August 1, 2024, to develop and adopt a Florida school safety compliance inspection report to document compliance or noncompliance with school safety requirements and adherence to established school safety best practices to evaluate the safety, security, and emergency response of schools.

Upon the adoption of the report and upon any revisions to the report, the OSS is required to provide a blank copy of the report to each district school superintendent and charter school administrator. The bill requires the OSS to annually provide school safety specialists with training on the report, and any revisions thereof, and the expectations associated with the required inspections.

The bill authorizes the OSS to conduct inspections, which may include unannounced inspections, of all public schools, including charter schools. The bill requires the OSS to inspect every public school in this state during 3-year inspection cycles and, within 3 school days after the inspection, provide a copy of the completed Florida school safety compliance inspection report, including any photographs or other evidence of noncompliance, to the superintendent, the school safety specialist, and the school principal or charter school administrator.

The bill requires the school safety specialist to provide the OSS with written notice of the manner in which any noncompliance has been remediated within 5 school days after receipt of the report and the OSS to re-inspect any school with documented deficiencies within 6 months.

The bill requires the OSS to provide a bonus in an amount determined in the General Appropriations Act, at the conclusion of the initial inspection conducted during the school year, to the school principal or charter school administrator of each school that complies with all school safety requirements.

The bill requires the OSS to identify instructional personnel and administrative personnel who knowingly violate school safety requirements to the district school superintendent or charter school administrator, as applicable, for disciplinary action if such action has not already been commenced by the district school superintendent or charter school administrator upon receipt of the Florida school safety compliance inspection report. The district school superintendent or charter school administrator is required by the bill to notify the OSS of the outcome of the disciplinary proceedings within 3 school days after the conclusion of the proceedings.

The bill requires the OSS to maintain a record of any administrative personnel or instructional personnel who violated school safety requirements, and authorizes the use such information when making any subsequent determinations of an alleged violation by the same person.

The bill requires the OSS, by December 1, 2024, to evaluate the methodology for the Safe Schools Allocation and, if necessary, make recommendations for an alternate methodology to distribute the remaining balance of the Safe Schools Allocation to address school safety personnel, technology, and facility cost needs and each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

Emergency Response Policies and Procedures

The bill amends s. 1006.07, F.S., to require each public school, including charter schools, to maintain a record that is accessible on each campus or by request of the OSS of all current and prior school year drills conducted pursuant to this subsection, including the names of law enforcement personnel present on campus for each active assailant emergency drill.

The bill requires each district school board and charter school governing board to adopt a progressive discipline policy for addressing instructional personnel and any administrative personnel who knowingly violate school safety requirements.

School Safety Specialist

The bill modifies the duties of the district school safety specialist. The bill requires the school safety specialist's review of district policies and procedures to be made annually and in conjunction with the district school superintendent. Additionally, the bill requires the school safety specialist, during the first quarter of every school year, to report to the district school board in a public meeting the number of schools inspected during the preceding calendar year and the number and percentage of schools in compliance during the initial inspection and re-inspection. The bill provides that the school safety specialist's report on school security risk assessment findings to the OSS must be made through the district school superintendent.

Florida Safe Schools Assessment Tool

The bill modifies s. 1006.1493, F.S., to specify that the physical security measures addressed by the FSSAT must include, but are not limited to, security for gates or other access points that restrict ingress to or egress from a school campus, a school facility, and rooms and areas within the facility, and the identification and demarcation of safe spaces.

The bill requires, for the 2024-2025 fiscal year and subject to legislative appropriation, the FDLE to provide grants to sheriffs' offices and law enforcement agencies to:

- Conduct physical site security assessments for and provide reports to private schools with recommendations on improving such schools' infrastructure safety and security;
- Assist private schools in developing active assailant response protocols and develop and implement training relating to active assailant responses, including active assailant response drills for students and school personnel; and
- Consult with or provide guidance to private schools in implementing a threat management program similar to the statewide behavioral threat management operational process for public schools.

The bill requires the FDLE to develop a site security assessment form for use by sheriffs' offices and law enforcement agencies and make the form available, including any subsequent revisions, to private schools. The bill authorizes the grants awarded to be used for personnel costs and to purchase software and other items necessary to assist private schools.

The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds. Grants are required by the bill to be awarded no later than October 1, 2024.

Mobile Suspicious Activity Reporting Tool

The bill modifies s. 943.082, F.S., to require each district school board and charter school governing board to ensure instruction is provided to students on the use of FortifyFL within the first five days of each school year. The instruction must be age and developmentally appropriate

and include the consequences for, when school or school personnel's property, school transportation, or a school-sponsored activity is involved, making:

- A threat to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person.
- A false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons.

Drones

The bill amends s. 330.41, F.S., to prohibit a person from knowingly or willfully:

- Operating a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allowing a drone to make contact with a school, including any person or object on the premises of or within a school facility.

Under the bill, a person who violates such a prohibition commits a second degree misdemeanor for a first violation or a first degree misdemeanor for a second or subsequent violation.

If a person commits a violation and records video of the school, including any person or object on the premises of or within the school facility, the person commits a first degree misdemeanor for a first violation, or a third degree felony for a second or subsequent violation.

The prohibition against operating a drone over a school does not apply to a:

- Person operating a drone with the prior written consent of the school principal, district school board, superintendent, or school governing board; or
- Law enforcement agency that is in compliance with s. 934.50, F.S., or a person under contract with or otherwise acting under the direction of such law enforcement agency.

Dual Enrollment Program

The bill modifies s. 985.04, F.S., to address the reporting of crimes in the case of a child who is alleged to have committed an offense that would have been a felony if committed by an adult. If the child is a dually enrolled student at a postsecondary institution, the bill requires the district school superintendent, or his or her designee, to notify the postsecondary institution at which the student is dually enrolled within 1 business day of being notified by law enforcement of the delinquent act by the student.

The bill takes effect July 1, 2024.

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 bonuses to school principals for school safety performance are subject to appropriation.

The grants to local law enforcement agencies to assist private schools with school safety improvements are subject to appropriation.

The additional requirements imposed by the bill on the Office of Safe Schools, particularly the required inspections of schools, may have an indeterminate fiscal impact on the Office of Safe Schools.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 30.15, 330.41, 943.082, 943.687, 985.04, 1001.212, 1006.07, 1006.12, and 1006.1493.

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 February 6, 2024:

The committee substitute modifies the guardian training program administered by local sheriffs. The committee substitute:

- Modifies existing guardian training requirements to require a guardian candidate to receive training to improve the school guardian’s knowledge and skills necessary to respond to and de-escalate incidents on school premises instead of the required diversity training.
- Specifies that a private school receiving guardian training is responsible for all screening-related costs of the program for the private school.
- Specifies that the reimbursement to a sheriff for specified costs associated with administering the guardian program training to public school employees applies only to public school employees.
- Authorizes a sheriff to waive the training and screening-related costs of a private school for a school guardian program.
- Authorizes a person to be certified as a guardian without the initial training requirements if the person is:
 - Certified and in good standing under the Florida Criminal Justice Standards and Training Commission;
 - Meets the minimum qualifications required for employment as a corrections officer; and
 - Deemed by the sheriff to be otherwise qualified.

The committee substitute creates a framework for local sheriffs and schools to report school guardian information. The committee substitute requires:

- Sheriffs and employers of appointed school guardians to report guardian information to the Florida Department of Law Enforcement (FDLE).
- The FDLE to maintain a list of school guardians and appointment status and remove from the list guardians with expired training.
- The sheriff to quarterly report, and the FDLE to publish, all upcoming guardian trainings and contact information.
- The FDLE to notify the Department of Education (DOE) of any schools that fail to comply with the specific guardian reporting requirements.

The committee substitute establishes a statewide process to verify compliance with school safety requirements. The committee substitute requires the Office of Safe Schools (OSS) to:

- Develop a Florida school safety compliance inspection report and provide training on the form to district safety specialists.
- Inspect all schools on a 3-year cycle.
- Provide inspection results to the superintendent, safety specialist, and principal within 3 school days.
- Re-inspect any deficient school within 6 months.
- Provide a bonus to each school principal with no safety violations.
- Refer personnel for school safety violations to the school board for disciplinary action.
- Maintain a record of personnel who violated school safety requirements to use in subsequent disciplinary determinations.
- Evaluate the methodology for the Safe Schools Allocation and, if necessary, make recommendations for an alternate methodology to distribute the Safe Schools Allocation to address school safety personnel, technology, and facility cost needs and each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

The committee substitute requires the district school safety specialist to:

- Provide OSS with a plan for remediation of violations in schools within 5 school days of notice.
- Report to the district school board in a public meeting in the first quarter of the school year the number of schools inspected during the preceding calendar year and the number and percentage of schools in compliance during the initial inspection and re-inspection.

The committee substitute requires:

- Each district school board and charter school governing board to adopt a progressive discipline policy for addressing school safety violations.
- The Florida Safe Schools Assessment Tool to address locked door requirements and the identification and demarcation of classroom safe spaces.
- Subject to appropriation, the FDLE to provide grants, awarded by 10/1/24, to sheriffs and law enforcement agencies to conduct security assessments and consultations for private schools and assist in implementing threat management programs and for personnel costs and to purchase software and other items necessary to assist private schools.
- Each school to maintain a record of all drills in the prior and current school year and the law enforcement personnel who were on campus during the drill that is accessible to the Office of Safe Schools.
- The superintendent to notify the OSS of the outcome of disciplinary action for school safety violations within 3 school days after the conclusion of the proceedings.

The committee substitute also:

- Provides broader authority for the MSD Commission to research best school safety practices and make additional legislative recommendations.
- Modifies the provision of the bill that requires superintendents to report allegations of certain crimes by dual enrollment students within 24 hours to authorize the superintendent to appoint a designee and provides one business day instead of 24 hours to provide the notification.
- Modifies the provision of the bill that requires principals to ensure certain instruction on the FortifyFL app occurs to instead require school boards to ensure the instruction occurs within the first 5 days of each school year.
- Provides criminal penalties against a person who knowingly or willfully operates a drone over a K-12 school or allows a drone to make contact with a school. The committee substitute provides exemptions for law enforcement and a person with school board consent.
- Requires agreements between a district school board and a law enforcement agency governing the employment of school resource officers to identify the entity responsible for maintaining records related to training.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (k) of subsection (1) of section
30.15, Florida Statutes, is amended to read:

30.15 Powers, duties, and obligations.—

(1) Sheriffs, in their respective counties, in person or by
deputy, shall:

(k) Assist district school boards and charter school



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11 governing boards in complying with, or private schools in
12 exercising options in, s. 1006.12. A sheriff must, at a minimum,
13 provide access to a Chris Hixon, Coach Aaron Feis, and Coach
14 Scott Beigel Guardian Program to aid in the prevention or
15 abatement of active assailant incidents on school premises, as
16 required under this paragraph. Persons certified as school
17 guardians pursuant to this paragraph have no authority to act in
18 any law enforcement capacity except to the extent necessary to
19 prevent or abate an active assailant incident.

20 1.a. If a local school board has voted by a majority to
21 implement a guardian program, the sheriff in that county must
22 ~~shall~~ establish a guardian program to provide training, pursuant
23 to subparagraph 2., to school district, charter school, or
24 private school employees, either directly or through a contract
25 with another sheriff's office that has established a guardian
26 program.

27 b. A charter school governing board in a school district
28 that has not voted, or has declined, to implement a guardian
29 program may request the sheriff in the county to establish a
30 guardian program for the purpose of training the charter school
31 employees. If the county sheriff denies the request, the charter
32 school governing board may contract with a sheriff that has
33 established a guardian program to provide such training. The
34 charter school governing board shall ~~must~~ notify the
35 superintendent and the sheriff in the charter school's county of
36 the contract before ~~prior to~~ its execution.

37 c. A private school in a school district that has not
38 voted, or has declined, to implement a guardian program may
39 request that the sheriff in the county of the private school



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40 establish a guardian program for the purpose of training private
41 school employees. If the county sheriff denies the request, the
42 private school may contract with a sheriff from another county
43 who has established a guardian program to provide such training.
44 The private school shall ~~must~~ notify the sheriff in the private
45 school's county of the contract with a sheriff from another
46 county before its execution. The private school is responsible
47 for all training and screening-related costs for a school
48 guardian program. The sheriff providing such training shall ~~must~~
49 ensure that any moneys paid by a private school are not
50 commingled with any funds provided by the state to the sheriff
51 as reimbursement for screening-related and training-related
52 costs of any school district or charter school employee.

53 d. The training program required in sub-subparagraph 2.b.
54 is a standardized statewide curriculum, and each sheriff
55 providing such training shall adhere to the course of
56 instruction specified in that sub-subparagraph. This
57 subparagraph does not prohibit a sheriff from providing
58 additional training. A school guardian who has completed the
59 training program required in sub-subparagraph 2.b. is ~~may~~ not ~~be~~
60 required to attend another sheriff's training program pursuant
61 to that sub-subparagraph unless there has been at least a 1-year
62 break in his or her appointment ~~employment~~ as a guardian.

63 e. The sheriff conducting the training pursuant to
64 subparagraph 2. for school district and charter school employees
65 must ~~will~~ be reimbursed for screening-related and training-
66 related costs and for providing a one-time stipend of \$500 to
67 each school guardian who participates in the school guardian
68 program.



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69 f. The sheriff may waive the training and screening-related
70 costs for a private school for a school guardian program. Funds
71 provided pursuant to sub-subparagraph e. may not be used to
72 subsidize any costs that have been waived by the sheriff.

73 g. A person who is certified by and in good standing under
74 the Florida Criminal Justice Standards and Training Commission,
75 who meets the qualifications established in s. 943.13, and who
76 is otherwise qualified for the position of a school guardian may
77 be certified as a school guardian by the sheriff without
78 completing the training requirements of sub-subparagraph 2.b.
79 However, a person certified as a school guardian under this sub-
80 subparagraph must meet the requirements of sub-subparagraphs
81 2.c., d., and e.

82 2. A sheriff who establishes a program shall consult with
83 the Department of Law Enforcement on programmatic guiding
84 principles, practices, and resources, and shall certify as
85 school guardians, without the power of arrest, school employees,
86 as specified in s. 1006.12(3), who:

87 a. Hold a valid license issued under s. 790.06.

88 b. Complete a 144-hour training program, consisting of 12
89 hours of training to improve the school guardian's knowledge and
90 skills necessary to respond to and de-escalate incidents on
91 school premises ~~certified nationally recognized diversity~~
92 ~~training~~ and 132 total hours of comprehensive firearm safety and
93 proficiency training conducted by Criminal Justice Standards and
94 Training Commission-certified instructors, which must include:

95 (I) Eighty hours of firearms instruction based on the
96 Criminal Justice Standards and Training Commission's Law
97 Enforcement Academy training model, which must include at least



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98 10 percent but no more than 20 percent more rounds fired than
99 associated with academy training. Program participants must
100 achieve an 85 percent pass rate on the firearms training.

101 (II) Sixteen hours of instruction in precision pistol.

102 (III) Eight hours of discretionary shooting instruction
103 using state-of-the-art simulator exercises.

104 (IV) Sixteen hours of instruction in active shooter or
105 assailant scenarios.

106 (V) Eight hours of instruction in defensive tactics.

107 (VI) Four hours of instruction in legal issues.

108 c. Pass a psychological evaluation administered by a
109 psychologist licensed under chapter 490 and designated by the
110 Department of Law Enforcement and submit the results of the
111 evaluation to the sheriff's office. The Department of Law
112 Enforcement is authorized to provide the sheriff's office with
113 mental health and substance abuse data for compliance with this
114 paragraph.

115 d. Submit to and pass an initial drug test and subsequent
116 random drug tests in accordance with the requirements of s.
117 112.0455 and the sheriff's office.

118 e. Successfully complete ongoing training, weapon
119 inspection, and firearm qualification on at least an annual
120 basis.

121 3.a. As used in this subparagraph, the term "employer"
122 means the person who employs a certified school guardian to
123 serve as a school guardian and may refer to a district school
124 board, a charter school governing board, a security agency as
125 defined in s. 493.6101(18) which provides school guardian
126 services, or a private school as defined in s. 1002.01(3).



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127 b. By September 1, 2024, and thereafter within 30 days
128 after certification by the sheriff, each sheriff shall report to
129 the Department of Law Enforcement the name, date of birth, and
130 certification date of each school guardian certified by the
131 sheriff.

132 c. By February 1 and September 1 of each year, each
133 employer of an appointed school guardian shall report to the
134 Department of Law Enforcement the name, date of birth, and
135 initial and end-of-appointment dates, as applicable, of each
136 appointed or separated school guardian which has not been
137 reported.

138 d. The Department of Law Enforcement shall maintain a list
139 of each person appointed as a school guardian in this state and
140 shall provide the list to any school safety specialist upon
141 request. The list must include the name, certification date, and
142 any appointment or end-of-appointment date of each school
143 guardian, including the name of the employer or last employer of
144 the school guardian. The Department of Law Enforcement shall
145 remove from the list any person whose training has expired
146 pursuant to sub-subparagraph 1.d.

147 e. Each sheriff shall report on a quarterly basis to the
148 Department of Law Enforcement the schedule for upcoming school
149 guardian trainings, including the dates of the training, the
150 training locations, a contact person to register for the
151 training, and the class capacity. The Department of Law
152 Enforcement shall publish on its website a list of the upcoming
153 school guardian trainings. The Department of Law Enforcement
154 shall update such list quarterly.

155 f. By March 1 and October 1 of each year, the Department of



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156 Law Enforcement shall notify the Department of Education of any
157 employer of a school guardian which has not complied with the
158 reporting requirements of this subparagraph.

159 g. An employer that is out of compliance with the reporting
160 requirements of this subparagraph may not operate a school
161 guardian program until the employer comes into compliance by
162 reporting the information for all school guardians the employer
163 has appointed.

164 h. A sheriff who is out of compliance with the reporting
165 requirements of this subparagraph may not receive reimbursement
166 from the Department of Education for school guardian trainings
167 until the sheriff comes into compliance by reporting the
168 information for all school guardians whom the sheriff has
169 certified.

170 i. The Department of Law Enforcement may adopt rules to
171 implement the requirements of this subparagraph, including
172 additional required reporting information only as necessary to
173 uniquely identify each school guardian reported.

174
175 The sheriff who conducts the guardian training or waives the
176 training requirements for a person under sub-subparagraph 1.g.
177 shall issue a school guardian certificate to persons ~~individuals~~
178 who meet the requirements of this section to the satisfaction of
179 the sheriff, and shall maintain documentation of weapon and
180 equipment inspections, as well as the training, certification,
181 inspection, and qualification records of each school guardian
182 certified by the sheriff. An individual ~~who is~~ certified under
183 this paragraph may serve as a school guardian under s.
184 1006.12(3) only if he or she is appointed by the applicable



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185 school district superintendent, charter school principal, or
186 private school head of school.

187 Section 2. Present subsection (5) of section 330.41,
188 Florida Statutes, is redesignated as subsection (6), and a new
189 subsection (5) is added to that section, to read:

190 330.41 Unmanned Aircraft Systems Act.—

191 (5) PROTECTION OF SCHOOLS.—

192 (a) A person may not knowingly or willfully:

193 1. Operate a drone over a public or private school serving
194 students in any grade from voluntary prekindergarten through
195 grade 12; or

196 2. Allow a drone to make contact with a school, including
197 any person or object on the premises of or within the school
198 facility.

199 (b) A person who violates paragraph (a) commits a
200 misdemeanor of the second degree, punishable as provided in s.
201 775.082 or s. 775.083. A person who commits a second or
202 subsequent violation commits a misdemeanor of the first degree,
203 punishable as provided in s. 775.082 or s. 775.083.

204 (c) A person who violates paragraph (a) and records video
205 of the school, including any person or object on the premises of
206 or within the school facility, commits a misdemeanor of the
207 first degree, punishable as provided in s. 775.082 or s.
208 775.083. A person who commits a second or subsequent violation
209 commits a felony of the third degree, punishable as provided in
210 s. 775.082, s. 775.083, or s. 775.084.

211 (d) This subsection does not apply to actions identified in
212 paragraph (a) which are committed by:

213 1. A person acting under the prior written consent of the



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214 school principal, district school board, superintendent, or
215 school governing board.

216 2. A law enforcement agency that is in compliance with s.
217 934.50, or a person under contract with or otherwise acting
218 under the direction of such law enforcement agency.

219 Section 3. Paragraph (b) of subsection (4) of section
220 943.082, Florida Statutes, is amended to read:

221 943.082 School Safety Awareness Program.—

222 (4)

223 (b) The district school board shall promote the use of the
224 mobile suspicious activity reporting tool by advertising it on
225 the school district website, in newsletters, on school campuses,
226 and in school publications, by installing it on all mobile
227 devices issued to students, and by bookmarking the website on
228 all computer devices issued to students. Within the first 5 days
229 of each school year, each district school board and charter
230 school governing board must ensure that instruction on the use
231 of the mobile suspicious activity reporting tool known as
232 FortifyFL is provided to students. The instruction must be age
233 and developmentally appropriate and include the consequences for
234 making a threat or false report as defined by ss. 790.162 and
235 790.163, respectively, involving school or school personnel's
236 property, school transportation, or a school-sponsored activity.

237 Section 4. Paragraph (h) is added to subsection (3) of
238 section 943.687, Florida Statutes, to read:

239 943.687 Marjory Stoneman Douglas High School Public Safety
240 Commission.—

241 (3) The commission shall monitor implementation of school
242 safety legislation by:



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243 (h) Researching best practices in school safety and making
244 additional legislative recommendations if necessary.

245 Section 5. Paragraph (a) of subsection (4) of section
246 985.04, Florida Statutes, is amended to read:

247 985.04 Oaths; records; confidential information.—

248 (4) (a) Notwithstanding any other provision of this section,
249 when a child of any age is taken into custody by a law
250 enforcement officer for an offense that would have been a felony
251 if committed by an adult, or a crime of violence, the law
252 enforcement agency must notify the superintendent of schools
253 that the child is alleged to have committed the delinquent act.
254 If the child is a dual enrolled student at a postsecondary
255 institution, the superintendent of schools, or his or her
256 designee, must notify the chief of police or the public safety
257 director of the postsecondary institution at which the student
258 is dual enrolled within 1 business day after receiving the
259 initial notification.

260 Section 6. Subsection (14) of section 1001.212, Florida
261 Statutes, is amended, and subsection (17) is added to that
262 section, to read:

263 1001.212 Office of Safe Schools.—There is created in the
264 Department of Education the Office of Safe Schools. The office
265 is fully accountable to the Commissioner of Education. The
266 office shall serve as a central repository for best practices,
267 training standards, and compliance oversight in all matters
268 regarding school safety and security, including prevention
269 efforts, intervention efforts, and emergency preparedness
270 planning. The office shall:

271 (14) (a) By August 1, 2024, develop and adopt a Florida



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272 school safety compliance inspection report to document
273 compliance or noncompliance with school safety requirements
274 mandated by law or rule and adherence to established school
275 safety best practices to evaluate the safety, security, and
276 emergency response of the school. Upon the adoption of the
277 report and upon any revisions to the report, the office shall
278 provide a blank copy of the report to each district school
279 superintendent and charter school administrator. The office
280 shall annually provide school safety specialists with training
281 on the report, and any revisions thereof, and the expectations
282 associated with the inspections required under this paragraph.

283 (b) Monitor compliance with requirements relating to school
284 safety by school districts and public schools, including charter
285 schools. The office shall report incidents of noncompliance to
286 the commissioner pursuant to s. 1001.11(9) and the state board
287 pursuant to s. 1008.32 and other requirements of law, as
288 appropriate. The office may conduct inspections, which may
289 include unannounced inspections, of all public schools,
290 including charter schools. The office shall inspect every public
291 school in this state during 3-year inspection cycles. Within 3
292 school days after the inspection, the office shall provide a
293 copy of the completed Florida school safety compliance
294 inspection report, including any photographs or other evidence
295 of noncompliance, to the superintendent, the school safety
296 specialist, and the school principal or charter school
297 administrator. The school safety specialist shall provide the
298 office with written notice of the manner in which any
299 noncompliance has been remediated within 5 school days after
300 receipt of the report. The office shall reinspect any school



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301 with documented deficiencies within 6 months.

302 (c) Provide a bonus in an amount determined in the General
303 Appropriations Act, at the conclusion of the initial inspection
304 conducted during the school year, to the school principal or
305 charter school administrator of each school that complies with
306 all school safety requirements.

307 (d)1. Identify any instructional personnel as defined in s.
308 1012.01(2) and any administrative personnel as defined in s.
309 1012.01(3) who knowingly violate school safety requirements of
310 law or rule adopted by the State Board of Education to the
311 district school superintendent or charter school administrator,
312 as applicable, for disciplinary action if such action has not
313 already been commenced by the district school superintendent or
314 charter school administrator upon receipt of the Florida school
315 safety compliance inspection report. The district school
316 superintendent or charter school administrator shall notify the
317 office of the outcome of the disciplinary proceedings within 3
318 school days after the conclusion of the proceedings.

319 2. Maintain a record of any administrative personnel or
320 instructional personnel who violated school safety requirements,
321 and may use such information when making any subsequent
322 determinations of an alleged violation by the same person.

323 (17) By December 1, 2024, evaluate the methodology for the
324 Safe Schools Allocation in s. 1011.62(12) and, if necessary,
325 make recommendations for an alternate methodology to distribute
326 the remaining balance of the Safe Schools Allocation as
327 indicated in s. 1011.62(12) to address school safety personnel,
328 technology, and facility cost needs and each school district's
329 proportionate share of the state's total unweighted full-time



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330 equivalent student enrollment.

331 Section 7. Paragraph (a) of subsection (4) and paragraph
332 (a) of subsection (6) of section 1006.07, Florida Statutes, are
333 amended, and paragraph (f) is added to subsection (6) of that
334 section, to read:

335 1006.07 District school board duties relating to student
336 discipline and school safety.—The district school board shall
337 provide for the proper accounting for all students, for the
338 attendance and control of students at school, and for proper
339 attention to health, safety, and other matters relating to the
340 welfare of students, including:

341 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

342 (a) Formulate and prescribe policies and procedures, in
343 consultation with the appropriate public safety agencies, for
344 emergency drills and for actual emergencies, including, but not
345 limited to, fires, natural disasters, active assailant and
346 hostage situations, and bomb threats, for all students and
347 faculty at all public schools of the district composed of grades
348 K-12, pursuant to State Board of Education rules. Drills for
349 active assailant and hostage situations must be conducted in
350 accordance with developmentally appropriate and age-appropriate
351 procedures, as specified in State Board of Education rules. Law
352 enforcement officers responsible for responding to the school in
353 the event of an active assailant emergency, as determined
354 necessary by the sheriff in coordination with the district's
355 school safety specialist, must be physically present on campus
356 and directly involved in the execution of active assailant
357 emergency drills. School districts must notify law enforcement
358 officers at least 24 hours before conducting an active assailant



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359 emergency drill at which such law enforcement officers are
360 expected to attend. Each public school, including charter
361 schools, shall maintain a record that is accessible on each
362 campus or by request of the Office of Safe Schools of all
363 current and prior school year drills conducted pursuant to this
364 subsection, including the names of law enforcement personnel
365 present on campus for each active assailant emergency drill.
366 District school board policies must include commonly used alarm
367 system responses for specific types of emergencies and
368 verification by each school that drills have been provided as
369 required by law, State Board of Education rules, and fire
370 protection codes and may provide accommodations for drills
371 conducted by exceptional student education centers. District
372 school boards shall establish emergency response and emergency
373 preparedness policies and procedures that include, but are not
374 limited to, identifying the individuals responsible for
375 contacting the primary emergency response agency and the
376 emergency response agency responsible for notifying the school
377 district for each type of emergency. The State Board of
378 Education shall refer to recommendations provided in reports
379 published pursuant to s. 943.687 for guidance and, by August 1,
380 2023, consult with state and local constituencies to adopt rules
381 applicable to the requirements of this subsection which, at a
382 minimum, define the terms "emergency drill," "active threat,"
383 and "after-action report" and establish minimum emergency drill
384 policies and procedures related to the timing, frequency,
385 participation, training, notification, accommodations, and
386 responses to threat situations by incident type, school level,
387 school type, and student and school characteristics. The rules



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388 must require all types of emergency drills to be conducted no
389 less frequently than on an annual school year basis.

390 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
391 school superintendent shall establish policies and procedures
392 for the prevention of violence on school grounds, including the
393 assessment of and intervention with individuals whose behavior
394 poses a threat to the safety of the school community.

395 (a) *School safety specialist*.—Each district school
396 superintendent shall designate a school safety specialist for
397 the district. The school safety specialist must be a school
398 administrator employed by the school district or a law
399 enforcement officer employed by the sheriff's office located in
400 the school district. Any school safety specialist designated
401 from the sheriff's office must first be authorized and approved
402 by the sheriff employing the law enforcement officer. Any school
403 safety specialist designated from the sheriff's office remains
404 the employee of the office for purposes of compensation,
405 insurance, workers' compensation, and other benefits authorized
406 by law for a law enforcement officer employed by the sheriff's
407 office. The sheriff and the school superintendent may determine
408 by agreement the reimbursement for such costs, or may share the
409 costs, associated with employment of the law enforcement officer
410 as a school safety specialist. The school safety specialist must
411 earn a certificate of completion of the school safety specialist
412 training provided by the Office of Safe Schools within 1 year
413 after appointment and is responsible for the supervision and
414 oversight for all school safety and security personnel,
415 policies, and procedures in the school district. The school
416 safety specialist shall:



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417 1. In conjunction with the district school superintendent,
418 annually review school district policies and procedures for
419 compliance with state law and rules, including the district's
420 timely and accurate submission of school environmental safety
421 incident reports to the department pursuant to s. 1001.212(8).
422 Annually, during the first quarter of every school year, the
423 school safety specialist shall report to the district school
424 board in a public meeting the number of schools inspected during
425 the preceding calendar year and the number and percentage of
426 schools in compliance during the initial inspection and
427 reinspection.

428 2. Provide the necessary training and resources to students
429 and school district staff in matters relating to youth mental
430 health awareness and assistance; emergency procedures, including
431 active shooter training; and school safety and security.

432 3. Serve as the school district liaison with local public
433 safety agencies and national, state, and community agencies and
434 organizations in matters of school safety and security.

435 4. In collaboration with the appropriate public safety
436 agencies, as that term is defined in s. 365.171, by October 1 of
437 each year, conduct a school security risk assessment at each
438 public school using the Florida Safe Schools Assessment Tool
439 developed by the Office of Safe Schools pursuant to s.
440 1006.1493. Based on the assessment findings, the district's
441 school safety specialist shall provide recommendations to the
442 district school superintendent and the district school board
443 which identify strategies and activities that the district
444 school board should implement in order to address the findings
445 and improve school safety and security. Each district school



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446 board must receive such findings and the school safety
447 specialist's recommendations at a publicly noticed district
448 school board meeting to provide the public an opportunity to
449 hear the district school board members discuss and take action
450 on the findings and recommendations. Each school safety
451 specialist, through the district school superintendent, shall
452 report such findings and school board action to the Office of
453 Safe Schools within 30 days after the district school board
454 meeting.

455 (f) Progressive discipline policy.—Each district school
456 board and charter school governing board shall adopt a
457 progressive discipline policy for addressing any instructional
458 personnel as defined in s. 1012.01(2) and any administrative
459 personnel as defined in s. 1012.01(3) who knowingly violate
460 school safety requirements.

461 Section 8. Paragraph (b) of subsection (1) and subsections
462 (3) and (6) of section 1006.12, Florida Statutes, are amended to
463 read:

464 1006.12 Safe-school officers at each public school.—For the
465 protection and safety of school personnel, property, students,
466 and visitors, each district school board and school district
467 superintendent shall partner with law enforcement agencies or
468 security agencies to establish or assign one or more safe-school
469 officers at each school facility within the district, including
470 charter schools. A district school board must collaborate with
471 charter school governing boards to facilitate charter school
472 access to all safe-school officer options available under this
473 section. The school district may implement any combination of
474 the options in subsections (1)-(4) to best meet the needs of the



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475 school district and charter schools.

476 (1) SCHOOL RESOURCE OFFICER.—A school district may
477 establish school resource officer programs through a cooperative
478 agreement with law enforcement agencies.

479 (b) School resource officers shall abide by district school
480 board policies and shall consult with and coordinate activities
481 through the school principal, but shall be responsible to the
482 law enforcement agency in all matters relating to employment,
483 subject to agreements between a district school board and a law
484 enforcement agency. The agreements must identify the entity
485 responsible for maintaining records related to training.

486 Activities conducted by the school resource officer which are
487 part of the regular instructional program of the school shall be
488 under the direction of the school principal.

489 (3) SCHOOL GUARDIAN.—

490 (a) At the school district's or the charter school
491 governing board's discretion, as applicable, pursuant to s.
492 30.15, a school district or charter school governing board may
493 participate in the Chris Hixon, Coach Aaron Feis, and Coach
494 Scott Beigel Guardian Program to meet the requirement of
495 establishing a safe-school officer. The following individuals
496 may serve as a school guardian, in support of school-sanctioned
497 activities for purposes of s. 790.115, upon satisfactory
498 completion of the requirements under s. 30.15(1)(k) and
499 certification by a sheriff:

500 1.~~(a)~~ A school district employee or personnel, as defined
501 under s. 1012.01, or a charter school employee, as provided
502 under s. 1002.33(12)(a), who volunteers to serve as a school
503 guardian in addition to his or her official job duties; or



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504 ~~2.(b)~~ An employee of a school district or a charter school
505 who is hired for the specific purpose of serving as a school
506 guardian.

507 (6) CRISIS INTERVENTION TRAINING.—

508 ~~(a)~~ Each safe-school officer who is also a sworn law
509 enforcement officer shall complete mental health crisis
510 intervention training using a curriculum developed by a national
511 organization with expertise in mental health crisis
512 intervention. The training must improve the officer's knowledge
513 and skills as a first responder to incidents involving students
514 with emotional disturbance or mental illness, including de-
515 escalation skills to ensure student and officer safety.

516 ~~(b) Each safe-school officer who is not a sworn law~~
517 ~~enforcement officer shall receive training to improve the~~
518 ~~officer's knowledge and skills necessary to respond to and de-~~
519 ~~escalate incidents on school premises.~~

520
521 If a district school board, through its adopted policies,
522 procedures, or actions, denies a charter school access to any
523 safe-school officer options pursuant to this section, the school
524 district must assign a school resource officer or school safety
525 officer to the charter school. Under such circumstances, the
526 charter school's share of the costs of the school resource
527 officer or school safety officer may not exceed the safe school
528 allocation funds provided to the charter school pursuant to s.
529 1011.62(12) and shall be retained by the school district.

530 Section 9. Paragraph (a) of subsection (2) of section
531 1006.1493, Florida Statutes, is amended to read:

532 1006.1493 Florida Safe Schools Assessment Tool.—



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533 (2) The FSSAT must help school officials identify threats,
534 vulnerabilities, and appropriate safety controls for the schools
535 that they supervise, pursuant to the security risk assessment
536 requirements of s. 1006.07(6).

537 (a) At a minimum, the FSSAT must address all of the
538 following components:

539 1. School emergency and crisis preparedness planning;

540 2. Security, crime, and violence prevention policies and
541 procedures;

542 3. Physical security measures, which include, but are not
543 limited to, security for gates or other access points that
544 restrict ingress to or egress from a school campus, a school
545 facility, and rooms and areas within the facility, and the
546 identification and demarcation of safe spaces;

547 4. Professional development training needs;

548 5. An examination of support service roles in school
549 safety, security, and emergency planning;

550 6. School security and school police staffing, operational
551 practices, and related services;

552 7. School and community collaboration on school safety;

553 8. Policies and procedures for school officials to prepare
554 for and respond to natural and manmade disasters, including
555 family reunification plans to reunite students and employees
556 with their families after a school is closed or unexpectedly
557 evacuated due to such disasters; and

558 9. A return on investment analysis of the recommended
559 physical security controls.

560 Section 10. For the 2024-2025 fiscal year and subject to
561 legislative appropriation, the Department of Law Enforcement



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562 shall provide grants to sheriffs' offices and law enforcement
563 agencies to conduct physical site security assessments for and
564 provide reports to private schools with recommendations on
565 improving such schools' infrastructure safety and security; to
566 assist private schools in developing active assailant response
567 protocols and develop and implement training relating to active
568 assailant responses, including active assailant response drills
569 for students and school personnel; and to consult with or
570 provide guidance to private schools in implementing a threat
571 management program similar to the process required under s.
572 1001.212(12), Florida Statutes, for public schools. The
573 Department of Law Enforcement shall develop a site security
574 assessment form for use by sheriffs' offices and law enforcement
575 agencies and make the form available, including any subsequent
576 revisions, to private schools. Grants awarded under this section
577 may be used for personnel costs and to purchase software and
578 other items necessary to assist private schools. The Department
579 of Law Enforcement may establish criteria and set specific time
580 periods for the acceptance of applications and for the selection
581 process for awarding grant funds under this section. Grants must
582 be awarded no later than October 1, 2024.

583 Section 11. This act shall take effect July 1, 2024.

584
585 ===== T I T L E A M E N D M E N T =====

586 And the title is amended as follows:

587 Delete everything before the enacting clause
588 and insert:

589 A bill to be entitled
590 An act relating to school safety; amending s. 30.15,



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591 F.S.; providing that sheriffs are responsible for
592 screening-related costs for school guardian programs;
593 authorizing sheriffs to waive training and screening-
594 related costs for a private school for a school
595 guardian program; providing conditions for an
596 individual to be certified as a school guardian;
597 revising specified training requirements for school
598 guardians; defining the term "employer"; requiring
599 sheriffs and employers of school guardians to report
600 certain information to the Department of Law
601 Enforcement by specified dates; requiring the
602 Department of Law Enforcement to maintain a list of
603 school guardians and provide the list to any School
604 Safety Specialist upon request; providing requirements
605 for the list; requiring each sheriff to report on a
606 quarterly basis to the Department of Law Enforcement
607 the schedule for school guardian trainings; requiring
608 the Department of Law Enforcement to publish a list of
609 the upcoming trainings on its website; requiring the
610 Department of Law Enforcement to notify the Department
611 of Education by specified dates of any employer of a
612 school guardian who has not complied with certain
613 requirements; prohibiting an employer who is not in
614 compliance from operating a school guardian program;
615 prohibiting a sheriff who is not in compliance with
616 certain reporting requirements from receiving certain
617 reimbursements; making technical changes; authorizing
618 the Department of Law Enforcement to adopt rules;
619 amending s. 330.41, F.S.; prohibiting the operation of



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620 a drone over public and private schools and recording
621 video of such schools; providing criminal penalties;
622 providing exemptions; amending s. 943.082, F.S.;
623 requiring each district school board and charter
624 school governing board to ensure that instruction on
625 the mobile suspicious activity reporting tool is
626 provided to students; providing requirements for the
627 instruction; amending s. 943.687, F.S.; requiring the
628 Marjory Stoneman Douglas High School Public Safety
629 Commission to research best practices in school safety
630 and make additional legislative recommendations if
631 necessary; amending s. 985.04, F.S.; requiring
632 superintendents or their designees to notify, within a
633 specified timeframe, the chief of police or the public
634 safety director of a postsecondary institution in
635 which a student is dual enrolled if such student
636 commits certain offenses; amending s. 1001.212, F.S.;
637 requiring the Office of Safe Schools by a specified
638 date to develop and adopt a Florida school safety
639 compliance inspection report to document compliance or
640 noncompliance with school safety requirements;
641 requiring the office to provide a blank copy of the
642 report to each district school superintendent and
643 charter school administrator; requiring the office to
644 provide school safety specialists with trainings on
645 the report; authorizing the office to conduct
646 inspections of public schools and charter schools;
647 requiring the office to conduct inspections of every
648 public school within a specified timeframe; requiring



649 the office to provide a copy of the inspection report
650 to specified entities within a specified timeframe
651 after an inspection; requiring a school safety
652 specialist to provide the office with written notice
653 of the manner in which noncompliance has been
654 remediated within a specified timeframe; requiring the
655 office to reinspect schools with documented
656 deficiencies within a specified timeframe; requiring
657 the office to provide a bonus to a school principal or
658 charter school administrator of a school that complies
659 with all school safety requirements; requiring the
660 office to identify any instructional personnel and
661 administrative personnel who knowingly violate school
662 safety requirements for disciplinary action; requiring
663 a district school superintendent or charter school
664 administrator to notify the office of the outcome of
665 the disciplinary proceedings within a specified
666 timeframe; requiring the office to maintain a record
667 of any administrative personnel or instructional
668 personnel who violate school safety requirements;
669 requiring the office to evaluate the methodology for
670 the Safe Schools Allocation by a specified date;
671 amending s. 1006.07, F.S.; requiring public schools,
672 including charter schools, to maintain a record that
673 is accessible to the Office of Safe Schools of
674 specified drills conducted; requiring the school
675 safety specialist to report to the district school
676 board in a public meeting the number of schools
677 inspected during the preceding calendar year;



678 requiring each district school board and charter
679 school governing board to adopt a progressive
680 discipline policy for addressing any instructional
681 personnel or administrative personnel who knowingly
682 violate school safety requirements; amending s.
683 1006.12, F.S.; requiring that agreements between a
684 district school board and a law enforcement agency
685 include a certain provision; deleting a requirement
686 for certain safe-school officers to receive specified
687 training; amending s. 1006.1493, F.S.; specifying
688 physical security measures that must be addressed by
689 the Florida Safe Schools Assessment Tool; subject to
690 legislative appropriation, requiring the Department of
691 Law Enforcement to provide grants to sheriffs' offices
692 and law enforcement agencies to conduct physical site
693 security assessments for and provide reports to
694 private schools; requiring sheriffs' offices and law
695 enforcement agencies to provide private schools with
696 recommendations on improving infrastructure safety and
697 security; requiring sheriffs' offices and law
698 enforcement agencies to assist private schools in
699 developing active assailant responses; requiring the
700 Department of Law Enforcement to develop a site
701 security assessment form for use by sheriffs' offices
702 and law enforcement agencies; requiring the Department
703 of Law Enforcement to provide such form to private
704 schools; authorizing the use of grants for specified
705 purposes; requiring the Department of Law Enforcement
706 to establish requirements for awarding such grants;



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requiring that grants be awarded by a specified date;
providing an effective date.

By Senator Calatayud

38-01126-24

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1 A bill to be entitled
 2 An act relating to school safety; amending s. 30.15,
 3 F.S.; authorizing sheriffs to waive certain
 4 requirements for school guardian candidates under
 5 certain conditions; making technical changes; amending
 6 s. 943.082, F.S.; requiring school principals to
 7 ensure that instruction is provided at least annually
 8 to students on the use of the mobile suspicious
 9 activity reporting tool; providing requirements for
 10 such instruction; amending s. 985.04, F.S.; requiring
 11 superintendents to notify, within a specified
 12 timeframe, the chief of police or the public safety
 13 director of a postsecondary institution in which a
 14 student is dual enrolled if such student commits
 15 certain offenses; providing an effective date.

16 WHEREAS, the Legislature recognizes that in order to
 17 prevent potential acts of violence on the campuses of secondary
 18 and postsecondary institutions, coordination between law
 19 enforcement and the leadership of each respective institution is
 20 critical, and

21 WHEREAS, the Legislature finds it necessary that in the
 22 cases of dual enrolled students, notices of students who are
 23 arrested for crimes of violence or students who have made
 24 credible threats of violence be made to both institutions at
 25 which the student is enrolled in order to prevent a violent act
 26 from transpiring on the campus of either the secondary or
 27 postsecondary institution, NOW, THEREFORE,
 28
 29

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

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

31
 32 Section 1. Paragraph (k) of subsection (1) of section
 33 30.15, Florida Statutes, is amended to read:

34 30.15 Powers, duties, and obligations.—

35 (1) Sheriffs, in their respective counties, in person or by
 36 deputy, shall:

37 (k) Assist district school boards and charter school
 38 governing boards in complying with, or private schools in
 39 exercising options in, s. 1006.12. A sheriff must, at a minimum,
 40 provide access to a Chris Hixon, Coach Aaron Feis, and Coach
 41 Scott Beigel Guardian Program to aid in the prevention or
 42 abatement of active assailant incidents on school premises, as
 43 required under this paragraph. Persons certified as school
 44 guardians pursuant to this paragraph have no authority to act in
 45 any law enforcement capacity except to the extent necessary to
 46 prevent or abate an active assailant incident.

47 1.a. If a local school board has voted by a majority to
 48 implement a guardian program, the sheriff in that county must
 49 ~~shall~~ establish a guardian program to provide training, pursuant
 50 to subparagraph 2., to school district, charter school, or
 51 private school employees, either directly or through a contract
 52 with another sheriff's office that has established a guardian
 53 program.

54 b. A charter school governing board in a school district
 55 that has not voted, or has declined, to implement a guardian
 56 program may request the sheriff in the county to establish a
 57 guardian program for the purpose of training the charter school
 58 employees. If the county sheriff denies the request, the charter

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

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 59 school governing board may contract with a sheriff that has
 60 established a guardian program to provide such training. The
 61 charter school governing board shall ~~must~~ notify the
 62 superintendent and the sheriff in the charter school's county of
 63 the contract ~~before~~ prior to its execution.

64 c. A private school in a school district that has not
 65 voted, or has declined, to implement a guardian program may
 66 request that the sheriff in the county of the private school
 67 establish a guardian program for the purpose of training private
 68 school employees. If the county sheriff denies the request, the
 69 private school may contract with a sheriff from another county
 70 who has established a guardian program to provide such training.
 71 The private school shall ~~must~~ notify the sheriff in the private
 72 school's county of the contract with a sheriff from another
 73 county before its execution. The private school is responsible
 74 for all training costs for a school guardian program. The
 75 sheriff providing such training shall ~~must~~ ensure that any
 76 moneys paid by a private school are not commingled with any
 77 funds provided by the state to the sheriff as reimbursement for
 78 screening-related and training-related costs of any school
 79 district or charter school employee.

80 d. The training program required in sub-subparagraph 2.b.
 81 is a standardized statewide curriculum, and each sheriff
 82 providing such training shall adhere to the course of
 83 instruction specified in that sub-subparagraph. This
 84 subparagraph does not prohibit a sheriff from providing
 85 additional training. A school guardian who has completed the
 86 training program required in sub-subparagraph 2.b. is ~~may~~ not ~~be~~
 87 required to attend another sheriff's training program pursuant

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 88 to that sub-subparagraph unless there has been at least a 1-year
 89 break in his or her employment as a guardian.

90 e. The sheriff conducting the training pursuant to
 91 subparagraph 2. must ~~will~~ be reimbursed for screening-related
 92 and training-related costs and for providing a one-time stipend
 93 of \$500 to each school guardian who participates in the school
 94 guardian program.

95 2. A sheriff who establishes a program shall consult with
 96 the Department of Law Enforcement on programmatic guiding
 97 principles, practices, and resources, and shall certify as
 98 school guardians, without the power of arrest, school employees,
 99 as specified in s. 1006.12(3), who:

100 a. Hold a valid license issued under s. 790.06.

101 b. Complete a 144-hour training program, consisting of 12
 102 hours of certified nationally recognized diversity training and
 103 132 total hours of comprehensive firearm safety and proficiency
 104 training conducted by Criminal Justice Standards and Training
 105 Commission-certified instructors, which must include:

106 (I) Eighty hours of firearms instruction based on the
 107 Criminal Justice Standards and Training Commission's Law
 108 Enforcement Academy training model, which must include at least
 109 10 percent but no more than 20 percent more rounds fired than
 110 associated with academy training. Program participants must
 111 achieve an 85 percent pass rate on the firearms training.

112 (II) Sixteen hours of instruction in precision pistol.

113 (III) Eight hours of discretionary shooting instruction
 114 using state-of-the-art simulator exercises.

115 (IV) Sixteen hours of instruction in active shooter or
 116 assailant scenarios.

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117 (V) Eight hours of instruction in defensive tactics.
 118 (VI) Four hours of instruction in legal issues.
 119 c. Pass a psychological evaluation administered by a
 120 psychologist licensed under chapter 490 and designated by the
 121 Department of Law Enforcement and submit the results of the
 122 evaluation to the sheriff's office. The Department of Law
 123 Enforcement is authorized to provide the sheriff's office with
 124 mental health and substance abuse data for compliance with this
 125 paragraph.
 126 d. Submit to and pass an initial drug test and subsequent
 127 random drug tests in accordance with the requirements of s.
 128 112.0455 and the sheriff's office.
 129 e. Successfully complete ongoing training, weapon
 130 inspection, and firearm qualification on at least an annual
 131 basis.
 132
 133 A sheriff has the discretion to waive the requirements of sub-
 134 sub-subparagraphs 2.b.(I)-(V) if a guardian candidate has at
 135 least 2 years of law enforcement experience and held an active
 136 law enforcement certificate within the past 5 years. The sheriff
 137 who conducts the guardian training shall issue a school guardian
 138 certificate to individuals who meet the requirements of this
 139 section to the satisfaction of the sheriff, and shall maintain
 140 documentation of weapon and equipment inspections, as well as
 141 the training, certification, inspection, and qualification
 142 records of each school guardian certified by the sheriff. An
 143 individual ~~who is~~ certified under this paragraph may serve as a
 144 school guardian under s. 1006.12(3) only if he or she is
 145 appointed by the applicable school district superintendent,

Page 5 of 7

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

38-01126-24

20241356__

146 charter school principal, or private school head of school.
 147 Section 2. Paragraph (b) of subsection (4) of section
 148 943.082, Florida Statutes, is amended to read:
 149 943.082 School Safety Awareness Program.-
 150 (4)
 151 (b) The district school board shall promote the use of the
 152 mobile suspicious activity reporting tool by advertising it on
 153 the school district website, in newsletters, on school campuses,
 154 and in school publications, by installing it on all mobile
 155 devices issued to students, and by bookmarking the website on
 156 all computer devices issued to students. Each school principal
 157 shall ensure that instruction on the use of the mobile
 158 suspicious activity reporting tool includes FortifyFL, and is
 159 provided to students at least once per school year. The
 160 instruction must be age and developmentally appropriate and
 161 include the consequences for making a threat or false report as
 162 defined by ss. 790.162 and 790.163, respectively, involving
 163 school or school personnel's property, school transportation, or
 164 a school-sponsored activity.
 165 Section 3. Paragraph (a) of subsection (4) of section
 166 985.04, Florida Statutes, is amended to read:
 167 985.04 Oaths; records; confidential information.-
 168 (4) (a) Notwithstanding any other provision of this section,
 169 when a child of any age is taken into custody by a law
 170 enforcement officer for an offense that would have been a felony
 171 if committed by an adult, or a crime of violence, the law
 172 enforcement agency must notify the superintendent of schools
 173 that the child is alleged to have committed the delinquent act.
 174 If the child is a dual enrolled student at a postsecondary

Page 6 of 7

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

38-01126-24

20241356__

175 institution, the superintendent of schools must notify the chief
176 of police or the public safety director of the postsecondary
177 institution at which the student is dual enrolled within 24
178 hours of the initial notification.

179 Section 4. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

SB 1356

02/06/2024

Meeting Date

Criminal Justice

Committee

Brian Moore

Name

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

Bill Number or Topic

468660

Amendment Barcode (if applicable)

850-577-5784

Phone

bmoore@fadss.org

Email

208 S. Monroe St.

Address

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

FL Assoc of District School Supts

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1356

Bill Number or Topic

2/6/24

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Ryan Kennedy

Phone

239-671-5733

Address

9745 Roundstone Cir.

Email

ryan@goflca.org

Street

Fort Myers

State

FL

Zip

33967

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 Citizens Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 1356

Meeting Date

Criminal Justice

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850 728 6387

Address 730 East Park Ave
Street

Email erinballas@paconsultants.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:

Zero Eyes

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1356

Bill Number or Topic

2/16/2024

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Shaunteal Smith

Phone (407) 855-7104

Address 1747 Orlando Central Parkway

Email legislation@floridapta.org

Orlando

City

FL

State

32809

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: Florida PTA

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, Chair
Appropriations Committee on Education
Education Pre-K 12
Fiscal Policy
Health Policy
Select Committee on Resiliency

SENATOR Alexis Calatayud

38th District

January 18, 2024

Honorable Senator Jonathan Martin
Chair – Committee on Criminal Justice
Honorable Chair Martin,

I respectfully request that **SB- 1356 School Safety** be placed on the next committee agenda.

This bill authorizes sheriffs to waive certain requirements for school guardian candidates under certain conditions; requiring school principals to ensure that instruction is provided at least annually to students on the use of the mobile suspicious activity reporting tool; requiring superintendents to notify, within a specified timeframe, the chief of police or the public safety director of a postsecondary institution in which a student is dual enrolled if such student commits certain offenses.

Sincerely,

Alexis M. Calatayud

Senator Alexis M. Calatayud
Florida Senate, District 38

CC: Amanda Stokes, Staff Director
Sue Arnold, Committee Administrative Assistant

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 Criminal Justice

BILL: CS/SB 1434

INTRODUCER: Criminal Justice Committee and Senator Book

SUBJECT: Pretrial Intervention Programs

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1434 amends s. 948.08(6)(b), F.S., to exclude certain persons from admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, F.S.

Specifically, persons who are charged with any offense listed in s. 775.21, F.S., or s. 943.0435, F.S., or with s. 836.05(1), F.S., if that subsection was violated with sexual intent or motive, are not eligible for the programs. Section 775.21, F.S., lists the offenses in the Florida Sexual Predators Act; s. 943.0435, F.S., contains the offenses in the sexual offenders statute; and s. 836.05(1), F.S., prohibits the crime of extortion.

The bill becomes effective July 1, 2024.

II. Present Situation:

Intervention and Treatment-Based Program Criteria

Pretrial intervention programs,¹ treatment-based drug court programs,² and pretrial substance abuse education and treatment intervention programs,³ are available to persons who meet the statutory criteria and other requirements.

For example, any first time offender, or any person previously convicted of not more than one nonviolent misdemeanor, who is charged with any misdemeanor or felony of the third degree is eligible for release to the pretrial intervention program on the approval of:

- The administrator of the program and the consent of the victim;
- The state attorney; and
- The judge who presided at the initial appearance hearing of the offender.⁴

However, the defendant may not be released to the pretrial intervention program unless, after consultation with his or her attorney, he or she has voluntarily agreed to such program and has knowingly and intelligently waived his or her right to a speedy trial for the period of his or her diversion.⁵ Resumption of pending criminal proceedings shall be undertaken at any time if the program administrator or state attorney finds that the offender is not fulfilling his or her obligations under this plan or if the public interest so requires.⁶

Pursuant to s. 948.08(b), F.S., a person who might be otherwise amenable to a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program listed above, does not meet the criteria if he or she:

- Is charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; or
- Has three or more nonviolent felony convictions.⁷

III. Effect of Proposed Changes:

The bill amends s. 948.08(6)(b), F.S., to exclude certain persons from admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, F.S.

Specifically, persons who are also charged with any offense listed in s. 775.21, F.S., or s. 943.0435, F.S., or with s. 836.05(1), F.S., if that subsection was violated with sexual intent or motive, are not eligible for the programs. Section 775.21, F.S., lists the offenses in the Florida

¹ Section 948.08, F.S.

² Section 397.334, F.S.

³ Section 948.16, F.S.

⁴ Section 948.08(2), F.S.

⁵ *Id.*

⁶ Section 948.08(4), F.S.

⁷ Section 948.08(6)(b), F.S.

Sexual Predators Act; s. 943.0435, F.S., contains the offenses in the sexual offenders statute; and s. 836.05(1), F.S., prohibits the crime of extortion.

The bill reenacts ss. 43.51, 394.47892, 397.334, 910.035, 944.026, and 948.036 F.S, to incorporate the amendment made to s. 948.08, F.S., by the bill.

The bill becomes effective July 1, 2024.

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:

None anticipated since the bill does not increase any existing penalties nor create any new ones.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 948.08, 43.51, 394.47892, 397.334, 910.035, 944.026, and 948.036.

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 February 6, 2024:

The committee substitute:

- Removes provisions in the bill describing as “sexual offenses” the crimes that would make a person ineligible for the pretrial programs covered in the bill.
- Provides that persons who are charged with any offense listed in s. 775.21, F.S., or s. 943.0435, F.S., or with s. 836.05(1), F.S., if that subsection was violated with sexual intent or motive, are not eligible for the programs cited in the bill.

- B. **Amendments:**

None.



458690

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 39 - 43

and insert:

4. Is also not charged with any offense listed in s. 775.21, or s. 943.0435, or with s. 836.05(1), if that subsection was violated with sexual intent or motive.

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

And the title is amended as follows:



458690

11 Delete line 7
12 and insert:
13 offense;

By Senator Book

35-00335A-24

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A bill to be entitled

An act relating to pretrial intervention programs; amending s. 948.08, F.S.; revising eligibility for voluntary admission into pretrial substance abuse education and treatment intervention programs to exclude defendants who are charged with a sexual offense; defining the term "sexual offense"; reenacting ss. 43.51(2), 394.47892(2), 397.334(5), 910.035(5)(a), 944.026(3)(b), and 948.036(1), F.S., relating to problem-solving court reports, mental health court programs, treatment-based drug court programs, transfer for participation in problem-solving courts, community-based facilities and programs, and work programs as a condition of court-ordered community supervision, respectively, to incorporate the amendment made to s. 948.08, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (b) of subsection (6) of section 948.08, Florida Statutes, is amended to read:

948.08 Pretrial intervention program.—

(6)

(b) Notwithstanding any provision of this section, a person is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a

Page 1 of 5

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period to be determined by the court, based on the clinical needs of the defendant, if he or she:

1. Is identified as having a substance abuse problem and is amenable to treatment.

2. Is charged with a nonviolent felony.

3. Is not also charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence.

4. Is not also charged with a sexual offense. As used in this subparagraph, the term "sexual offense" includes, but is not limited to, a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794; chapter 800; chapter 827; s. 836.05; or chapter 847.

5. Has two or fewer felony convictions, provided that the prior convictions are for nonviolent felonies.

Section 2. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in references thereto, subsection (2) of section 43.51, Florida Statutes, is reenacted to read:

43.51 Problem-solving court reports.—

(2) For purposes of this section, the term "problem-solving court" includes, but is not limited to, a drug court pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment court program pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a community court pursuant to s. 948.081; or a delinquency pretrial intervention court program pursuant to

Page 2 of 5

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59 s. 985.345.

60 Section 3. For the purpose of incorporating the amendment
61 made by this act to section 948.08, Florida Statutes, in a
62 reference thereto, subsection (2) of section 394.47892, Florida
63 Statutes, is reenacted to read:

64 394.47892 Mental health court programs.—

65 (2) Mental health court programs may include pretrial
66 intervention programs as provided in ss. 948.08, 948.16, and
67 985.345, postadjudicatory mental health court programs as
68 provided in ss. 948.01 and 948.06, and review of the status of
69 compliance or noncompliance of sentenced defendants through a
70 mental health court program.

71 Section 4. For the purpose of incorporating the amendment
72 made by this act to section 948.08, Florida Statutes, in a
73 reference thereto, subsection (5) of section 397.334, Florida
74 Statutes, is reenacted to read:

75 397.334 Treatment-based drug court programs.—

76 (5) Treatment-based drug court programs may include
77 pretrial intervention programs as provided in ss. 948.08,
78 948.16, and 985.345, treatment-based drug court programs
79 authorized in chapter 39, postadjudicatory programs as provided
80 in ss. 948.01, 948.06, and 948.20, and review of the status of
81 compliance or noncompliance of sentenced offenders through a
82 treatment-based drug court program. While enrolled in a
83 treatment-based drug court program, the participant is subject
84 to a coordinated strategy developed by a drug court team under
85 subsection (4). The coordinated strategy may include a protocol
86 of sanctions that may be imposed upon the participant for
87 noncompliance with program rules. The protocol of sanctions may

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88 include, but is not limited to, placement in a substance abuse
89 treatment program offered by a licensed service provider as
90 defined in s. 397.311 or in a jail-based treatment program or
91 serving a period of secure detention under chapter 985 if a
92 child or a period of incarceration within the time limits
93 established for contempt of court if an adult. The coordinated
94 strategy must be provided in writing to the participant before
95 the participant agrees to enter into a treatment-based drug
96 court program.

97 Section 5. For the purpose of incorporating the amendment
98 made by this act to section 948.08, Florida Statutes, in
99 references thereto, paragraph (a) of subsection (5) of section
100 910.035, Florida Statutes, is reenacted to read:

101 910.035 Transfer from county for plea, sentence, or
102 participation in a problem-solving court.—

103 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

104 (a) For purposes of this subsection, the term "problem-
105 solving court" means a drug court pursuant to s. 948.01, s.
106 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
107 court program pursuant to s. 394.47891, s. 948.08, s. 948.16, or
108 s. 948.21; a mental health court program pursuant to s.
109 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
110 delinquency pretrial intervention court program pursuant to s.
111 985.345.

112 Section 6. For the purpose of incorporating the amendment
113 made by this act to section 948.08, Florida Statutes, in a
114 reference thereto, paragraph (b) of subsection (3) of section
115 944.026, Florida Statutes, is reenacted to read:

116 944.026 Community-based facilities and programs.—

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(3)

(b) Pretrial intervention programs in appropriate counties to provide early counseling and supervision services to specified offenders as provided in s. 948.08.

Section 7. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (1) of section 948.036, Florida Statutes, is reenacted to read:

948.036 Work programs as a condition of probation, community control, or other court-ordered community supervision.—

(1) Whenever an offender is required by the court to participate in any work program under the provisions of this chapter, enters into the pretrial intervention program pursuant to s. 948.08, or volunteers to work in a supervised work program conducted by a specified state, county, municipal, or community service organization or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, the offender shall be considered an employee of the state for the purposes of chapter 440.

Section 8. This act shall take effect July 1, 2024.

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 Criminal Justice

BILL: CS/SB 1604

INTRODUCER: Criminal Justice Committee and Senator Book

SUBJECT: Digital Voyeurism

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1604 amends s. 810.145, F.S., renaming the offense from “video voyeurism” to “digital voyeurism.” The bill defines “position of authority or trust” to mean a position occupied by a person 18 years of age or older who is a relative, caregiver, coach, employer, or other person who, by reason of his or her relationship with the victim, is able to exercise undue influence over him or her or exploit his or her trust.

The bill amends the definition of “broadcast,” to include visual recordings, and provides that “family or household member,” has the same meaning as in s. 741.28, F.S.

The bill provides that a person who is under 19 years of age and who violates the offense of digital voyeurism commits a misdemeanor of the first degree¹. A person who is 19 years of age or older who violates the offense of digital voyeurism commits a felony of the third degree.²

The bill provides that a person who commits the offense of digital voyeurism dissemination or commercial digital voyeurism dissemination commits a felony of the third degree.

¹ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine pursuant to s. 775.082 and s. 775.083, F.S.

² A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine pursuant to s. 775.082, s. 775.083, or s. 775.084, F.S.

The bill provides that each instance of viewing, broadcasting, recording, disseminating, distributing, or transferring of an image recording made in violation of this section is a separate offense for which a separate penalty is authorized.

The bill provides that if a person who is 19 years of age or older is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism, and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.
- A felony of the second degree is reclassified as a felony of the first degree.

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S.

This bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill is effective on October 1, 2024.

II. Present Situation:

Voyeurism

A person commits voyeurism³ when he or she, with lewd, lascivious, or indecent intent:

- Secretly observes another person when the other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy; or
- Secretly observes another person's intimate areas⁴ in which the person has a reasonable expectation of privacy, when the other person is located in a public or private dwelling, structure, or conveyance.

A first or second voyeurism offense is punishable as a first degree misdemeanor⁵ and a third or subsequent offense is punishable as a third degree felony.⁶

Video Voyeurism

A person commits video voyeurism if that person, for amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person, intentionally:

³ Section 810.14, F.S.

⁴ Section 810.14(1)(b), F.S., "intimate area" means any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view.

⁵ *Supra* Note 1.

⁶ *Supra* Note 2.

- Uses or installs an imaging device⁷ to secretly view, broadcast,⁸ or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body,⁹ at a place and time when that person has a reasonable expectation of privacy;¹⁰
- Permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy; or
- Uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and consent, for the purpose of viewing the body of, or the undergarments worn by, that person.

Video Voyeurism Dissemination

A person commits the offense of video voyeurism dissemination if that person, knowing or having reason to believe that an image was created in a manner described in this section, intentionally disseminates, distributes, or transfers the image to another person for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.¹¹

Commercial Video Voyeurism Dissemination

A person commits the offense of commercial video voyeurism dissemination if that person:

- Knowing or having reason to believe that an image was created in a manner described in this section, sells the image for consideration to another person;¹² or
- Having created the image in a manner described in this section, disseminates, distributes, or transfers the image to another person for that person to sell the image to others.¹³

Video Voyeurism Penalties

Generally, a person who commits video voyeurism, video voyeurism dissemination, or commercial digital voyeurism dissemination under s. 810.145, F.S., commits a:

- First degree misdemeanor if he or she is under 19 years of age.¹⁴
- Third degree felony if he or she is 19 years of age or older.¹⁵

⁷ Section 810.145(1)(b), F.S., "Imaging device" means any mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting visual images of another person.

⁸ Section 810.145(1)(a), F.S., "Broadcast" means electronically transmitting a visual image with the intent that it be viewed by another person.

⁹ Section 810.145(1)(d), F.S., "Privately exposing the body" means exposing a sexual organ.

¹⁰ Section 810.145(1)(c), F.S., "Place and time when a person has a reasonable expectation of privacy" means a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.

¹¹ Section 810.145(3), F.S.

¹² Section 810.145(4)(a), F.S.

¹³ Section 810.145(4)(b), F.S.

¹⁴ Section 810.145(6)(a), F.S.

¹⁵ Section 810.145(6)(b), F.S.

- Second degree felony¹⁶ if he or she commits a violation and has previously been convicted of or adjudicated delinquent for any violation of s. 810.145, F.S., regardless of his or her age.¹⁷

A person commits a second degree felony if he or she commits any video voyeurism offense and is:

- 18 years of age or older and commits the offense against a child younger than 16 years of age whose welfare he or she is responsible for, regardless of whether he or she knows or has reason to know the child's age;¹⁸
- 18 years of age or older, and employed at a private school as defined in s. 1002.01, F.S.; a school as defined in s. 1003.01, F.S.; or a voluntary prekindergarten education program as described in s. 1002.53(3)(a), (b), or (c), F.S., and commits the offense against a student of the school;¹⁹ or
- 24 years of age or older and commits the offense against a child younger than 16 years of age, regardless of whether he or she knows or has reason to know the child's age.²⁰

Current Rankings for Video Voyeurism Offenses

Current OSRC rankings for felony offenses under s. 810.145, F.S., are as follows:

- Video voyeurism under s. 810.145(2)-(4), F.S., is unranked and as a third degree felony defaults to a Level 1 offense if committed by a person 19 years of age or older;
- A second or subsequent conviction for video voyeurism under s. 810.145(2)-(4), F.S., is unranked and as a second degree felony defaults to a Level 4 offense, regardless of the offender's age;²¹ and
- Video voyeurism committed by a specified person against a specified child or student under s. 810.145(8)(a), F.S., is unranked and as a second degree felony defaults to a Level 4 offense, for a first time offense, and is ranked as a Level 6 offense if the offender has a prior violation of any video voyeurism offense.

III. Effect of Proposed Changes:

This bill amends s. 810.145, F.S., renaming the offense from “video voyeurism” to “digital voyeurism.” The bill defines “position of authority or trust” to mean a position occupied by a person 18 years of age or older who is a relative, caregiver, coach, employer, or other person who, by reason of his or her relationship with the victim, is able to exercise undue influence over him or her or exploit his or her trust.

The bill amends the definition of “broadcast,” to include visual recordings, and provides that “family or household member,” has the same meaning as in s. 741.28, F.S.

¹⁶ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine pursuant to s. 775.082, s. 775.083, or s. 775.084, F.S.

¹⁷ Section 810.145(7), F.S.

¹⁸ Section 810.145(8)(a)1., F.S.

¹⁹ Section 810.145(8)(a)2., F.S.

²⁰ Section 810.145(8)(a)3., F.S.

²¹ Section 810.145(7), F.S.

The bill provides that a person who is under 19 years of age and who violates the offense of digital voyeurism commits a misdemeanor of the first degree. A person who is 19 years of age or older who violates the offense of digital voyeurism commits a felony of the third degree.

The bill provides that a person who commits the offense of digital voyeurism dissemination or commercial digital voyeurism dissemination commits a felony of the third degree.

The bill provides that each instance of viewing, broadcasting, recording, disseminating, distributing, or transferring of an image recording made in violation of this section is a separate offense for which a separate penalty is authorized.

The bill provides that if a person who is 19 years of age or older is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.
- A felony of the second degree is reclassified as a felony of the first degree.

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S.

Florida Statute	Felony Degree	Offense	Ranking
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older	Level 3
810.145(3)(b)	3rd	Digital voyeurism dissemination	Level 4
840.145(4)(c)	3rd	Commercial digital voyeurism dissemination	Level 5
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent	Level 5
810.145(8)(a)	2nd	Digital voyeurism certain minor victims	Level 5
810.145 (8)(b)	2nd	Digital voyeurism certain minor victims; 2nd or subsequent	Level 6

The bill is effective on October 1, 2024.

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 Florida Department of Law Enforcement (FDLE) will be required to update all documentation and training that lists “video” voyeurism or s. 810.145(8), F.S., as a qualifying offense for sexual offender/predator registration. Those costs would be absorbed by the department.²²

FDLE in its legislative analysis reports a federal impact. Florida has been found to have substantially implemented the federal Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Act. This determination is made by the Department of Justice’s Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office. As a state that has substantially implemented SORNA, the Florida registry is prioritized in funding consideration for the yearly SMART grant, which goes directly to the registry and supports staffing,

²² FDLE, 2024 Legislative Bill Analysis for HB 1389 (January 22, 2024), p. 3 (on file with the Senate Committee on Criminal Justice).

equipment, publication, training, and other registry operations. The registry has received over \$2 million in SMART grants over the last 10 years. Additionally, those states that do not substantially implement SORNA see a 10 percent reduction in the Edward Byrne Memorial Justice Assistance Grant (JAG) received by state agencies in Florida. In 2023, Florida received more than \$12 million in state JAG funds.²³

SORNA requires sexual offender registration of those convicted for an offense of video voyeurism of a minor, which is currently covered under s. 810.145(8), F.S. Striking subsection (8) means that future convictions for video voyeurism of a minor will no longer qualify for sexual offender registration. This could impact Florida's substantial implementation of SORNA.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 810.145, 921.0022, 397.417, 435.04, 456.074, 775.0862, 775.15, 775.21, 943.0435, 943.0584, 944.606, 944.607, and 1012.315, 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 by Criminal Justice on February 6, 2024:

The committee substitute:

- Redefines the definition of “position of authority or trust.”
- Revises the penalties for committing digital voyeurism, digital voyeurism dissemination and commercial digital voyeurism dissemination, and ranks the felony offenses in the offense severity ranking chart.
- Provides that each violation of the statute is a separate offense for which a separate penalty is authorized.
- Provides enhanced penalties when the offender is a family member, household member or holds a position of authority or trust with the victim.

- B. **Amendments:**

None.

²³ *Id.* at pg. 4.

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	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 810.145, Florida Statutes, is amended to
read:

810.145 Digital Video ~~Video~~ voyeurism.—

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

(a) "Broadcast" means electronically transmitting a visual
image or visual recording with the intent that it be viewed by



11 another person.

12 (b) "Family or household member" has the same meaning as in
13 s. 741.28.

14 (c)~~(b)~~ "Imaging device" means any mechanical, digital, or
15 electronic viewing device; still camera; camcorder; motion
16 picture camera; or any other instrument, equipment, or format
17 capable of recording, storing, or transmitting visual images of
18 another person.

19 (d) "Position of authority or trust" means a position
20 occupied by a person 18 years of age or older who is a relative,
21 caregiver, coach, employer, or other person who, by reason of
22 his or her relationship with the victim, is able to exercise
23 undue influence over him or her or exploit his or her trust.

24 (e)~~(d)~~ "Privately exposing the body" means exposing a
25 sexual organ.

26 (f)~~(e)~~ "Place and time when a person has a Reasonable
27 expectation of privacy" means circumstances under which a place
28 and time when a reasonable person would believe that he or she
29 could fully disrobe in privacy, without being concerned that the
30 person's undressing was being viewed, recorded, or broadcasted
31 by another, including, but not limited to, the interior of a
32 residential dwelling, bathroom, changing room, fitting room,
33 dressing room, or tanning booth.

34 (2) (a) A person commits the offense of digital video
35 voyeurism if that person:

36 1.~~(a)~~ For his or her own amusement, entertainment, sexual
37 arousal, gratification, or profit, or for the purpose of
38 degrading, exploiting, or abusing another person, intentionally
39 uses or installs an imaging device to secretly view, broadcast,



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40 or record a person, without that person's knowledge and consent,
41 who is dressing, undressing, or privately exposing the body, at
42 a place and time when that person has a reasonable expectation
43 of privacy;

44 2.(b) For the amusement, entertainment, sexual arousal,
45 gratification, or profit of another, or on behalf of another,
46 intentionally permits the use or installation of an imaging
47 device to secretly view, broadcast, or record a person, without
48 that person's knowledge and consent, who is dressing,
49 undressing, or privately exposing the body, at a place and time
50 when that person has a reasonable expectation of privacy; or

51 3.(e) For the amusement, entertainment, sexual arousal,
52 gratification, or profit of oneself or another, or on behalf of
53 oneself or another, intentionally uses an imaging device to
54 secretly view, broadcast, or record under or through the
55 clothing being worn by another person, without that person's
56 knowledge and consent, for the purpose of viewing the body of,
57 or the undergarments worn by, that person.

58 (b) A person who is under 19 years of age and who violates
59 this subsection commits a misdemeanor of the first degree,
60 punishable as provided in s. 775.082 or s. 775.083.

61 (c) A person who is 19 years of age or older and who
62 violates this subsection commits a felony of the third degree,
63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

64 (3)(a) A person commits the offense of digital video
65 voyeurism dissemination if that person, knowing or having reason
66 to believe that an image or recording was created in a manner
67 described in subsection (2) this section, intentionally
68 disseminates, distributes, or transfers the image or recording



69 to another person for the purpose of the amusement,
70 entertainment, sexual arousal, or gratification of any person,
71 ~~or profit~~, or for the purpose of degrading, exploiting, or
72 abusing another person.

73 (b) A person who violates this subsection commits a felony
74 of the third degree, punishable as provided in s. 775.082, s.
75 775.083, or s. 775.084.

76 (4) A person commits the offense of commercial digital
77 ~~video~~ voyeurism dissemination if that person:

78 (a) Knowing or having reason to believe that an image or
79 recording was created in a manner described in subsection (2)
80 ~~this section~~, sells the image or recording for consideration to
81 another person; or

82 (b) Having created the image or recording in a manner
83 described in subsection (2) ~~this section~~, disseminates,
84 distributes, or transfers the image or recording to another
85 person for that person to sell the image or recording to others.

86 (c) A person who violates this subsection commits a felony
87 of the third degree, punishable as provided in s. 775.082, s.
88 775.083, or s. 775.084.

89 (5) This section does not apply to any:

90 (a) Law enforcement agency conducting surveillance for a
91 law enforcement purpose;

92 (b) Security system when a written notice is conspicuously
93 posted on the premises stating that a video surveillance system
94 has been installed for the purpose of security for the premises;

95 (c) Video surveillance device that is installed in such a
96 manner that the presence of the device is clearly and
97 immediately obvious; or



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98 (d) Dissemination, distribution, or transfer of images or
99 recordings subject to this section by a provider of an
100 electronic communication service as defined in 18 U.S.C. s.
101 2510(15), or a provider of a remote computing service as defined
102 in 18 U.S.C. s. 2711(2). For purposes of this section, the
103 exceptions to the definition of "electronic communication" set
104 forth in 18 U.S.C. s. 2510(12) (a), (b), (c), and (d) do not
105 apply, but are included within the definition of the term.

106 (6) Each instance of the viewing, broadcasting, recording,
107 disseminating, distributing, or transferring of an image or
108 recording made in violation of subsection (2) is a separate
109 offense for which a separate penalty is authorized. ~~Except as~~
110 provided in subsections (7) and (8):

111 ~~(a) A person who is under 19 years of age and who violates~~
112 ~~this section commits a misdemeanor of the first degree,~~
113 ~~punishable as provided in s. 775.082 or s. 775.083.~~

114 ~~(b) A person who is 19 years of age or older and who~~
115 ~~violates this section commits a felony of the third degree,~~
116 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

117 (7) (a) A person who violates this section and who has
118 previously been convicted of or adjudicated delinquent for any
119 violation of this section commits a felony of the second degree,
120 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

121 (b) If a person who is 19 years or age or older commits a
122 violation of this section and is a family or household member of
123 the victim or holds a position of authority or trust with the
124 victim, the court shall reclassify the felony to the next higher
125 degree as follows:

126 1. A felony of the third degree is reclassified as a felony



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127 of the second degree.

128 2. A felony of the second degree is reclassified as a
129 felony of the first degree.

130
131 For purposes of sentencing under chapter 921 and incentive gain-
132 time eligibility under chapter 944, a felony that is
133 reclassified under this subsection is ranked one level above the
134 ranking under s. 921.0022 of the felony offense committed.

135 (8) (a) A person who is:

136 1. Eighteen years of age or older who is responsible for
137 the welfare of a child younger than 16 years of age, regardless
138 of whether the person knows or has reason to know the age of the
139 child, and who commits an offense under this section against
140 that child;

141 2. Eighteen years of age or older who is employed at a
142 private school as defined in s. 1002.01; a school as defined in
143 s. 1003.01; or a voluntary prekindergarten education program as
144 described in s. 1002.53(3) (a), (b), or (c) and who commits an
145 offense under this section against a student of the private
146 school, school, or voluntary prekindergarten education program;
147 or

148 3. Twenty-four years of age or older who commits an offense
149 under this section against a child younger than 16 years of age,
150 regardless of whether the person knows or has reason to know the
151 age of the child

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

155 (b) A person who violates this subsection and who has



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156 previously been convicted of or adjudicated delinquent for any
157 violation of this section commits a felony of the second degree,
158 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

159 (9) For purposes of this section, a person has previously
160 been convicted of or adjudicated delinquent for a violation of
161 this section if the violation resulted in a conviction that was
162 sentenced separately, or an adjudication of delinquency entered
163 separately, before ~~prior to~~ the current offense.

164 Section 2. Paragraphs (c), (d), (e), and (f) of subsection
165 (3) of section 921.0022, Florida Statutes, are amended to read:

166 921.0022 Criminal Punishment Code; offense severity ranking
167 chart.-

168 (3) OFFENSE SEVERITY RANKING CHART

169 (c) LEVEL 3

170

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

171

172

173

174



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patrol vehicle with siren and
lights activated.

175

319.30(4) 3rd Possession by junkyard of motor
vehicle with identification
number plate removed.

176

319.33(1)(a) 3rd Alter or forge any certificate
of title to a motor vehicle or
mobile home.

177

319.33(1)(c) 3rd Procure or pass title on stolen
vehicle.

178

319.33(4) 3rd With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

179

327.35(2)(b) 3rd Felony BUI.

180

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

181

328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.



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182	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
183	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.
184	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.
185	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
186	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure,



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without a license.

187

400.9935(4)(e) 3rd Filing a false license application or other required information or failing to report information.

188

440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

189

501.001(2)(b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

190

624.401(4)(a) 3rd Transacting insurance without a certificate of authority.

191

624.401(4)(b)1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

192

626.902(1)(a) & (b) 3rd Representing an unauthorized insurer.

193

697.08 3rd Equity skimming.



194	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
195	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.
196	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
197	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
198	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
199	<u>810.145(2)(c)</u>	<u>3rd</u>	<u>Digital voyeurism; 19 years of age or older.</u>
200	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.



201	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
202	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
203	812.081(2)	3rd	Theft of a trade secret.
204	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
205	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
206	817.233	3rd	Burning to defraud insurer.
207	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
208	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
209	817.236	3rd	Filing a false motor vehicle insurance application.



210	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
211	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
212	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
213	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
214	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
215	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.



216	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
217	860.15 (3)	3rd	Overcharging for repairs and parts.
218	870.01 (2)	3rd	Riot.
219	870.01 (4)	3rd	Inciting a riot.
220	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).
221	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.
222	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.

223

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

224

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

225

893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

226

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

227

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

228

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any



document or record required by
chapter 893.

229

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.

230

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.

231

893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

232

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



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practitioner.

233

918.13(1) 3rd Tampering with or fabricating
physical evidence.

234

944.47 3rd Introduce contraband to
(1) (a) 1. & 2. correctional facility.

235

944.47(1) (c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

236

985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

237

238

239

(d) LEVEL 4

240

Florida Statute	Felony Degree	Description
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241

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.
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242	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
243	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
244	517.07 (1)	3rd	Failure to register securities.
245	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
246	784.031	3rd	Battery by strangulation.
247	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
248	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
249	784.075	3rd	Battery on detention or commitment facility staff.
250	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling



certain fluids or materials.

251

784.08(2)(c) 3rd Battery on a person 65 years of age or older.

252

784.081(3) 3rd Battery on specified official or employee.

253

784.082(3) 3rd Battery by detained person on visitor or other detainee.

254

784.083(3) 3rd Battery on code inspector.

255

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

256

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

257

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

258

787.04(3) 3rd Carrying child beyond state lines with criminal intent to



avoid producing child at
custody hearing or delivering
to designated person.

259

787.07 3rd Human smuggling.

260

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

261

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

262

790.115(2)(c) 3rd Possessing firearm on school
property.

263

794.051(1) 3rd Indecent, lewd, or lascivious
touching of certain minors.

264

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

265

806.135 2nd Destroying or demolishing a
memorial or historic property.

266

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault



or battery.

267

810.02 (4) (b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

268

810.06 3rd Burglary; possession of tools.

269

810.08 (2) (c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.

270

810.145 (3) (b) 3rd Digital voyeurism
dissemination.

271

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

272

812.014 3rd Grand theft, 3rd degree;
(2) (c) 4. &
6.-10. specified items.

273

812.0195 (2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

274

817.505 (4) (a) 3rd Patient brokering.

275



276	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
277	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
278	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
279	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
280	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
281	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
282	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.

283

837.02 (1) 3rd Perjury in official
proceedings.

284

837.021 (1) 3rd Make contradictory statements
in official proceedings.

285

838.022 3rd Official misconduct.

286

839.13 (2) (a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

287

839.13 (2) (c) 3rd Falsifying records of the
Department of Children and
Families.

288

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

289

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

290



291	843.15(1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
292	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
293	847.0135(5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
294	870.01(3)	2nd	Aggravated rioting.
295	870.01(5)	2nd	Aggravated inciting a riot.
296	874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
297	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).
298	914.14(2)	3rd	Witnesses accepting bribes.
	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.



299 914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

300 916.1085 3rd Introduction of specified
(2) (c) 1. contraband into certain DCF
facilities.

301 918.12 3rd Tampering with jurors.

302 934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

303 944.47(1) (a) 6. 3rd Introduction of contraband
(cellular telephone or other
portable communication device)
into correctional institution.

304 951.22(1) (h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

305
306
307 (e) LEVEL 5



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308

Florida Statute	Felony Degree	Description
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309

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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310

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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311

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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312

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
-----------	-----	--

313

327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
-----------	-----	--

314

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 the commercial harvest of stone crabs while license is suspended or revoked.

315

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

316

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

317

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

318

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

319

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

320



321	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
322	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
323	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
324	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
325	790.162	2nd	Threat to throw or discharge destructive device.
326	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
327	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
	790.23	2nd	Felons in possession of



age or older; \$10,000 or more
but less than \$50,000.

336

812.015 3rd Retail theft; property stolen
(8) (a) & (c) - is valued at \$750 or more and
(e) one or more specified acts.

337

812.015 (8) (f) 3rd Retail theft; multiple thefts
within specified period.

338

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

339

812.081 (3) 2nd Trafficking in trade secrets.

340

812.131 (2) (b) 3rd Robbery by sudden snatching.

341

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

342

817.034 (4) (a) 2. 2nd Communications fraud, value
\$20,000 to \$50,000.

343

817.234 (11) (b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

344

817.2341 (1), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false



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motion picture, etc., which
includes child pornography.

350

827.071(5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
child pornography.

351

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

352

836.14(4) 2nd Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

353

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.

354

843.01(1) 3rd Resist officer with violence to
person; resist arrest with
violence.



355	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
356	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
357	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
358	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
359	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
360	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).
361	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s.



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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.

362

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.

363

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.

364



365	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.
366	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
367	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
368			
369	(f) LEVEL 6		
370			
371	Florida Statute	Felony Degree	Description
372	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
373	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
	400.9935(4)(c)	2nd	Operating a clinic, or offering



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services requiring licensure,
without a license.

374

499.0051(2) 2nd Knowing forgery of transaction
history, transaction
information, or transaction
statement.

375

499.0051(3) 2nd Knowing purchase or receipt of
prescription drug from
unauthorized person.

376

499.0051(4) 2nd Knowing sale or transfer of
prescription drug to
unauthorized person.

377

775.0875(1) 3rd Taking firearm from law
enforcement officer.

378

784.021(1)(a) 3rd Aggravated assault; deadly
weapon without intent to kill.

379

784.021(1)(b) 3rd Aggravated assault; intent to
commit felony.

380

784.041 3rd Felony battery; domestic
battery by strangulation.

381

784.048(3) 3rd Aggravated stalking; credible



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threat.

382

784.048 (5) 3rd Aggravated stalking of person
under 16.

383

784.07 (2) (c) 2nd Aggravated assault on law
enforcement officer.

384

784.074 (1) (b) 2nd Aggravated assault on sexually
violent predators facility
staff.

385

784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

386

784.081 (2) 2nd Aggravated assault on specified
official or employee.

387

784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

388

784.083 (2) 2nd Aggravated assault on code
inspector.

389

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

390



391	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
392	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
393	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.
394	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
395	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
396	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;



\$750 or more; second or
subsequent conviction.

405

812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

406

812.015 (9) (d) 2nd Retail theft; multiple thefts
within specified period.

407

812.13 (2) (c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

408

817.4821 (5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

409

817.49 (2) (b) 2. 2nd Willful making of a false
report of a crime resulting in
death.

410

817.505 (4) (b) 2nd Patient brokering; 10 or more
patients.

411

817.5695 (3) (b) 2nd Exploitation of person 65 years
of age or older, value \$10,000
or more, but less than \$50,000.

412



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413	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
414	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
415	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
416	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
417	827.03 (2) (c)	3rd	Abuse of a child.
418	827.03 (2) (d)	3rd	Neglect of a child.
419	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
420	828.126 (3)	3rd	Sexual activities involving animals.
421	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.

422

843.12 3rd Aids or assists person to
escape.

423

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

424

847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

425

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

426

893.131 2nd Distribution of controlled
substances resulting in
overdose or serious bodily
injury.

427

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

428

918.13(2)(b) 2nd Tampering with or fabricating



physical evidence relating to a
capital felony.

429

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.

430

944.40 2nd Escapes.

431

944.46 3rd Harboring, concealing, aiding
 escaped prisoners.

432

944.47 (1) (a) 5. 2nd Introduction of contraband
 (firearm, weapon, or explosive)
 into correctional facility.

433

951.22 (1) (i) 3rd Firearm or weapon introduced
 into county detention facility.

434

435

436 Section 3. Paragraph (e) of subsection (4) of section
437 397.417, Florida Statutes, is amended to read:

438 397.417 Peer specialists.—

439 (4) BACKGROUND SCREENING.—

440 (e) The background screening conducted under this
441 subsection must ensure that a peer specialist has not been



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442 arrested for and is awaiting final disposition of, found guilty
443 of, regardless of adjudication, or entered a plea of nolo
444 contendere or guilty to, or been adjudicated delinquent and the
445 record has not been sealed or expunged for, any offense
446 prohibited under any of the following state laws or similar laws
447 of another jurisdiction:

448 1. Section 393.135, relating to sexual misconduct with
449 certain developmentally disabled clients and reporting of such
450 sexual misconduct.

451 2. Section 394.4593, relating to sexual misconduct with
452 certain mental health patients and reporting of such sexual
453 misconduct.

454 3. Section 409.920, relating to Medicaid provider fraud, if
455 the offense was a felony of the first or second degree.

456 4. Section 415.111, relating to abuse, neglect, or
457 exploitation of vulnerable adults.

458 5. Any offense that constitutes domestic violence as
459 defined in s. 741.28.

460 6. Section 777.04, relating to attempts, solicitation, and
461 conspiracy to commit an offense listed in this paragraph.

462 7. Section 782.04, relating to murder.

463 8. Section 782.07, relating to manslaughter; aggravated
464 manslaughter of an elderly person or a disabled adult;
465 aggravated manslaughter of a child; or aggravated manslaughter
466 of an officer, a firefighter, an emergency medical technician,
467 or a paramedic.

468 9. Section 782.071, relating to vehicular homicide.

469 10. Section 782.09, relating to killing an unborn child by
470 injury to the mother.



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471 11. Chapter 784, relating to assault, battery, and culpable
472 negligence, if the offense was a felony.

473 12. Section 787.01, relating to kidnapping.

474 13. Section 787.02, relating to false imprisonment.

475 14. Section 787.025, relating to luring or enticing a
476 child.

477 15. Section 787.04(2), relating to leading, taking,
478 enticing, or removing a minor beyond state limits, or concealing
479 the location of a minor, with criminal intent pending custody
480 proceedings.

481 16. Section 787.04(3), relating to leading, taking,
482 enticing, or removing a minor beyond state limits, or concealing
483 the location of a minor, with criminal intent pending dependency
484 proceedings or proceedings concerning alleged abuse or neglect
485 of a minor.

486 17. Section 790.115(1), relating to exhibiting firearms or
487 weapons within 1,000 feet of a school.

488 18. Section 790.115(2)(b), relating to possessing an
489 electric weapon or device, a destructive device, or any other
490 weapon on school property.

491 19. Section 794.011, relating to sexual battery.

492 20. Former s. 794.041, relating to prohibited acts of
493 persons in familial or custodial authority.

494 21. Section 794.05, relating to unlawful sexual activity
495 with certain minors.

496 22. Section 794.08, relating to female genital mutilation.

497 23. Section 796.07, relating to procuring another to commit
498 prostitution, except for those offenses expunged pursuant to s.
499 943.0583.



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- 500 24. Section 798.02, relating to lewd and lascivious
501 behavior.
- 502 25. Chapter 800, relating to lewdness and indecent
503 exposure.
- 504 26. Section 806.01, relating to arson.
- 505 27. Section 810.02, relating to burglary, if the offense
506 was a felony of the first degree.
- 507 28. Section 810.14, relating to voyeurism, if the offense
508 was a felony.
- 509 29. Section 810.145, relating to digital ~~video~~ voyeurism,
510 if the offense was a felony.
- 511 30. Section 812.13, relating to robbery.
- 512 31. Section 812.131, relating to robbery by sudden
513 snatching.
- 514 32. Section 812.133, relating to carjacking.
- 515 33. Section 812.135, relating to home-invasion robbery.
- 516 34. Section 817.034, relating to communications fraud, if
517 the offense was a felony of the first degree.
- 518 35. Section 817.234, relating to false and fraudulent
519 insurance claims, if the offense was a felony of the first or
520 second degree.
- 521 36. Section 817.50, relating to fraudulently obtaining
522 goods or services from a health care provider and false reports
523 of a communicable disease.
- 524 37. Section 817.505, relating to patient brokering.
- 525 38. Section 817.568, relating to fraudulent use of personal
526 identification, if the offense was a felony of the first or
527 second degree.
- 528 39. Section 825.102, relating to abuse, aggravated abuse,



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529 or neglect of an elderly person or a disabled adult.
530 40. Section 825.1025, relating to lewd or lascivious
531 offenses committed upon or in the presence of an elderly person
532 or a disabled person.
533 41. Section 825.103, relating to exploitation of an elderly
534 person or a disabled adult, if the offense was a felony.
535 42. Section 826.04, relating to incest.
536 43. Section 827.03, relating to child abuse, aggravated
537 child abuse, or neglect of a child.
538 44. Section 827.04, relating to contributing to the
539 delinquency or dependency of a child.
540 45. Former s. 827.05, relating to negligent treatment of
541 children.
542 46. Section 827.071, relating to sexual performance by a
543 child.
544 47. Section 831.30, relating to fraud in obtaining
545 medicinal drugs.
546 48. Section 831.31, relating to the sale; manufacture;
547 delivery; or possession with intent to sell, manufacture, or
548 deliver of any counterfeit controlled substance, if the offense
549 was a felony.
550 49. Section 843.01, relating to resisting arrest with
551 violence.
552 50. Section 843.025, relating to depriving a law
553 enforcement, correctional, or correctional probation officer of
554 the means of protection or communication.
555 51. Section 843.12, relating to aiding in an escape.
556 52. Section 843.13, relating to aiding in the escape of
557 juvenile inmates of correctional institutions.



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558 53. Chapter 847, relating to obscenity.
559 54. Section 874.05, relating to encouraging or recruiting
560 another to join a criminal gang.
561 55. Chapter 893, relating to drug abuse prevention and
562 control, if the offense was a felony of the second degree or
563 greater severity.
564 56. Section 895.03, relating to racketeering and collection
565 of unlawful debts.
566 57. Section 896.101, relating to the Florida Money
567 Laundering Act.
568 58. Section 916.1075, relating to sexual misconduct with
569 certain forensic clients and reporting of such sexual
570 misconduct.
571 59. Section 944.35(3), relating to inflicting cruel or
572 inhuman treatment on an inmate resulting in great bodily harm.
573 60. Section 944.40, relating to escape.
574 61. Section 944.46, relating to harboring, concealing, or
575 aiding an escaped prisoner.
576 62. Section 944.47, relating to introduction of contraband
577 into a correctional institution.
578 63. Section 985.701, relating to sexual misconduct in
579 juvenile justice programs.
580 64. Section 985.711, relating to introduction of contraband
581 into a detention facility.
582 Section 4. Paragraph (ff) of subsection (2) of section
583 435.04, Florida Statutes, as amended by section 2 of chapter
584 2023-220, Laws of Florida, is amended to read:
585 435.04 Level 2 screening standards.—
586 (2) The security background investigations under this



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587 section must ensure that persons subject to this section have
588 not been arrested for and are awaiting final disposition of,
589 have not been found guilty of, regardless of adjudication, or
590 entered a plea of nolo contendere or guilty to, or have not been
591 adjudicated delinquent and the record has not been sealed or
592 expunged for, any offense prohibited under any of the following
593 provisions of state law or similar law of another jurisdiction:

594 (ff) Section 810.145, relating to digital ~~videe~~ voyeurism,
595 if the offense is a felony.

596 Section 5. Paragraph (s) of subsection (5) of section
597 456.074, Florida Statutes, is amended to read:

598 456.074 Certain health care practitioners; immediate
599 suspension of license.—

600 (5) The department shall issue an emergency order
601 suspending the license of any health care practitioner who is
602 arrested for committing or attempting, soliciting, or conspiring
603 to commit any act that would constitute a violation of any of
604 the following criminal offenses in this state or similar
605 offenses in another jurisdiction:

606 (s) Section 810.145(8), relating to digital ~~videe~~ voyeurism
607 of a minor.

608 Section 6. Subsection (17) of section 775.15, Florida
609 Statutes, is amended to read:

610 775.15 Time limitations; general time limitations;
611 exceptions.—

612 (17) In addition to the time periods prescribed in this
613 section, a prosecution for digital ~~videe~~ voyeurism in violation
614 of s. 810.145 may be commenced within 1 year after the date on
615 which the victim of digital ~~videe~~ voyeurism obtains actual



616 knowledge of the existence of such a recording or the date on
617 which the recording is confiscated by a law enforcement agency,
618 whichever occurs first. Any dissemination of such a recording
619 before the victim obtains actual knowledge thereof or before its
620 confiscation by a law enforcement agency does not affect any
621 provision of this subsection.

622 Section 7. Paragraph (r) of subsection (2) of section
623 943.0584, Florida Statutes, is amended to read:

624 943.0584 Criminal history records ineligible for court-
625 ordered expunction or court-ordered sealing.—

626 (2) A criminal history record is ineligible for a
627 certificate of eligibility for expunction or a court-ordered
628 expunction pursuant to s. 943.0585 or a certificate of
629 eligibility for sealing or a court-ordered sealing pursuant to
630 s. 943.059 if the record is a conviction for any of the
631 following offenses:

632 (r) Voyeurism or digital ~~video~~ voyeurism, as defined in ss.
633 810.14 and 810.145, respectively;

634 Section 8. Paragraph (y) of subsection (1) of section
635 1012.315, Florida Statutes, is amended to read:

636 1012.315 Screening standards.—A person is ineligible for
637 educator certification or employment in any position that
638 requires direct contact with students in a district school
639 system, a charter school, or a private school that participates
640 in a state scholarship program under chapter 1002 if the person
641 is on the disqualification list maintained by the department
642 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
643 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
644 for an exemption under s. 435.07(4)(c), or has been convicted or



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645 found guilty of, has had adjudication withheld for, or has pled
646 guilty or nolo contendere to:

647 (1) Any felony offense prohibited under any of the
648 following statutes:

649 (y) Section 810.145, relating to digital ~~video~~ voyeurism.
650 Section 9. This act shall take effect October 1, 2024.

651

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

653 And the title is amended as follows:

654 Delete everything before the enacting clause
655 and insert:

656 A bill to be entitled
657 An act relating to digital voyeurism; amending s.
658 810.145, F.S.; providing definitions; redesignating
659 the offense of "video voyeurism" as "digital
660 voyeurism"; revising the elements of the offense;
661 providing criminal penalties; providing reduced
662 criminal penalties for certain violations by persons
663 who are under 19 years of age; redesignating the
664 offense of "video voyeurism dissemination" as "digital
665 voyeurism dissemination"; revising the elements of the
666 offense; providing criminal penalties; specifying that
667 each instance of certain violations is a separate
668 offense; providing for reclassification of certain
669 violations by certain persons; amending s. 921.0022,
670 F.S.; ranking offenses on the offense severity ranking
671 chart of the Criminal Punishment Code; amending ss.
672 397.417, 435.04, 456.074, 775.15, 943.0584, and
673 1012.315, F.S.; conforming provisions to changes made



249990

674

by the act; providing an effective date.

By Senator Book

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1 A bill to be entitled
 2 An act relating to digital voyeurism; amending s.
 3 810.145, F.S.; providing definitions; redesignating
 4 the offense of "video voyeurism" as "digital
 5 voyeurism"; revising the elements of the offense;
 6 providing criminal penalties; providing reduced
 7 criminal penalties for certain violations by persons
 8 who are under 19 years of age; redesignating the
 9 offense of "video voyeurism dissemination" as "digital
 10 voyeurism dissemination"; revising the elements of the
 11 offense; providing criminal penalties; providing
 12 reduced criminal penalties for certain violations by
 13 persons who are under 19 years of age; specifying that
 14 each instance of certain violations is a separate
 15 offense; providing for reclassification of certain
 16 violations by family or household members of a victim;
 17 amending s. 921.0022, F.S.; ranking offenses on the
 18 offense severity ranking chart of the Criminal
 19 Punishment Code; amending ss. 397.417, 435.04,
 20 456.074, 775.0862, 775.15, 775.21, 943.0435, 943.0584,
 21 944.606, 944.607, and 1012.315, F.S.; conforming
 22 provisions to changes made by the act; providing an
 23 effective date.

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

26
 27 Section 1. Section 810.145, Florida Statutes, is amended to
 28 read:
 29 810.145 Digital Video voyeurism.—

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30 (1) As used in this section, the term:
 31 (a) "Broadcast" means electronically transmitting a visual
 32 image or visual recording with the intent that it be viewed by
 33 another person.
 34 (b) "Family or household member" has the same meaning as in
 35 s. 741.28.
 36 ~~(c)~~ (b) "Imaging device" means any mechanical, digital, or
 37 electronic viewing device; still camera; camcorder; motion
 38 picture camera; or any other instrument, equipment, or format
 39 capable of recording, storing, or transmitting visual images of
 40 another person.
 41 (d) "Position of authority or trust" means a position
 42 occupied by a person 18 years of age or older who is:
 43 1. Employed by, volunteering at, or under contract with a
 44 school, as defined in s. 775.0862(1), when the victim is a
 45 person younger than 18 years of age who is enrolled at the
 46 school; or
 47 2. A relative, caregiver, coach, employer, or other person
 48 who, by reason of his or her relationship with the victim, is
 49 able to exercise undue influence over him or her or exploit his
 50 or her trust.
 51 ~~(f)~~ ~~(e)~~ "Place and time when a person has a Reasonable
 52 expectation of privacy" means circumstances under which a place
 53 ~~and time when~~ a reasonable person would believe that he or she
 54 could fully disrobe in privacy, without being concerned that the
 55 person's undressing was being viewed, recorded, or broadcasted
 56 by another, including, but not limited to, the interior of a
 57 residential dwelling, bathroom, changing room, fitting room,
 58 dressing room, or tanning booth.

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59 ~~(e)(d)~~ "Privately exposing the body" means exposing a
 60 sexual organ.

61 (2) (a) A person commits the offense of digital video
 62 voyeurism if that person:

63 ~~1.(a)~~ For his or her own amusement, entertainment, sexual
 64 arousal, gratification, or profit, or for the purpose of
 65 degrading, exploiting, or abusing another person, intentionally
 66 uses or installs an imaging device to secretly view, broadcast,
 67 or record a person, without that person's knowledge and consent,
 68 who is dressing, undressing, or privately exposing the body, at
 69 a place and time when that person has a reasonable expectation
 70 of privacy;

71 ~~2.(b)~~ For the amusement, entertainment, sexual arousal,
 72 gratification, or profit of another, or on behalf of another,
 73 intentionally permits the use or installation of an imaging
 74 device to secretly view, broadcast, or record a person, without
 75 that person's knowledge and consent, who is dressing,
 76 undressing, or privately exposing the body, at a place and time
 77 when that person has a reasonable expectation of privacy; or

78 ~~3.(e)~~ For the amusement, entertainment, sexual arousal,
 79 gratification, or profit of oneself or another, or on behalf of
 80 oneself or another, intentionally uses an imaging device to
 81 secretly view, broadcast, or record under or through the
 82 clothing being worn by another person, without that person's
 83 knowledge and consent, for the purpose of viewing the body of,
 84 or the undergarments worn by, that person.

85 (b)1. A person who is under 19 years of age and who
 86 violates this subsection commits:

87 a. For a first offense, a misdemeanor of the first degree,

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88 punishable as provided in s. 775.082 or s. 775.083.

89 b. For a second or subsequent offense, a felony of the
 90 third degree, punishable as provided in s. 775.082, s. 775.083,
 91 or s. 775.084.

92 2. A person who is 19 years of age or older and who
 93 violates this subsection commits a felony of the third degree,
 94 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

95 (3) (a) A person commits the offense of digital video
 96 voyeurism dissemination if that person, knowing or having reason
 97 to believe that an image or recording was created in a manner
 98 described in subsection (2) this section, intentionally
 99 disseminates, distributes, or transfers the image or recording
 100 to another person;

101 1. For the purpose of the amusement, entertainment, sexual
 102 arousal, or gratification of any person, ~~or profit~~, or for the
 103 purpose of degrading, exploiting, or abusing another person; or
 104 2. For a commercial purpose or pecuniary gain.

105 (b)1. A person who is under 19 years of age and who
 106 violates this subsection commits:

107 a. For a first offense, a misdemeanor of the first degree,
 108 punishable as provided in s. 775.082 or s. 775.083.

109 b. For a second or subsequent offense, a felony of the
 110 third degree, punishable as provided in s. 775.082, s. 775.083,
 111 or s. 775.084.

112 2. A person who is 19 years of age or older and who
 113 violates this subsection commits a felony of the second degree,
 114 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

115 (4) Each instance of the viewing, broadcasting, recording,
 116 disseminating, distributing, or transferring of an image or

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117 recording made in violation of this section is a separate
 118 offense for which a separate penalty is authorized A person
 119 ~~commits the offense of commercial video voyeurism dissemination~~
 120 ~~if that person:~~

121 ~~(a) Knowing or having reason to believe that an image was~~
 122 ~~created in a manner described in this section, sells the image~~
 123 ~~for consideration to another person; or~~

124 ~~(b) Having created the image in a manner described in this~~
 125 ~~section, disseminates, distributes, or transfers the image to~~
 126 ~~another person for that person to sell the image to others.~~

127 (5) This section does not apply to any:

128 (a) Law enforcement agency conducting surveillance for a
 129 law enforcement purpose;

130 (b) Security system when a written notice is conspicuously
 131 posted on the premises stating that a video surveillance system
 132 has been installed for the purpose of security for the premises;

133 (c) Video surveillance device that is installed in such a
 134 manner that the presence of the device is clearly and
 135 immediately obvious; or

136 (d) Dissemination, distribution, or transfer of images
 137 subject to this section by a provider of an electronic
 138 communication service as defined in 18 U.S.C. s. 2510(15), or a
 139 provider of a remote computing service as defined in 18 U.S.C.
 140 s. 2711(2). For purposes of this section, the exceptions to the
 141 definition of "electronic communication" set forth in 18 U.S.C.
 142 s. 2510(12)(a), (b), (c), and (d) do not apply, but are included
 143 within the definition of the term.

144 (6) If a person who is 19 years or age or older is
 145 convicted of committing digital voyeurism or digital voyeurism

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146 dissemination and is a family or household member of the victim,
 147 holds a position of authority or trust with the victim, or has
 148 previously been convicted or adjudicated delinquent for a
 149 violation of this section, the court shall reclassify the felony
 150 to the next higher degree as follows:

151 (a) A felony of the third degree is reclassified as a
 152 felony of the second degree.

153 (b) A felony of the second degree is reclassified as a
 154 felony of the first degree.

155

156 For purposes of sentencing under chapter 921 and incentive gain-
 157 time eligibility under chapter 944, a felony that is
 158 reclassified under this subsection is ranked one level above the
 159 ranking under s. 921.0022 of the felony offense committed.

160 ~~(6) Except as provided in subsections (7) and (8):~~

161 ~~(a) A person who is under 19 years of age and who violates~~
 162 ~~this section commits a misdemeanor of the first degree,~~
 163 ~~punishable as provided in s. 775.082 or s. 775.083.~~

164 ~~(b) A person who is 19 years of age or older and who~~
 165 ~~violates this section commits a felony of the third degree,~~
 166 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

167 ~~(7) A person who violates this section and who has~~
 168 ~~previously been convicted of or adjudicated delinquent for any~~
 169 ~~violation of this section commits a felony of the second degree,~~
 170 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

171 ~~(8) (a) A person who is:~~

172 ~~1. Eighteen years of age or older who is responsible for~~
 173 ~~the welfare of a child younger than 16 years of age, regardless~~
 174 ~~of whether the person knows or has reason to know the age of the~~

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175 ~~child, and who commits an offense under this section against~~
 176 ~~that child;~~

177 ~~2. Eighteen years of age or older who is employed at a~~
 178 ~~private school as defined in s. 1002.01; a school as defined in~~
 179 ~~s. 1003.01; or a voluntary prekindergarten education program as~~
 180 ~~described in s. 1002.53(3) (a), (b), or (c) and who commits an~~
 181 ~~offense under this section against a student of the private~~
 182 ~~school, school, or voluntary prekindergarten education program;~~
 183 ~~or~~

184 ~~3. Twenty-four years of age or older who commits an offense~~
 185 ~~under this section against a child younger than 16 years of age,~~
 186 ~~regardless of whether the person knows or has reason to know the~~
 187 ~~age of the child~~

188
 189 ~~commits a felony of the second degree, punishable as provided in~~
 190 ~~s. 775.082, s. 775.083, or s. 775.084.~~

191 ~~(b) A person who violates this subsection and who has~~
 192 ~~previously been convicted of or adjudicated delinquent for any~~
 193 ~~violation of this section commits a felony of the second degree,~~
 194 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

195 (7)(9) For purposes of this section, a person has
 196 previously been convicted of or adjudicated delinquent for a
 197 violation of this section if the violation resulted in a
 198 conviction that was sentenced separately, or an adjudication of
 199 delinquency entered separately, before ~~prior to~~ the current
 200 offense.

201 Section 2. Paragraphs (d), (e), and (f) of subsection (3)
 202 of section 921.0022, Florida Statutes, are amended to read:
 203 921.0022 Criminal Punishment Code; offense severity ranking

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204 chart.-

205 (3) OFFENSE SEVERITY RANKING CHART

206 (d) LEVEL 4

207	Florida Statute	Felony Degree	Description
208			
209	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.
210	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
211	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
212	517.07(1)	3rd	Failure to register securities.
213	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.

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214	784.031	3rd	Battery by strangulation.
215	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
216	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
217	784.075	3rd	Battery on detention or commitment facility staff.
218	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
219	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
220	784.081(3)	3rd	Battery on specified official or employee.
221	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
222	784.083(3)	3rd	Battery on code inspector.
223	784.085	3rd	Battery of child by throwing, tossing, projecting, or

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			expelling certain fluids or materials.
224	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
225	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
226	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
227	787.07	3rd	Human smuggling.
228	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
229	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
230	790.115(2)(c)	3rd	Possessing firearm on school

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property.

231 794.051(1) 3rd Indecent, lewd, or lascivious touching of certain minors.

232 800.04(7)(c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

233 806.135 2nd Destroying or demolishing a memorial or historic property.

234 810.02(4)(a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

235 810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

236 810.06 3rd Burglary; possession of tools.

237 810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.

238 810.145(2)(b)1.b. 3rd Digital voyeurism; under age or 2. 19, second or subsequent

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offense; or 19 or older.

239 810.145(3)(b)1.b. 3rd Digital voyeurism dissemination; under 19 years of age, second or subsequent offense.

240 812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

241 812.014 (2)(c)4. & 3rd Grand theft, 3rd degree; specified items. 6.-10.

242 812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

243 817.505(4)(a) 3rd Patient brokering.

244 817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

245 817.568(2)(a) 3rd Fraudulent use of personal identification information.

246 817.5695(3)(c) 3rd Exploitation of person 65 years

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of age or older, value less
than \$10,000.

247

817.625(2)(a) 3rd Fraudulent use of scanning
device, skimming device, or
reencoder.

248

817.625(2)(c) 3rd Possess, sell, or deliver
skimming device.

249

828.125(1) 2nd Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

250

836.14(2) 3rd Person who commits theft of a
sexually explicit image with
intent to promote it.

251

836.14(3) 3rd Person who willfully possesses
a sexually explicit image with
certain knowledge, intent, and
purpose.

252

837.02(1) 3rd Perjury in official
proceedings.

253

837.021(1) 3rd Make contradictory statements
in official proceedings.

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254

838.022 3rd Official misconduct.

255

839.13(2)(a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

256

839.13(2)(c) 3rd Falsifying records of the
Department of Children and
Families.

257

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

258

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

259

843.15(1)(a) 3rd Failure to appear while on bail
for felony (bond estreature or
bond jumping).

260

843.19(2) 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

261

847.0135(5)(c) 3rd Lewd or lascivious exhibition

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				using computer; offender less than 18 years.
262	870.01(3)	2nd		Aggravated rioting.
263	870.01(5)	2nd		Aggravated inciting a riot.
264	874.05(1)(a)	3rd		Encouraging or recruiting another to join a criminal gang.
265	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).
266	914.14(2)	3rd		Witnesses accepting bribes.
267	914.22(1)	3rd		Force, threaten, etc., witness, victim, or informant.
268	914.23(2)	3rd		Retaliation against a witness, victim, or informant, no bodily injury.
269	916.1085 (2)(c)1.	3rd		Introduction of specified contraband into certain DCF facilities.
270				

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	918.12	3rd		Tampering with jurors.
271	934.215	3rd		Use of two-way communications device to facilitate commission of a crime.
272	944.47(1)(a)6.	3rd		Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
273	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.
274				
275	(e) LEVEL 5			
276				
277				
	Florida Statute	Felony Degree		Description
278	316.027(2)(a)	3rd		Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
279				

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280 316.1935(4)(a) 2nd Aggravated fleeing or eluding.

281 316.80(2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

282 322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

283 327.30(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
the commercial harvest of stone

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284 crabs while license is
suspended or revoked.

379.367(4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

285 379.407(5)(b)3. 3rd Possession of 100 or more
undersized spiny lobsters.

286 381.0041(11)(b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

287 440.10(1)(g) 2nd Failure to obtain workers'
compensation coverage.

288 440.105(5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

289 440.381(2) 3rd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

290 624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or

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 more but less than \$100,000.

291 626.902(1)(c) 2nd Representing an unauthorized
 insurer; repeat offender.

292 790.01(3) 3rd Unlawful carrying of a
 concealed firearm.

293 790.162 2nd Threat to throw or discharge
 destructive device.

294 790.163(1) 2nd False report of bomb,
 explosive, weapon of mass
 destruction, or use of firearms
 in violent manner.

295 790.221(1) 2nd Possession of short-barreled
 shotgun or machine gun.

296 790.23 2nd Felons in possession of
 firearms, ammunition, or
 electronic weapons or devices.

297 796.05(1) 2nd Live on earnings of a
 prostitute; 1st offense.

298 800.04(6)(c) 3rd Lewd or lascivious conduct;
 offender less than 18 years of
 age.

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299 800.04(7)(b) 2nd Lewd or lascivious exhibition;
 offender 18 years of age or
 older.

300 806.111(1) 3rd Possess, manufacture, or
 dispense fire bomb with intent
 to damage any structure or
 property.

301 810.145(3)(a)1. 2nd Digital voyeurism
dissemination; 19 years of age
or older; for amusement, etc.

302 812.0145(2)(b) 2nd Theft from person 65 years of
 age or older; \$10,000 or more
 but less than \$50,000.

303 812.015 3rd Retail theft; property stolen
 (8)(a) & (c)-
 (e) is valued at \$750 or more and
 one or more specified acts.

304 812.015(8)(f) 3rd Retail theft; multiple thefts
 within specified period.

305 812.019(1) 2nd Stolen property; dealing in or
 trafficking in.

306 812.081(3) 2nd Trafficking in trade secrets.

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307 812.131(2)(b) 3rd Robbery by sudden snatching.

308 812.16(2) 3rd Owning, operating, or
conducting a chop shop.

309 817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

310 817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

311 817.2341(1), 3rd Filing false financial
(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.

312 817.568(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.

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313 817.611(2)(a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

314 817.625(2)(b) 2nd Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

315 825.1025(4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

316 827.071(4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes child pornography.

317 827.071(5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
child pornography.

318 828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

319

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320 836.14(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.

321 843.01(1) 3rd Resist officer with violence to person; resist arrest with violence.

322 847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

323 847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

324 847.0138 3rd Transmission of material harmful to minors to a minor by (2) & (3) electronic device or equipment.

325 874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal

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326 gang; second or subsequent offense.

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

327 893.13(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).

328 893.13(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.

329 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

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(2) (a), (2) (b), or (2) (c) 5.
drugs) within 1,000 feet of
university.

330

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.

331

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.

332

893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

333

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

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334

335

336

337

(f) LEVEL 6

Florida Statute	Felony Degree	Description
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338

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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339

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
---------------	-----	---

340

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
----------------	-----	--

341

499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
-------------	-----	--

342

499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
-------------	-----	--

343

499.0051(4)	2nd	Knowing sale or transfer of prescription drug to
-------------	-----	--

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344 unauthorized person.

344 775.0875 (1) 3rd Taking firearm from law
enforcement officer.

345 784.021 (1) (a) 3rd Aggravated assault; deadly
weapon without intent to kill.

346 784.021 (1) (b) 3rd Aggravated assault; intent to
commit felony.

347 784.041 3rd Felony battery; domestic
battery by strangulation.

348 784.048 (3) 3rd Aggravated stalking; credible
threat.

349 784.048 (5) 3rd Aggravated stalking of person
under 16.

350 784.07 (2) (c) 2nd Aggravated assault on law
enforcement officer.

351 784.074 (1) (b) 2nd Aggravated assault on sexually
violent predators facility
staff.

352 784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

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353 784.081 (2) 2nd Aggravated assault on specified
official or employee.

354 784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

355 784.083 (2) 2nd Aggravated assault on code
inspector.

356 787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

357 790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

358 790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

359 790.164 (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.

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360 790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

361 794.011(8)(a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

362 794.05(1) 2nd Unlawful sexual activity with
specified minor.

363 800.04(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.

364 800.04(6)(b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.

365 806.031(2) 2nd Arson resulting in great bodily
harm to firefighter or any
other person.

366 810.02(3)(c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

367 810.145(3)(a)2. 2nd Digital Video voyeurism

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~~810.145(9)(b)~~ dissemination; commercial
purpose or pecuniary gain; 19
years of age or older; certain
~~minor victims; 2nd or~~
~~subsequent offense.~~

368 812.014(2)(b)1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

369 812.014(2)(c)5. 3rd Grand theft; third degree;
firearm.

370 812.014(6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

371 812.015(9)(a) 2nd Retail theft; property stolen
\$750 or more; second or
subsequent conviction.

372 812.015(9)(b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

373 812.015(9)(d) 2nd Retail theft; multiple thefts
within specified period.

374

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375	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.
376			
	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
377			
	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
378			
	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
379			
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
380			
	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
381			
	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
382			
	825.103(3)(c)	3rd	Exploiting an elderly person or

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			disabled adult and property is valued at less than \$10,000.
383			
	827.03(2)(c)	3rd	Abuse of a child.
384			
	827.03(2)(d)	3rd	Neglect of a child.
385			
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
386			
	828.126(3)	3rd	Sexual activities involving animals.
387			
	836.05	2nd	Threats; extortion.
388			
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
389			
	843.12	3rd	Aids or assists person to escape.
390			
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
391			

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847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

392 847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

393 893.131 2nd Distribution of controlled substances resulting in overdose or serious bodily injury.

394 914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

395 918.13(2)(b) 2nd Tampering with or fabricating physical evidence relating to a capital felony.

396 944.35(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.

397 944.40 2nd Escapes.

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398 944.46 3rd Harboring, concealing, aiding escaped prisoners.

399 944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

400 951.22(1)(i) 3rd Firearm or weapon introduced into county detention facility.

401

402 Section 3. Paragraph (e) of subsection (4) of section

403 397.417, Florida Statutes, is amended to read:

404 397.417 Peer specialists.—

405 (4) BACKGROUND SCREENING.—

406 (e) The background screening conducted under this

407 subsection must ensure that a peer specialist has not been

408 arrested for and is awaiting final disposition of, found guilty

409 of, regardless of adjudication, or entered a plea of nolo

410 contendere or guilty to, or been adjudicated delinquent and the

411 record has not been sealed or expunged for, any offense

412 prohibited under any of the following state laws or similar laws

413 of another jurisdiction:

414 1. Section 393.135, relating to sexual misconduct with

415 certain developmentally disabled clients and reporting of such

416 sexual misconduct.

417 2. Section 394.4593, relating to sexual misconduct with

418 certain mental health patients and reporting of such sexual

419 misconduct.

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420 3. Section 409.920, relating to Medicaid provider fraud, if
421 the offense was a felony of the first or second degree.

422 4. Section 415.111, relating to abuse, neglect, or
423 exploitation of vulnerable adults.

424 5. Any offense that constitutes domestic violence as
425 defined in s. 741.28.

426 6. Section 777.04, relating to attempts, solicitation, and
427 conspiracy to commit an offense listed in this paragraph.

428 7. Section 782.04, relating to murder.

429 8. Section 782.07, relating to manslaughter; aggravated
430 manslaughter of an elderly person or a disabled adult;
431 aggravated manslaughter of a child; or aggravated manslaughter
432 of an officer, a firefighter, an emergency medical technician,
433 or a paramedic.

434 9. Section 782.071, relating to vehicular homicide.

435 10. Section 782.09, relating to killing an unborn child by
436 injury to the mother.

437 11. Chapter 784, relating to assault, battery, and culpable
438 negligence, if the offense was a felony.

439 12. Section 787.01, relating to kidnapping.

440 13. Section 787.02, relating to false imprisonment.

441 14. Section 787.025, relating to luring or enticing a
442 child.

443 15. Section 787.04(2), relating to leading, taking,
444 enticing, or removing a minor beyond state limits, or concealing
445 the location of a minor, with criminal intent pending custody
446 proceedings.

447 16. Section 787.04(3), relating to leading, taking,
448 enticing, or removing a minor beyond state limits, or concealing

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449 the location of a minor, with criminal intent pending dependency
450 proceedings or proceedings concerning alleged abuse or neglect
451 of a minor.

452 17. Section 790.115(1), relating to exhibiting firearms or
453 weapons within 1,000 feet of a school.

454 18. Section 790.115(2)(b), relating to possessing an
455 electric weapon or device, a destructive device, or any other
456 weapon on school property.

457 19. Section 794.011, relating to sexual battery.

458 20. Former s. 794.041, relating to prohibited acts of
459 persons in familial or custodial authority.

460 21. Section 794.05, relating to unlawful sexual activity
461 with certain minors.

462 22. Section 794.08, relating to female genital mutilation.

463 23. Section 796.07, relating to procuring another to commit
464 prostitution, except for those offenses expunged pursuant to s.
465 943.0583.

466 24. Section 798.02, relating to lewd and lascivious
467 behavior.

468 25. Chapter 800, relating to lewdness and indecent
469 exposure.

470 26. Section 806.01, relating to arson.

471 27. Section 810.02, relating to burglary, if the offense
472 was a felony of the first degree.

473 28. Section 810.14, relating to voyeurism, if the offense
474 was a felony.

475 29. Section 810.145, relating to digital video ~~video~~ voyeurism,
476 if the offense was a felony.

477 30. Section 812.13, relating to robbery.

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478 31. Section 812.131, relating to robbery by sudden
479 snatching.

480 32. Section 812.133, relating to carjacking.

481 33. Section 812.135, relating to home-invasion robbery.

482 34. Section 817.034, relating to communications fraud, if
483 the offense was a felony of the first degree.

484 35. Section 817.234, relating to false and fraudulent
485 insurance claims, if the offense was a felony of the first or
486 second degree.

487 36. Section 817.50, relating to fraudulently obtaining
488 goods or services from a health care provider and false reports
489 of a communicable disease.

490 37. Section 817.505, relating to patient brokering.

491 38. Section 817.568, relating to fraudulent use of personal
492 identification, if the offense was a felony of the first or
493 second degree.

494 39. Section 825.102, relating to abuse, aggravated abuse,
495 or neglect of an elderly person or a disabled adult.

496 40. Section 825.1025, relating to lewd or lascivious
497 offenses committed upon or in the presence of an elderly person
498 or a disabled person.

499 41. Section 825.103, relating to exploitation of an elderly
500 person or a disabled adult, if the offense was a felony.

501 42. Section 826.04, relating to incest.

502 43. Section 827.03, relating to child abuse, aggravated
503 child abuse, or neglect of a child.

504 44. Section 827.04, relating to contributing to the
505 delinquency or dependency of a child.

506 45. Former s. 827.05, relating to negligent treatment of

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507 children.

508 46. Section 827.071, relating to sexual performance by a
509 child.

510 47. Section 831.30, relating to fraud in obtaining
511 medicinal drugs.

512 48. Section 831.31, relating to the sale; manufacture;
513 delivery; or possession with intent to sell, manufacture, or
514 deliver of any counterfeit controlled substance, if the offense
515 was a felony.

516 49. Section 843.01, relating to resisting arrest with
517 violence.

518 50. Section 843.025, relating to depriving a law
519 enforcement, correctional, or correctional probation officer of
520 the means of protection or communication.

521 51. Section 843.12, relating to aiding in an escape.

522 52. Section 843.13, relating to aiding in the escape of
523 juvenile inmates of correctional institutions.

524 53. Chapter 847, relating to obscenity.

525 54. Section 874.05, relating to encouraging or recruiting
526 another to join a criminal gang.

527 55. Chapter 893, relating to drug abuse prevention and
528 control, if the offense was a felony of the second degree or
529 greater severity.

530 56. Section 895.03, relating to racketeering and collection
531 of unlawful debts.

532 57. Section 896.101, relating to the Florida Money
533 Laundering Act.

534 58. Section 916.1075, relating to sexual misconduct with
535 certain forensic clients and reporting of such sexual

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536 misconduct.

537 59. Section 944.35(3), relating to inflicting cruel or

538 inhuman treatment on an inmate resulting in great bodily harm.

539 60. Section 944.40, relating to escape.

540 61. Section 944.46, relating to harboring, concealing, or

541 aiding an escaped prisoner.

542 62. Section 944.47, relating to introduction of contraband

543 into a correctional institution.

544 63. Section 985.701, relating to sexual misconduct in

545 juvenile justice programs.

546 64. Section 985.711, relating to introduction of contraband

547 into a detention facility.

548 Section 4. Paragraph (ff) of subsection (2) of section

549 435.04, Florida Statutes, as amended by s. 2, ch. 2023-220, Laws

550 of Florida, is amended to read:

551 435.04 Level 2 screening standards.—

552 (2) The security background investigations under this

553 section must ensure that no persons subject to the provisions of

554 this section have been arrested for and are awaiting final

555 disposition of, have been found guilty of, regardless of

556 adjudication, or entered a plea of nolo contendere or guilty to,

557 or have been adjudicated delinquent and the record has not been

558 sealed or expunged for, any offense prohibited under any of the

559 following provisions of state law or similar law of another

560 jurisdiction:

561 (ff) Section 810.145, relating to digital video voyeurism,

562 if the offense is a felony.

563 Section 5. Paragraph (s) of subsection (5) of section

564 456.074, Florida Statutes, is amended to read:

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565 456.074 Certain health care practitioners; immediate

566 suspension of license.—

567 (5) The department shall issue an emergency order

568 suspending the license of any health care practitioner who is

569 arrested for committing or attempting, soliciting, or conspiring

570 to commit any act that would constitute a violation of any of

571 the following criminal offenses in this state or similar

572 offenses in another jurisdiction:

573 (s) Former section 810.145(8), relating to video voyeurism

574 of a minor.

575 Section 6. Subsection (2) of section 775.0862, Florida

576 Statutes, is amended to read:

577 775.0862 Sexual offenses against students by authority

578 figures; reclassification.—

579 (2) The felony degree of a violation of an offense listed

580 in s. 943.0435(1)(h)1.a., unless the offense is a violation of

581 s. 794.011(4)(e)7. or former s. 810.145(8)(a)2., shall be

582 reclassified as provided in this section if the offense is

583 committed by an authority figure of a school against a student

584 of the school.

585 Section 7. Subsection (17) of section 775.15, Florida

586 Statutes, is amended to read:

587 775.15 Time limitations; general time limitations;

588 exceptions.—

589 (17) In addition to the time periods prescribed in this

590 section, a prosecution for digital video voyeurism in violation

591 of s. 810.145 may be commenced within 1 year after the date on

592 which the victim of digital video voyeurism obtains actual

593 knowledge of the existence of such a recording or the date on

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594 which the recording is confiscated by a law enforcement agency,
595 whichever occurs first. Any dissemination of such a recording
596 before the victim obtains actual knowledge thereof or before its
597 confiscation by a law enforcement agency does not affect any
598 provision of this subsection.

599 Section 8. Paragraph (a) of subsection (4) of section
600 775.21, Florida Statutes, is amended to read:

601 775.21 The Florida Sexual Predators Act.—

602 (4) SEXUAL PREDATOR CRITERIA.—

603 (a) For a current offense committed on or after October 1,
604 1993, upon conviction, an offender shall be designated as a
605 “sexual predator” under subsection (5), and subject to
606 registration under subsection (6) and community and public
607 notification under subsection (7) if:

608 1. The felony is:

609 a. A capital, life, or first degree felony violation, or
610 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
611 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
612 violation of a similar law of another jurisdiction; or

613 b. Any felony violation, or any attempt thereof, of s.
614 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
615 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
616 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
617 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
618 s. 800.04; former s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
619 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
620 the court makes a written finding that the racketeering activity
621 involved at least one sexual offense listed in this sub-
622 subparagraph or at least one offense listed in this sub-

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623 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
624 985.701(1); or a violation of a similar law of another
625 jurisdiction, and the offender has previously been convicted of
626 or found to have committed, or has pled nolo contendere or
627 guilty to, regardless of adjudication, any violation of s.
628 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
629 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
630 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
631 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
632 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
633 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
634 makes a written finding that the racketeering activity involved
635 at least one sexual offense listed in this sub-subparagraph or
636 at least one offense listed in this sub-subparagraph with sexual
637 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
638 violation of a similar law of another jurisdiction;

639 2. The offender has not received a pardon for any felony or
640 similar law of another jurisdiction that is necessary for the
641 operation of this paragraph; and

642 3. A conviction of a felony or similar law of another
643 jurisdiction necessary to the operation of this paragraph has
644 not been set aside in any postconviction proceeding.

645 Section 9. Paragraph (h) of subsection (1) of section
646 943.0435, Florida Statutes, is amended to read:

647 943.0435 Sexual offenders required to register with the
648 department; penalty.—

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

650 (h)1. “Sexual offender” means a person who meets the
651 criteria in sub-subparagraph a., sub-subparagraph b., sub-

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652 subparagraph c., or sub-subparagraph d., as follows:

653 a. (I) Has been convicted of committing, or attempting,
654 soliciting, or conspiring to commit, any of the criminal
655 offenses proscribed in the following statutes in this state or
656 similar offenses in another jurisdiction: s. 393.135(2); s.
657 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
658 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
659 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
660 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
661 s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
662 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
663 847.0145; s. 895.03, if the court makes a written finding that
664 the racketeering activity involved at least one sexual offense
665 listed in this sub-sub-subparagraph or at least one offense
666 listed in this sub-sub-subparagraph with sexual intent or
667 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
668 committed in this state which has been redesignated from a
669 former statute number to one of those listed in this sub-sub-
670 subparagraph; and

671 (II) Has been released on or after October 1, 1997, from a
672 sanction imposed for any conviction of an offense described in
673 sub-sub-subparagraph (I) and does not otherwise meet the
674 criteria for registration as a sexual offender under chapter 944
675 or chapter 985. For purposes of this sub-sub-subparagraph, a
676 sanction imposed in this state or in any other jurisdiction
677 means probation, community control, parole, conditional release,
678 control release, or incarceration in a state prison, federal
679 prison, private correctional facility, or local detention
680 facility. If no sanction is imposed, the person is deemed to be

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681 released upon conviction;

682 b. Establishes or maintains a residence in this state and
683 who has not been designated as a sexual predator by a court of
684 this state but who has been designated as a sexual predator, as
685 a sexually violent predator, or by another sexual offender
686 designation in another state or jurisdiction and was, as a
687 result of such designation, subjected to registration or
688 community or public notification, or both, or would be if the
689 person were a resident of that state or jurisdiction, without
690 regard to whether the person otherwise meets the criteria for
691 registration as a sexual offender;

692 c. Establishes or maintains a residence in this state who
693 is in the custody or control of, or under the supervision of,
694 any other state or jurisdiction as a result of a conviction for
695 committing, or attempting, soliciting, or conspiring to commit,
696 any of the criminal offenses proscribed in the following
697 statutes or similar offense in another jurisdiction: s.
698 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
699 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
700 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
701 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
702 s. 800.04; former s. 810.145(8); s. 825.1025; s. 827.071; s.
703 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
704 847.0138; s. 847.0145; s. 895.03, if the court makes a written
705 finding that the racketeering activity involved at least one
706 sexual offense listed in this sub-subparagraph or at least one
707 offense listed in this sub-subparagraph with sexual intent or
708 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
709 committed in this state which has been redesignated from a

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710 former statute number to one of those listed in this sub-
711 subparagraph; or

712 d. On or after July 1, 2007, has been adjudicated
713 delinquent for committing, or attempting, soliciting, or
714 conspiring to commit, any of the criminal offenses proscribed in
715 the following statutes in this state or similar offenses in
716 another jurisdiction when the juvenile was 14 years of age or
717 older at the time of the offense:

718 (I) Section 794.011, excluding s. 794.011(10);

719 (II) Section 800.04(4)(a)2. where the victim is under 12
720 years of age or where the court finds sexual activity by the use
721 of force or coercion;

722 (III) Section 800.04(5)(c)1. where the court finds
723 molestation involving unclothed genitals;

724 (IV) Section 800.04(5)(d) where the court finds the use of
725 force or coercion and unclothed genitals; or

726 (V) Any similar offense committed in this state which has
727 been redesignated from a former statute number to one of those
728 listed in this sub-subparagraph.

729 2. For all qualifying offenses listed in sub-subparagraph
730 1.d., the court shall make a written finding of the age of the
731 offender at the time of the offense.

732

733 For each violation of a qualifying offense listed in this
734 subsection, except for a violation of s. 794.011, the court
735 shall make a written finding of the age of the victim at the
736 time of the offense. For a violation of s. 800.04(4), the court
737 shall also make a written finding indicating whether the offense
738 involved sexual activity and indicating whether the offense

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739 involved force or coercion. For a violation of s. 800.04(5), the
740 court shall also make a written finding that the offense did or
741 did not involve unclothed genitals or genital area and that the
742 offense did or did not involve the use of force or coercion.

743 Section 10. Paragraph (r) of subsection (2) of section
744 943.0584, Florida Statutes, is amended to read:

745 943.0584 Criminal history records ineligible for court-
746 ordered expunction or court-ordered sealing.-

747 (2) A criminal history record is ineligible for a
748 certificate of eligibility for expunction or a court-ordered
749 expunction pursuant to s. 943.0585 or a certificate of
750 eligibility for sealing or a court-ordered sealing pursuant to
751 s. 943.059 if the record is a conviction for any of the
752 following offenses:

753 (r) Voyeurism or digital video ~~videe~~ voyeurism, as defined in ss.
754 810.14 and 810.145, respectively;

755 Section 11. Paragraph (f) of subsection (1) of section
756 944.606, Florida Statutes, is amended to read:

757 944.606 Sexual offenders; notification upon release.-

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

759 (f) "Sexual offender" means a person who has been convicted
760 of committing, or attempting, soliciting, or conspiring to
761 commit, any of the criminal offenses proscribed in the following
762 statutes in this state or similar offenses in another
763 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
764 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
765 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
766 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
767 former s. 796.035; s. 800.04; former s. 810.145(8); s. 825.1025;

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768 s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6);
 769 s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 770 makes a written finding that the racketeering activity involved
 771 at least one sexual offense listed in this paragraph or at least
 772 one offense listed in this paragraph with sexual intent or
 773 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
 774 committed in this state which has been redesignated from a
 775 former statute number to one of those listed in this subsection,
 776 when the department has received verified information regarding
 777 such conviction; an offender's computerized criminal history
 778 record is not, in and of itself, verified information.

779 Section 12. Paragraph (f) of subsection (1) of section
 780 944.607, Florida Statutes, is amended to read:

781 944.607 Notification to Department of Law Enforcement of
 782 information on sexual offenders.—

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

784 (f) "Sexual offender" means a person who is in the custody
 785 or control of, or under the supervision of, the department or is
 786 in the custody of a private correctional facility:

787 1. On or after October 1, 1997, as a result of a conviction
 788 for committing, or attempting, soliciting, or conspiring to
 789 commit, any of the criminal offenses proscribed in the following
 790 statutes in this state or similar offenses in another
 791 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 792 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 793 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 794 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 795 former s. 796.035; s. 800.04; former s. 810.145(8); s. 825.1025;
 796 s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6);

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797 s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 798 makes a written finding that the racketeering activity involved
 799 at least one sexual offense listed in this subparagraph or at
 800 least one offense listed in this subparagraph with sexual intent
 801 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
 802 offense committed in this state which has been redesignated from
 803 a former statute number to one of those listed in this
 804 paragraph; or

805 2. Who establishes or maintains a residence in this state
 806 and who has not been designated as a sexual predator by a court
 807 of this state but who has been designated as a sexual predator,
 808 as a sexually violent predator, or by another sexual offender
 809 designation in another state or jurisdiction and was, as a
 810 result of such designation, subjected to registration or
 811 community or public notification, or both, or would be if the
 812 person were a resident of that state or jurisdiction, without
 813 regard as to whether the person otherwise meets the criteria for
 814 registration as a sexual offender.

815 Section 13. Paragraph (y) of subsection (1) of section
 816 1012.315, Florida Statutes, is amended to read:

817 1012.315 Screening standards.—A person is ineligible for
 818 educator certification or employment in any position that
 819 requires direct contact with students in a district school
 820 system, a charter school, or a private school that participates
 821 in a state scholarship program under chapter 1002 if the person
 822 is on the disqualification list maintained by the department
 823 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
 824 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
 825 for an exemption under s. 435.07(4)(c), or has been convicted or

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826 found guilty of, has had adjudication withheld for, or has pled
827 guilty or nolo contendere to:

828 (1) Any felony offense prohibited under any of the
829 following statutes:

830 (y) Section 810.145, relating to digital ~~video~~ voyeurism.

831 Section 14. This act shall take effect October 1, 2024.



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION	
BILL NUMBER:	HB1389
BILL TITLE:	Digital Voyeurism
BILL SPONSOR:	Representative Cassel
EFFECTIVE DATE:	October 1, 2024

COMMITTEES OF REFERENCE
1) Criminal Justice Subcommittee
2) Justice Appropriations Subcommittee
3) Judiciary Committee
4)
5)

CURRENT COMMITTEE
Criminal Justice Subcommittee

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	SB1604
SPONSOR:	Senator Book

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	January 22, 2024
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Heather Faulkner, Grant Geyer, Christina Hagenbeck
LEGAL ANALYST:	Jim Martin, Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Digital Voyeurism: Redesignates "video voyeurism" as "digital voyeurism"; revises elements; provides reduced criminal penalties for certain violations by persons who are under 19 years of age; specifies that each instance of certain violations is separate offense; provides for reclassification of certain violations by family or household members of victim.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Section 810.145, F.S., is currently titled and uses the phrase "video voyeurism." Subsection 810.145(8), F.S., is a qualifying offense for sexual offender registration under s. 943.0435, F.S., and subsection 810.145(8)(b) can qualify a person to be a sexual predator under s. 775.21, F.S., in certain circumstances.
2. **EFFECT OF THE BILL:** The bill amends s. 810.145, F.S., from "video voyeurism" to "digital voyeurism." It strikes current subsections (6) – (8) of s. 810.145, F.S., and creates a new subsection (6). The newly created subsection (6) incorporates some, but not all, elements of the subsections the bill strikes.

The bill updates the qualifying offenses in the sexual offender/predator registration laws to specify that *former* s. 810.145(8), F.S., qualifies for sexual offender/predator registration. If passed, no new Florida convictions for s. 810.145, F.S., will qualify for sexual offender/predator registration. Out of state convictions similar to s. 810.145(8), F.S., **will** still qualify for sexual offender/predator registration as they do now.

3. **DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES?** Y N

If yes, explain:	
What is the expected impact to the agency's core mission?	
Rule(s) impacted (provide references to F.A.C., etc.):	

4. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. **ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?** Y N

If yes, provide a description:	
Date Due:	
Bill Section Number:	

6. **ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?** Y N

Board:	
Board Purpose:	
Who Appointments:	

Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	
Expenditures:	FDLE will be required to update all documentation and training that lists "video" voyeurism or s. 810.145(8), F.S., as a qualifying offense for sexual offender/predator registration. Those costs would be absorbed by the department. Also see technology impact and federal impact sections.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

Does the bill increase taxes, fees or fines?	
--	--

Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	
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FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	<p>Florida has been found to have substantially implemented the federal Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Act. This determination is made by the Department of Justice's Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office. As a state that has substantially implemented SORNA, the Florida registry is prioritized in funding consideration for the yearly SMART grant, which goes directly to the registry and supports staffing, equipment, publication, training, and other registry operations. The registry has received over \$2 million in SMART grants over the last 10 years. Additionally, those states that do not substantially implement SORNA see a 10% reduction in the Edward Byrne Memorial Justice Assistance Grant (JAG) received by state agencies in Florida. In 2023, Florida received more than \$12 million in state JAG funds.</p> <p>SORNA requires sexual offender registration of those convicted for an offense of video voyeurism of a minor, which is currently covered under s. 810.145(8), F.S. Striking subsection (8) means that future convictions for video voyeurism of a minor will no longer qualify for sexual offender registration. This could impact Florida's substantial implementation of SORNA.</p>
--	--

LEGAL – GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	
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ADDITIONAL COMMENTS

- To avoid the federal implications noted in the federal impact section, it is suggested that the language in s. 810.145(8), F.S., not be stricken.

The Florida Senate

APPEARANCE RECORD

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

SB 1604

Bill Number or Topic

2/6/2024

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Shaunteal Smith

Phone (407) 855-7604

Address 1747 Orlando Central Parkway

Email legislation@floridapta.org

Orlando

City

FL

State

32809

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: Florida PTA

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 11, 2024

I respectfully request that **Senate Bill 1604**, relating to Digital Voyeurism, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Lauren Book".

Senate Democratic Leader Lauren Book
Florida Senate, District 35

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 Criminal Justice

BILL: SB 1634

INTRODUCER: Senator Collins

SUBJECT: Career Offenders

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1634 amends ss. 322.141, 944.608 and 944.609, F.S., to make changes to registration requirements for career offenders. Many of the changes to these sections increase registration requirements, and create similar requirements contained in the sexual predator and sexual offender registry. Requirements under the bill include, in part:

- Adding a “CAREER OFFENDER” marking on Florida driver licenses and identification cards.
- Requiring career offenders to report in person within a specified time frame, to specified agencies.
- Requiring career offenders to register and report additional information.
- Redefining and clarifying definitions of “permanent residence” and “temporary residence.”
- Require the custodian of the local jail to notify the Florida Department of Law Enforcement (FDLE) within 3 business days after intake or release of a career offender.

The Legislature’s Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a positive indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill provides an effective date of October 1, 2024.

II. Present Situation:

Florida Career Offender Registration

The Florida Career Offender Registration Act, s. 775.261, F.S., was signed into law in 2002, and as of January 1, 2003, a select group of convicted felons who present a threat to the public and to communities, are required to register their residences with law enforcement and a state registry maintained by FDLE, the Career Offender Application for Statewide Tracking (COAST). These

offenders, by virtue of their histories of offenses, present a threat to the public and to communities. Registration is not a punishment, but merely a status.¹ Currently, there are over 19,000 Florida career offenders, with approximately 9,400 not incarcerated and 950 offenders that have absconded or have an unknown location.²

Residency

“Permanent Residence” means a place where the career offender abides, lodges, or resides for 14 or more consecutive days.³

“Temporary residence⁴” means:

- A place where the career offender abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the career offender’s permanent address;
- For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state; or
- A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender’s permanent residence, including any out-of-state address.

Registration

Career offenders are required to complete an initial registration with the FDLE or the sheriff’s office in the county in which they maintain a permanent or temporary residence within two working days after establishing a residence or within two working days after release from custody or supervision. There is no subsequent reporting requirement except to report name changes and permanent or temporary address changes to either FDLE, the local sheriff’s office, or the DHSMV, depending on the change. Failure of a career offender to register their residence is a third degree felony.

Career offenders are individuals who have been designated by a court as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084, F.S., or as a prison releasee reoffender under s. 775.082(9), F.S., and who are serving or have been released from sanction in the State of Florida on or after July 1, 2002. Sanctions as listed in s. 775.261(3), F.S., currently include but are not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, private correctional facility, or local detention facility.

III. Effect of Proposed Changes:

The bill makes multiple changes to the Florida Career Offender Registration Act, to make registration similar to registration requirements for sexual offenders and sexual predators.

¹ Florida Department of Law Enforcement, *Career Offender Search*, <https://www.fdle.state.fl.us/coflyer/home.asp> (last visited January 26, 2024).

² 2024 FDLE Legislative Bill Analysis SB 1364, January 31, 2024 (on file with the Senate Committee on Criminal Justice).

³ Section 775.261(1)(f), F.S.

⁴ Section 775.261(1)(g), F.S.

License Designation – Section 322.141, F.S.

The bill amends s. 322.141, F.S., to provide that career offenders who are subject to registration under s. 775.261 or s. 944.608, F.S., have a marking on the front of their driver license or identification card notating “CAREER OFFENDER.”

Unless previously secured or updated, each career offender shall report in person within 48 hours to the driver license office of the Department of Highway Safety and Motor Vehicles during the month of his or her birth in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

The Florida Career Offender Registration Act – Section 775.261, F.S.***Definitions***

The bill amends s. 775.261(2), F.S., by revising and clarifying definitions of “permanent residence⁵” and “temporary residence.⁶” Under the bill, the definitions specify how days are calculated for each type of residence. For each of the definitions for residence, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day. The bill changes the definition of career offender residences by reducing the length of time to establish a residence (permanent or temporary) from 14 days to 5 days.

“Permanent residence” means a place where the person abides, lodges, or resides for 5 or more consecutive days. For the purpose of calculating a permanent residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during a calendar year and which is not the career offender’s permanent residence or for a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state. For the purpose of calculating a temporary residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill creates s. 775.261(2)(h), F.S., to provide the definition for “Vehicles owned” to mean any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a career offender; a rented vehicle that a career offender is authorized to drive; or a vehicle for which a career offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a person or persons residing at a career offender’s permanent residence for 5 or more consecutive days.

⁵ Section 322.141(2)(f), F.S.

⁶ Section 322.141(2)(g), F.S.

Criteria for Registration

The bill amends s. 775.261(3), F.S., to clarify that a career offender released on or after July 1, 2002, if no sanction is imposed, the person is deemed to be released upon conviction. The bill adds “federal prison” and removes “a fine” to the list of sanctions.

Registration

The bill amends s. 775.261(4), F.S., to provide that upon registration, a career offender must report in person to the sheriff’s office. The bill removes the ability of a career offender to register with the FDLE. The bill specifies that registrations are to occur within 48 hours of establishing residency, or being released from custody, control, or supervision of the Florida Department of Corrections (DOC) or a *private local detention facility*. The bill specifies that the registrations must occur in person.

The bill adds to the list of information that a career offender must provide upon registration, and requires that a career offender provide:

- Sex;
- Fingerprints;
- Palm prints;
- Employment information;
- Address of *permanent* or legal residence and address of any current temporary residence within the state or out of state;
- The address, location or description, and dates of any current or known future temporary residence within Florida or out of state;
- The make, model, color, VIN, and license tag number of all vehicles owned; and
- Home telephone and cellular telephone numbers.

The bill specifies that a post office box may not be provided in lieu of a physical address. Once the information is received by the sheriff, the information will be provided to the FDLE.

The bill amends s. 775.261, F.S., to specify if the career offender’s place of residence is a vessel, live aboard vessel, or house boat, he or she must provide the registration number for the vessel, live-aboard vessel, or houseboat.

If a career offender registers with the sheriff’s office, the sheriff’s office must promptly provide the FDLE with:

- A photograph;
- A set of fingerprints; and
- Palm prints.

The bill provides that a career offender is required to report within 48 hours of reporting as a career offender, and must report in person at a driver license office of the DHSMV unless they previously have a driver license previously secured or updated under s. 944.608, F.S. The career offender shall provide proof information as requested and submit to taking a photograph for the use in issuing a driver license, renewed license, or state issued identification card.

The bill also provides that a career offender who is unable to secure or update a driver license or an identification card with the DHSMV must report any change in the career offender's name within 48 hours after the change to the sheriff's office in the county where he or she resides or is located.

If a career offender is in the custody of the local jail, the custodian of the local jail must notify the FDLE within 3 business days after intake and upon release. The custodian must provide the FDLE with a digitized photograph of the career offender and notify the FDLE if the career offender dies or escapes from custody.

Establishing A Residence in This State After Registration

The bill amends s. 775.261(5), F.S., to specify that a career offender report in person to a driver license office:

- Each time a career offender's driver license or identification card is subject to renewal; and
- Without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent or temporary residence.

The DHSMV will forward to the FDLE and to the DOC all photographs and information provided by career offenders.

A career offender who is unable to secure or update a driver license or an identification card with the DHSMV shall also report any change in the career offender's permanent or temporary residence within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the DHSMV. The career offender still must obtain a Florida driver license or an identification card as required in this section.

A career offender who vacates a permanent or temporary residence and fails to establish or maintain another permanent or temporary residence shall, within 48 hours after vacating the permanent or temporary residence, report in person to the sheriff's office of the county in which he or she is located to provide specified information.

A career offender who remains at a permanent or temporary residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report notifying the sheriff's office that they are unable to locate residency, but fails to vacate the permanent or temporary residence as indicated commits a second degree felony,⁷ punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

⁷ 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.

Establishing a Non-Florida Residence

The bill amends s. 775.261(6)(a), F.S., to specify that any career offender that intends to establish a permanent or temporary residence in another state or jurisdiction other than Florida shall report in person to the sheriff of the county of current residence at least 48 hours before the date he or she intends to leave the state.

The bill amends s. 775.261(6)(a), F.S., to specify that any travel that is not known by the career offender 48 hours before he or she intends to establish a residence in another state or jurisdiction must be reported in person to the sheriff's office as soon as possible before departure.

The bill provides clarifying language to reflect 48 hours in lieu of 2 working days and also reflects the addition of jurisdiction to state.

Verification

The bill creates s. 775.261(7), F.S., to specify that county and local law enforcement agencies, in conjunction with the FDLE, shall, at a minimum, verify annually the addresses of career offenders who are not under the care, custody, control, or supervision of the DOC, and may verify the addresses of career offenders who are under the care, custody, control, or supervision of the DOC. Local law enforcement agencies shall report to the FDLE any failure by a career offender to comply with registration requirements.

Relief from Registration

The bill amends s. 775.261, F.S., to specify that a career offender be considered for removal of the requirement to register only if he or she has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since that release. If the career offender meets the criteria in this section the career offender may petition the criminal division of the circuit court of the circuit in which the registered career offender resides for the purpose of removing the requirement for registration as a career offender.

The *FDLE* and the state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The *FDLE* and the state attorney may present evidence in opposition to the relief.

Community and Public Notification

The bill provides that the FDLE may maintain online computer access to the current information regarding each registered career offender. The FDLE must maintain hotline access so that state, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for the purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

The bill specifies that the career offender registration list is a public record and the FDLE may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. The department shall adopt guidelines as necessary

regarding the registration of a career offender and the dissemination of information regarding a career offender as required by this section.

Penalties

The bill provides additional career offender registration violations to include: failure to make a required report in connection with vacating a permanent residence, and failure to respond to address verification correspondence or knowingly providing false registration information. The bill specifies that each instance of failure to register or report changes to the required information specified constitutes a separate offense.

A career offender who violates this section, s. 944.608, or s. 944.609, F.S., may be prosecuted in the following counties:

- The county where the act or omission was committed.
- The county of the last registered address of the career offender.
- The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- The county in which he or she was designated a career offender.
- The county where the career offender was released from incarceration.
- The county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

Penalties for Assisting Career Offender in Noncompliance

The bill increases the offense for assisting a career offender in noncompliance from a first degree misdemeanor to a third degree felony.⁸

Notification on Career Offenders – Section 944.608, F.S.

The bill amends s. 944.608, F.S., to provide that the terms “Permanent residence,” “Temporary residence,” and “vehicles owned,” have the same meaning as provided in s. 775.261, F.S.

Offenders Who are Not Incarcerated

The bill amends s. 944.608, F.S., to provide that registrations for career offenders who are not incarcerated are to occur within 3 business days *after sentencing*. Once the information is received by the sheriff, the information will be provided to the FDLE. The bill adds the following information to the list of information that must be reported:

- Sex;
- Employment information required to be provided pursuant to s. 775.261, F.S.;
- All home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 775.261, F.S.;

⁸ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

- The make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned;
- Address, location or description, and dates of any current or known future temporary residence within this state or out of state.

The DOC verifies the address of each career offender in the manner described in s. 775.261, F.S., and reports to the FDLE any failure by a career offender to comply with any registration requirements.

Career Offenders In Custody

The bill amends s. 944.608(7), F.S., to specify that if a career offender is in the custody of a local jail, the custodian of the local jail shall notify the FDLE within 3 business days after intake of the offender for any reason and upon release of the offender. The custodian of the local jail shall also take a digitized photograph of the career offender while the offender remains in custody and shall provide the digitized photograph to the FDLE.

If the career offender is under federal supervision, the federal agency responsible for supervising the career offender may forward to the FDLE any information regarding the career offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the FDLE for purposes of public notification.

Penalties

The bill amends s. 944.608(10)(b), F.S., to specify that a career offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the following counties:

- The county where the act or omission was committed.
- The county of the last registered address of the career offender.
- The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- The county in which he or she was designated a career offender.
- The county where the career offender was released from incarceration.
- The county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

The bill amends s. 944.608(12), F.S., to provide that it is a third degree felony⁹ for any person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender

⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

about, or to arrest the career offender for, his or her noncompliance with the requirements of this section. The following are the prohibited acts that can lead to such a felony charge:

- Withholding information from, or failing to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the career offender.
- Harboring or attempting to harbor, or assisting another person in harboring or attempting to harbor, the career offender.
- Concealing or attempting to conceal, or assisting another person in concealing or attempting to conceal, the career offender.
- Providing information to the law enforcement agency regarding the career offender which the person knows to be false information

The bill amends s. 944.609, F.S., to provide that career offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

The bill adds the following information that the DOC must provide on any career offender who is being released from incarceration:

- The address of any planned permanent residence or temporary residence;
- The address, location or description, and dates of any current or known future temporary residence;
- Palm prints;
- Employment information; and
- All home and cellular telephone numbers.

The bill takes effect October 1, 2024.

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 Legislature's Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a positive indeterminate fiscal impact.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.141, 775.261, 944.608, 944.609, 320.02, 322.19, and 775.13.

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.

¹⁰ Office of Economic and Demographic Research *SB 1634 Preliminary Estimate*, (on file with the Senate Committee on Criminal Justice).

By Senator Collins

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1 A bill to be entitled
 2 An act relating to career offenders; amending s.
 3 322.141, F.S.; requiring that all licenses for the
 4 operation of motor vehicles or identification cards
 5 issued or reissued by the Department of Highway Safety
 6 and Motor Vehicles to persons designated as career
 7 offenders subject to registration under specified
 8 provisions have a specified marking on the front of
 9 the cards; requiring each career offender to report to
 10 the department during his or her birth month to obtain
 11 an updated or renewed driver license or identification
 12 cars unless previously secured or updated; making
 13 technical changes; amending s. 775.261, F.S.; revising
 14 the definitions of the terms "permanent residence" and
 15 "temporary residence"; defining the term "vehicles
 16 owned"; revising the criteria for having to register
 17 as a career offender; revising the required actions
 18 and the required information that a career offender
 19 must provide upon registration; requiring the
 20 sheriff's office to promptly provide to the Department
 21 of Law Enforcement specified data and information
 22 received from the career offender; revising timeframes
 23 within which a career offender is required to report
 24 to a driver license office of the Department of
 25 Highway Safety and Motor Vehicles or report directly
 26 to the department; providing an exception; revising
 27 requirements that a career offender must comply with
 28 at the driver license office; requiring that, if a
 29 career offender is in the custody of a local jail, the

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30 custodian of the local jail notify the Department of
 31 Law Enforcement within a specified timeframe after
 32 intake of the career offender for any reason and upon
 33 release; requiring the custodian to take a digitized
 34 photograph of the career offender and provide the
 35 photograph to the department; requiring a career
 36 offender to report in person to a driver license
 37 office within a specified timeframe after any change
 38 in the career offender's permanent or temporary
 39 residence; requiring the Department of Highway Safety
 40 and Motor Vehicles to forward to the Department of Law
 41 Enforcement all photographs and information provided
 42 by a career offender; authorizing the department to
 43 release license reproductions to the department for
 44 the purpose of public notification; requiring a career
 45 offender to report in person to the sheriff's office
 46 after specified occurrences; providing criminal
 47 penalties; revising reporting requirements and
 48 applicable timeframes that a career offender must
 49 comply with if he or she intends to establish a
 50 permanent or temporary residence or to travel;
 51 requiring county and local law enforcement agencies,
 52 in conjunction with the Department of Law Enforcement,
 53 to, at a minimum, annually verify the addresses of
 54 certain career offenders; authorizing county and local
 55 law enforcement agencies, in conjunction with the
 56 Department of Law Enforcement, to annually verify the
 57 addresses of certain career offenders; requiring
 58 county and local law enforcement agencies to report to

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59 the department any failures by career offenders to
 60 register; requiring that the department receive notice
 61 of petitions for the removal of the requirement for
 62 registration as career offenders within a specified
 63 timeframe before a hearing on the petition;
 64 authorizing the department to present evidence in
 65 opposition to the requested relief or otherwise
 66 demonstrate reasons to deny the petition; authorizing,
 67 rather than requiring, the department to maintain
 68 online computer access to the current information
 69 regarding each registered career offender; revising
 70 the list of requirements for which failure of a career
 71 offender to comply constitutes a criminal offense;
 72 specifying that each instance of a failure to register
 73 or report changes to specified required information
 74 constitutes a separate offense; expanding the
 75 jurisdictions under which career offender may be
 76 prosecuted for violations of specified acts or
 77 omissions; specifying circumstances which constitute
 78 actual notice for a career offender of the duty to
 79 register; increasing the criminal penalties for
 80 existing prohibited acts relating to assisting career
 81 offenders in noncompliance with specified requirements
 82 or withholding or providing false information to law
 83 enforcement agencies; conforming provisions to changes
 84 made by the act; making technical changes; amending s.
 85 944.608, F.S.; defining terms; providing a timeframe
 86 under which certain career offenders are required to
 87 register with the Department of Corrections and

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88 provide specified information; requiring the
 89 department to report to the Department of Law
 90 Enforcement any failures by career offenders to
 91 register; revising the information that the Department
 92 of Corrections must provide to the Department of Law
 93 Enforcement; requiring that, if a career offender is
 94 in the custody of a local jail, the custodian of the
 95 local jail notify the Department of Law Enforcement
 96 within a specified timeframe after intake of the
 97 career offender for any reason and upon release;
 98 requiring the custodian to take a digitized photograph
 99 of the career offender and provide the photograph to
 100 the department; authorizing the supervising federal
 101 agency to forward certain information to the
 102 Department of Law Enforcement if a career offender is
 103 under federal supervision and to indicate whether use
 104 of the information is subject to certain restrictions;
 105 specifying the jurisdictions under which a career
 106 offender may be prosecuted for violations of specified
 107 acts or omissions; specifying circumstances which
 108 constitute actual notice for a career offender of the
 109 duty to register; providing criminal penalties for
 110 committing specified prohibited acts relating to
 111 assisting career offenders in noncompliance with
 112 specified requirements or withholding or providing
 113 false information to law enforcement agencies;
 114 providing applicability; conforming cross-references;
 115 making technical changes; amending s. 944.609, F.S.;
 116 defining terms; revising legislative findings;

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117 revising the information that the Department of
 118 Corrections is required to provide regarding career
 119 offenders being released after serving periods of
 120 incarceration for any offense; specifying a timeframe
 121 under which the custodian of a local jail must notify
 122 the Department of Law Enforcement after intake of a
 123 career offender for any reason and upon release;
 124 making technical and clarifying changes; reenacting
 125 ss. 320.02(4) and 322.19(1), F.S., relating to
 126 registration required and application for
 127 registration, and forms and change of address or name,
 128 respectively, to incorporate the amendment made to s.
 129 775.261, F.S., in references thereto; reenacting s.
 130 775.13(4), F.S., relating to registration of convicted
 131 felons, exemptions, and penalties, to incorporate the
 132 amendment made to ss. 775.261 and 944.609, F.S., in
 133 references thereto; providing an effective date.

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

136

137 Section 1. Subsections (3) and (4) of section 322.141,
 138 Florida Statutes, are amended to read:

139 322.141 Color or markings of certain licenses or
 140 identification cards.—

141 (3) All licenses for the operation of motor vehicles or
 142 identification cards originally issued or reissued by the
 143 department to persons who are designated as sexual predators
 144 under s. 775.21, who are ~~or~~ subject to registration as sexual
 145 offenders under s. 943.0435 or s. 944.607, who are designated as

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146 career offenders under s. 775.261 or s. 944.608, or who have a
 147 similar designation or are subject to a similar registration
 148 under the laws of another jurisdiction, shall have on the front
 149 of the license or identification card the following:

150 (a) For a person designated as a sexual predator under s.
 151 775.21 or who has a similar designation under the laws of
 152 another jurisdiction, the marking "SEXUAL PREDATOR."

153 (b) For a person subject to registration as a sexual
 154 offender under s. 943.0435 or s. 944.607, or subject to a
 155 similar registration under the laws of another jurisdiction, the
 156 marking "943.0435, F.S."

157 (c) For a person subject to registration as a career
 158 offender under s. 775.261 or s. 944.608, the marking "CAREER
 159 OFFENDER."

160 (4) (a) Unless previously secured or updated, each sexual
 161 offender and sexual predator shall report to the department
 162 during the month of his or her reregistration as required under
 163 s. 775.21(8), s. 943.0435(14), or s. 944.607(13) in order to
 164 obtain an updated or renewed driver license or identification
 165 card as required by subsection (3).

166 (b) Unless previously secured or updated, each career
 167 offender shall report to the department during the month of his
 168 or her birth in order to obtain an updated or renewed driver
 169 license or identification card as required by subsection (3).

170 Section 2. Section 775.261, Florida Statutes, is amended to
 171 read:

172 775.261 The Florida Career Offender Registration Act.—

173 (1) SHORT TITLE.—This section may be cited as "The Florida
 174 Career Offender Registration Act."

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175 (2) DEFINITIONS.—As used in this section, the term:
 176 (a) "Career offender" means any person who is designated as
 177 a habitual violent felony offender, a violent career criminal,
 178 or a three-time violent felony offender under s. 775.084 or as a
 179 prison releasee reoffender under s. 775.082(9).
 180 (b) "Chief of police" means the chief law enforcement
 181 officer of a municipality.
 182 (c) "Community" means any county where the career offender
 183 lives or otherwise establishes or maintains a permanent or
 184 temporary ~~or permanent~~ residence.
 185 (d) "Department" means the Department of Law Enforcement.
 186 (e) "Entering the county" includes being discharged from a
 187 correctional facility, jail, or secure treatment facility within
 188 the county or being under supervision within the county with a
 189 career-offender designation as specified in paragraph (a).
 190 (f) "Permanent residence" means a place where the career
 191 offender abides, lodges, or resides for 5 ~~14~~ or more consecutive
 192 days. For the purpose of calculating a permanent residence under
 193 this paragraph, the first day that a person abides, lodges, or
 194 resides at a place is excluded and each subsequent day is
 195 counted. A day includes any part of a calendar day.
 196 (g) "Temporary residence" means+
 197 ± a place where the career offender abides, lodges, or
 198 resides, including, but not limited to, vacation, business, or
 199 personal travel destinations in or out of this state for a
 200 period of 5 ~~14~~ or more days in the aggregate during any calendar
 201 year and which is not the career offender's permanent residence,
 202 or for a career offender whose permanent residence is not in
 203 this state, a place where the career offender is employed,

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204 practices a vocation, or is enrolled as a student for any period
 205 of time in this state. For the purpose of calculating a
 206 temporary residence under this paragraph, the first day that a
 207 person abides, lodges, or resides at a place is excluded and
 208 each subsequent day is counted. A day includes any part of a
 209 calendar day address.
 210 ~~2. For a career offender whose permanent residence is not~~
 211 ~~in this state, a place where the career offender is employed,~~
 212 ~~practices a vocation, or is enrolled as a student for any period~~
 213 ~~of time in this state; or~~
 214 ~~3. A place where the career offender routinely abides,~~
 215 ~~lodges, or resides for a period of 4 or more consecutive or~~
 216 ~~nonconsecutive days in any month and which is not the career~~
 217 ~~offender's permanent residence, including any out-of-state~~
 218 ~~address.~~
 219 (h) "Vehicles owned" means any motor vehicle as defined in
 220 s. 320.01 which is registered, co-registered, leased, titled, or
 221 rented by a career offender; a rented vehicle that a career
 222 offender is authorized to drive; or a vehicle for which a career
 223 offender is insured as a driver. The term also includes any
 224 motor vehicle as defined in s. 320.01 which is registered, co-
 225 registered, leased, titled, or rented by a person or persons
 226 residing at a career offender's permanent residence for 5 or
 227 more consecutive days.
 228 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—
 229 (a) A career offender released on or after July 1, 2002,
 230 from a sanction imposed in this state must register as required
 231 under this section subsection (4) and is subject to community
 232 and public notification as provided under subsection (9)

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233 ~~subsection (5). If no sanction is imposed, the person is deemed~~
 234 ~~to be released upon conviction.~~ For purposes of this section, a
 235 sanction imposed in this state means includes, but is not
 236 ~~limited to, a fine,~~ probation, community control, parole,
 237 conditional release, control release, or incarceration in a
 238 state prison, federal prison, private correctional facility, or
 239 local detention facility, and:

240 1. The career offender has not received a pardon for any
 241 felony or other qualified offense that is necessary for the
 242 operation of this paragraph; or

243 2. A conviction of a felony or other qualified offense
 244 necessary to the operation of this paragraph has not been set
 245 aside in any postconviction proceeding.

246 (b) This section does not apply to any person who has been
 247 designated as a sexual predator and is required to register
 248 under s. 775.21 or who is required to register as a sexual
 249 offender under s. 943.0435 or s. 944.607. However, if a person
 250 is no longer required to register as a sexual predator under s.
 251 775.21 or as a sexual offender under s. 943.0435 or s. 944.607,
 252 the person must register as a career offender under this section
 253 if the person is otherwise designated as a career offender as
 254 provided in this section.

255 (c) A person subject to registration as a career offender
 256 is not subject to registration as a convicted felon under s.
 257 775.13. However, if the person is no longer required to register
 258 as a career offender under this section, the person must
 259 register under s. 775.13 if required to do so under that
 260 section.

261 (d) If a career offender is not sentenced to a term of

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262 imprisonment, the clerk of the court shall ensure that the
 263 career offender's fingerprints are taken and forwarded to the
 264 department within 48 hours after the court renders its finding
 265 that an offender is a career offender. The fingerprints shall be
 266 clearly marked, "Career Offender Registration."

267 (4) REGISTRATION.—Upon registration, a career offender
 268 shall:

269 (a) Report in person at ~~A career offender must register~~
 270 ~~with the department by providing the following information to~~
 271 ~~the department, or to the sheriff's office in the county in~~
 272 ~~which the career offender establishes or maintains a permanent~~
 273 ~~or temporary residence, within 48 hours 2 working days after~~
 274 ~~establishing a permanent or temporary residence in this state,~~
 275 ~~or within 48 hours 2 working days after being released from the~~
 276 ~~custody, control, or supervision of the Department of~~
 277 ~~Corrections or from the custody of a private correctional~~
 278 ~~facility or local detention facility.~~‡

279 (b) ~~‡~~ Provide his or her name; date of birth;‡ social
 280 security number;‡ age;‡ race; sex;‡ gender, date of birth,
 281 height;‡ weight;‡ hair and eye color; fingerprints; palm
 282 prints;‡ photograph; employment information;‡ address of
 283 permanent or legal residence and address of any current
 284 temporary residence within the state or out of state, including
 285 a rural route address and ~~or~~ a post office box; address,
 286 location or description, and dates of any current or known
 287 future temporary residence within this state or out of state;
 288 the make, model, color, vehicle identification number (VIN), and
 289 license tag number of all vehicles owned; home telephone numbers
 290 and cellular telephone numbers;‡ date and place of any

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 291 ~~employment,~~ date and place of each conviction; ~~7 fingerprints,~~
 292 and a brief description of the crime or crimes committed by the
 293 career offender. A ~~career offender may not provide a post office~~
 294 ~~box may not be provided~~ in lieu of a physical residential
 295 address. If the career offender's place of residence is a motor
 296 vehicle, trailer, mobile home, or manufactured home, as those
 297 terms are defined in chapter 320, the career offender shall also
 298 provide to the department through the sheriff's office written
 299 notice of the vehicle identification number (VIN); the license
 300 tag number; the registration number; and a description,
 301 including color scheme, of the motor vehicle, trailer, mobile
 302 home, or manufactured home. If a career offender's place of
 303 residence is a vessel, live-aboard vessel, or houseboat, as
 304 those terms are defined in chapter 327, the career offender
 305 shall also provide to the department through the sheriff's
 306 office written notice of the hull identification number; the
 307 manufacturer's serial number; the name of the vessel, live-
 308 aboard vessel, or houseboat; the registration number of the
 309 vessel, live-aboard vessel, or houseboat; and a description,
 310 including color scheme, of the vessel, live-aboard vessel, or
 311 houseboat.

312 (c)2- Provide any other information determined necessary by
 313 the department, including criminal and corrections records;
 314 nonprivileged personnel and treatment records; and evidentiary
 315 genetic markers, when available.

316 ~~(b)~~ When ~~if~~ a career offender registers with the sheriff's
 317 office, the sheriff shall take a photograph, and a set of
 318 fingerprints, and palm prints of the career offender and forward
 319 the photographs, and fingerprints, and palm prints to the

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 320 department, along with the information that the career offender
 321 is required to provide pursuant to this section. The sheriff
 322 shall promptly provide to the department the information
 323 received from the career offender.

324 ~~(d)(e)~~ Within 48 hours ~~2-working days~~ after the reporting
 325 ~~registration~~ required under this subsection paragraph (a), a
 326 career offender who is not incarcerated and who resides in the
 327 community, including a career offender under the supervision of
 328 the Department of Corrections pursuant to s. 944.608, shall
 329 report register in person at a driver license office of the
 330 Department of Highway Safety and Motor Vehicles, unless a driver
 331 license or identification card that complies with s. 322.141(3)
 332 was previously secured or updated under s. 944.608 and shall
 333 present proof of registration. At the driver license office, the
 334 career offender shall:

335 1. If otherwise qualified, secure a Florida driver license,
 336 renew a Florida driver license, or secure an identification
 337 card. The career offender shall identify himself or herself as a
 338 career offender who is required to comply with this section and
 339 shall provide proof that the career offender reported as
 340 required in this subsection. The career offender shall provide
 341 any of the information specified in this subsection, if
 342 requested. The career offender shall submit to the taking of a
 343 photograph for use in issuing a driver license, renewed license,
 344 or identification card, and for use by the department in
 345 maintaining current records of career offenders, ~~provide his or~~
 346 ~~her place of permanent or temporary residence, including a rural~~
 347 ~~route address or a post office box, and submit to the taking of~~
 348 ~~a photograph for use in issuing a driver license, renewed~~

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349 ~~license, or identification card, and for use by the department~~
 350 ~~in maintaining current records of career offenders. The career~~
 351 ~~offender may not provide a post office box in lieu of a physical~~
 352 ~~residential address. If the career offender's place of residence~~
 353 ~~is a motor vehicle, trailer, mobile home, or manufactured home,~~
 354 ~~as defined in chapter 320, the career offender shall also~~
 355 ~~provide to the Department of Highway Safety and Motor Vehicles~~
 356 ~~the vehicle identification number; the license tag number; the~~
 357 ~~motor vehicle registration number; and a description, including~~
 358 ~~color scheme, of the motor vehicle, trailer, mobile home, or~~
 359 ~~manufactured home. If a career offender's place of residence is~~
 360 ~~a vessel, live aboard vessel, or houseboat, as defined in~~
 361 ~~chapter 327, the career offender shall also provide to the~~
 362 ~~Department of Highway Safety and Motor Vehicles the hull~~
 363 ~~identification number; the manufacturer's serial number; the~~
 364 ~~name of the vessel, live-aboard vessel, or houseboat; the~~
 365 ~~registration number; and a description, including color scheme,~~
 366 ~~of the vessel, live-aboard vessel, or houseboat.~~

367 2. Pay the costs assessed by the Department of Highway
 368 Safety and Motor Vehicles for issuing or renewing a driver
 369 license or identification card as required by this section. The
 370 driver license or identification card issued must be in
 371 compliance with s. 322.141(3).

372 3. Provide, upon request, any additional information
 373 necessary to confirm the identity of the career offender,
 374 including a set of fingerprints.

375 (e) A career offender shall report in person to a driver
 376 license office and is subject to the requirements specified in
 377 this subsection:

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378 ~~1.(d)~~ Each time a career offender's driver license or
 379 identification card is subject to renewal; and
 380 2. Without regard to the status of the offender's driver
 381 license or identification card, and within 48 hours 2 working
 382 days after any change of the career offender's residence or
 383 change in the career offender's name by reason of marriage or
 384 other legal process, the career offender must report in person
 385 to a driver license office, and shall be subject to the
 386 requirements specified in paragraph (c).
 387 (f) The Department of Highway Safety and Motor Vehicles
 388 shall forward to the department and to the Department of
 389 Corrections all photographs and information provided by career
 390 offenders. Notwithstanding the restrictions set forth in s.
 391 322.142, the Department of Highway Safety and Motor Vehicles may
 392 release a reproduction of a color-photograph or digital-image
 393 license to the department for purposes of public notification of
 394 career offenders as provided in this section and ss. 775.26 and
 395 944.609.
 396 (g) A career offender who is unable to secure or update a
 397 driver license or an identification card with the Department of
 398 Highway Safety and Motor Vehicles as provided in this subsection
 399 shall also report any change in the career offender's name by
 400 reason of marriage or other legal process within 48 hours after
 401 the change to the sheriff's office in the county where the
 402 offender resides or is located and provide confirmation that he
 403 or she reported such information to the Department of Highway
 404 Safety and Motor Vehicles. The reporting requirements under this
 405 paragraph do not negate the requirement for a career offender to
 406 obtain a Florida driver license or an identification card as

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407 required in this section.

408 (h) If the career offender is in the custody of a local
 409 jail, the custodian of the local jail shall notify the
 410 department within 3 business days after intake of the career
 411 offender for any reason and upon release. The custodian of the
 412 local jail shall also take a digitized photograph of the career
 413 offender while the career offender remains in custody and shall
 414 provide the digitized photograph to the department. The
 415 custodian shall notify the department if the career offender
 416 escapes from custody or dies.

417 (e) If the career offender registers at an office of the
 418 department, the department must notify the sheriff and, if
 419 applicable, the police chief of the municipality, where the
 420 career offender maintains a residence within 48 hours after the
 421 career offender registers with the department.

422 (5) ESTABLISHING A RESIDENCE WITHIN THIS STATE AFTER
 423 REGISTRATION.—

424 (a) A career offender shall report in person to a driver
 425 license office and is subject to the requirements specified in
 426 subsection (4):

427 1. Each time a career offender's driver license or
 428 identification card is subject to renewal; and

429 2. Without regard to the status of the offender's driver
 430 license or identification card, within 48 hours after any change
 431 in the offender's permanent or temporary residence.

432 (b) The Department of Highway Safety and Motor Vehicles
 433 shall forward to the department and to the Department of
 434 Corrections all photographs and information provided by career
 435 offenders. Notwithstanding the restrictions set forth in s.

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436 322.142, the Department of Highway Safety and Motor Vehicles may
 437 release a reproduction of a color-photograph or digital-image
 438 license to the department for purposes of public notification of
 439 career offenders as provided in this section and ss. 775.26 and
 440 944.609.

441 (c) A career offender who is unable to secure or update a
 442 driver license or an identification card with the Department of
 443 Highway Safety and Motor Vehicles as provided in subsection (4)
 444 and this subsection shall also report any change in the career
 445 offender's permanent or temporary residence within 48 hours
 446 after the change to the sheriff's office in the county where the
 447 offender resides or is located and provide confirmation that he
 448 or she reported such information to the Department of Highway
 449 Safety and Motor Vehicles. The reporting requirements under this
 450 paragraph do not negate the requirement for a career offender to
 451 obtain a Florida driver license or an identification card as
 452 required in this section.

453 (d) A career offender who vacates a permanent or temporary
 454 residence and fails to establish or maintain another permanent
 455 or temporary residence shall, within 48 hours after vacating the
 456 permanent or temporary residence, report in person to the
 457 sheriff's office of the county in which he or she is located.
 458 The career offender shall specify the date upon which he or she
 459 intends to or did vacate such residence. The career offender
 460 must provide or update all of the registration information
 461 required under paragraph (4) (b). The career offender must
 462 provide an address for the residence or other place where he or
 463 she is or will be located during the time in which he or she
 464 fails to establish or maintain a permanent or temporary

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465 residence.

466 (e) A career offender who remains at a permanent or
 467 temporary residence after reporting his or her intent to vacate
 468 such residence shall, within 48 hours after the date upon which
 469 the offender indicated he or she would or did vacate such
 470 residence, report in person to the agency to which he or she
 471 reported pursuant to paragraph (d) for the purpose of reporting
 472 his or her address at such residence. When the sheriff receives
 473 the report, the sheriff shall promptly convey the information to
 474 the department. An offender who makes a report as required under
 475 paragraph (d) but fails to make a report as required under this
 476 paragraph commits a felony of the second degree, punishable as
 477 provided in s. 775.082, s. 775.083, or s. 775.084.

478 (6) ESTABLISHING A NON-FLORIDA RESIDENCE.—

479 (a)(f) A career offender who intends to establish a
 480 permanent or temporary residence in another state or
 481 jurisdiction other than the State of Florida shall report in
 482 person to the sheriff of the county of current residence at
 483 least 48 hours or the department within 2 working days before
 484 the date he or she intends to leave this state to establish
 485 residence in another state or jurisdiction other than the State
 486 of Florida. Any travel that is not known by the career offender
 487 48 hours before he or she intends to establish a residence in
 488 another state or jurisdiction must be reported in person to the
 489 sheriff's office as soon as possible before departure. If the
 490 career offender is under the supervision of the Department of
 491 Corrections, the career offender shall notify the supervising
 492 probation officer of his or her intent to transfer supervision,
 493 satisfy all transfer requirements pursuant to the Interstate

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494 Compact for Supervision of Adult Offenders, as provided in s.
 495 949.07, and abide by the decision of the receiving jurisdiction
 496 to accept or deny transfer. The career offender must provide to
 497 the sheriff ~~or department~~ the address, municipality, county, and
 498 state or jurisdiction of intended residence. The sheriff shall
 499 promptly provide to the department the information received from
 500 the career offender. The failure of a career offender to provide
 501 his or her intended place of residence is punishable as provided
 502 in subsection (11) subsection (8).

503 (b)(g) A career offender who indicates his or her intent to
 504 establish a permanent or temporary residence ~~reside~~ in another a
 505 state or jurisdiction other than the State of Florida and later
 506 decides to remain in this state shall, within 48 hours ~~2 working~~
 507 days after the date upon which the career offender indicated he
 508 or she would leave this state, report in person to the sheriff's
 509 office ~~sheriff or the department, whichever agency is the agency~~
 510 to which the career offender reported the intended change of
 511 permanent or temporary residence and report, ~~of his or her~~
 512 intent to remain in this state. ~~If the sheriff is notified by~~
 513 ~~the career offender that he or she intends to remain in this~~
 514 ~~state,~~ The sheriff shall promptly report this information to the
 515 department. A career offender who reports his or her intent to
 516 establish a permanent or temporary residence ~~reside~~ in another a
 517 state or jurisdiction other than the State of Florida, but who
 518 remains in this state without reporting to the sheriff ~~or the~~
 519 ~~department~~ in the manner required by this subsection ~~paragraph,~~
 520 commits a felony of the second degree, punishable as provided in
 521 s. 775.082, s. 775.083, or s. 775.084.

522 ~~(h)1. The department shall maintain online computer access~~

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523 ~~to the current information regarding each registered career~~
 524 ~~offender. The department must maintain hotline access so that~~
 525 ~~state, local, and federal law enforcement agencies may obtain~~
 526 ~~instantaneous locator file and criminal characteristics~~
 527 ~~information on release and registration of career offenders for~~
 528 ~~purposes of monitoring, tracking, and prosecution. The~~
 529 ~~photograph and fingerprints need not be stored in a computerized~~
 530 ~~format.~~

531 ~~2. The department's career offender registration list,~~
 532 ~~containing the information described in subparagraph (a)1., is a~~
 533 ~~public record. The department may disseminate this public~~
 534 ~~information by any means deemed appropriate, including operating~~
 535 ~~a toll-free telephone number for this purpose. When the~~
 536 ~~department provides information regarding a career offender to~~
 537 ~~the public, department personnel must advise the person making~~
 538 ~~the inquiry that positive identification of a person believed to~~
 539 ~~be a career offender cannot be established unless a fingerprint~~
 540 ~~comparison is made, and that it is illegal to use public~~
 541 ~~information regarding a career offender to facilitate the~~
 542 ~~commission of a crime.~~

543 ~~3. The department shall adopt guidelines as necessary~~
 544 ~~regarding the registration of a career offender and the~~
 545 ~~dissemination of information regarding a career offender as~~
 546 ~~required by this section.~~

547 (7) VERIFICATION.—County and local law enforcement
 548 agencies, in conjunction with the department, shall, at a
 549 minimum, annually verify the addresses of career offenders who
 550 are not under the care, custody, control, or supervision of the
 551 Department of Corrections, and may verify the addresses of

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552 career offenders who are under the care, custody, control, or
 553 supervision of the Department of Corrections. Local law
 554 enforcement agencies shall report to the department any failure
 555 by a career offender to comply with registration requirements.

556 (8)(i) RELIEF FROM REGISTRATION.—A career offender must
 557 maintain registration with the department for the duration of
 558 his or her life, unless the career offender has received a full
 559 pardon or has had a conviction set aside in a postconviction
 560 proceeding for any offense or offenses that meet meets the
 561 criteria for classifying the person as a career offender for
 562 purposes of registration. However, a registered career offender
 563 shall be considered for removal of the requirement to register
 564 as a career offender only if he or she ~~who~~ has been lawfully
 565 released from confinement, supervision, or sanction, whichever
 566 is later, for at least 20 years and has not been arrested for
 567 any felony or misdemeanor offense since release.

568 (a) If the career offender meets the criteria in this
 569 subsection, the career offender may, for the purpose of removing
 570 the requirement for registration as a career offender, petition
 571 the criminal division of the circuit court of the circuit in
 572 which the registered career offender resides for the purpose of
 573 removing the requirement for registration as a career offender.

574 (b) The court may grant or deny such relief if the
 575 registered career offender demonstrates to the court that he or
 576 she has not been arrested for any crime since release and the
 577 court is otherwise satisfied that the registered career offender
 578 is not a current or potential threat to public safety. The
 579 department and the state attorney in the circuit in which the
 580 petition is filed must be given notice of the petition at least

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 581 3 weeks before the hearing on the matter. The department and the
 582 state attorney may present evidence in opposition to the
 583 requested relief or may otherwise demonstrate the reasons why
 584 the petition should be denied. If the court denies the petition,
 585 the court may set a future date at which the registered career
 586 offender may again petition the court for relief, subject to the
 587 standards for relief provided in this subsection paragraph.

(c) The department shall remove a person from
 589 classification as a career offender for purposes of registration
 590 if the person provides to the department a certified copy of the
 591 court's written findings or order that indicates that the person
 592 is no longer required to comply with the requirements for
 593 registration as a career offender.

~~(9)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies may inform the community and
 596 the public of the presence of a career offender in the
 597 community. Upon notification of the presence of a career
 598 offender, the sheriff of the county or the chief of police of
 599 the municipality where the career offender establishes or
 600 maintains a permanent or temporary residence may notify the
 601 community and the public of the presence of the career offender
 602 in a manner deemed appropriate by the sheriff or the chief of
 603 police.

(b) The sheriff or the police chief may coordinate the
 605 community and public notification efforts with the department.
 606 Statewide notification to the public is authorized, as deemed
 607 appropriate by local law enforcement personnel and the
 608 department.

(c)1. The department may maintain online computer access to

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 610 the current information regarding each registered career
 611 offender. The department must maintain hotline access so that
 612 state, local, and federal law enforcement agencies may obtain
 613 instantaneous locator file and criminal characteristics
 614 information on release and registration of career offenders for
 615 the purposes of monitoring, tracking, and prosecution. The
 616 photograph and fingerprints need not be stored in a computerized
 617 format.

2. The department's career offender registration list is a
 619 public record. The department may disseminate this public
 620 information by any means deemed appropriate, including operating
 621 a toll-free telephone number for this purpose. When the
 622 department provides information regarding a career offender to
 623 the public, department personnel must advise the person making
 624 the inquiry that positive identification of a person believed to
 625 be a career offender cannot be established unless a fingerprint
 626 comparison is made, and that it is illegal to use public
 627 information regarding a career offender to facilitate the
 628 commission of a crime.

3. The department shall adopt guidelines as necessary
 630 regarding the registration of a career offender and the
 631 dissemination of information regarding a career offender as
 632 required by this section.

~~(6) VERIFICATION. The department and the Department of~~
 634 ~~Corrections shall implement a system for verifying the addresses~~
 635 ~~of career offenders. The sheriff of each county shall annually~~
 636 ~~verify the addresses of career offenders who are not under the~~
 637 ~~care, custody, control, or supervision of the Department of~~
 638 ~~Corrections. The sheriff shall promptly provide the address~~

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639 ~~verification information to the department in an electronic~~
 640 ~~format. The address verification information must include the~~
 641 ~~verifying person's name, agency, and phone number, the date of~~
 642 ~~verification, and the method of verification, and must specify~~
 643 ~~whether the address information was verified as correct,~~
 644 ~~incorrect, or unconfirmed.~~

645 ~~(10)(7)~~ IMMUNITY.—The department, the Department of Highway
 646 Safety and Motor Vehicles, the Department of Corrections, any
 647 law enforcement agency in this state, and the personnel of those
 648 departments; an elected or appointed official, public employee,
 649 or school administrator; or an employee, agency, or any
 650 individual or entity acting at the request or upon the direction
 651 of any law enforcement agency is immune from civil liability for
 652 damages for good faith compliance with the requirements of this
 653 section or for the release of information under this section,
 654 and shall be presumed to have acted in good faith in compiling,
 655 recording, reporting, or releasing the information. The
 656 presumption of good faith is not overcome if a technical or
 657 clerical error is made by the department, the Department of
 658 Highway Safety and Motor Vehicles, the Department of
 659 Corrections, the personnel of those departments, or any
 660 individual or entity acting at the request or upon the direction
 661 of any of those departments in compiling or providing
 662 information, or if information is incomplete or incorrect
 663 because a career offender fails to report or falsely reports his
 664 or her current place of permanent or temporary residence.

665 ~~(11)(8)~~ PENALTIES.—

666 (a) Except as otherwise specifically provided, a career
 667 offender who fails to register; who fails, after registration,

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668 to maintain, acquire, or renew a driver license or an
 669 identification card; who fails to provide required location
 670 information or change-of-name information; who fails to make a
 671 required report in connection with vacating a permanent
 672 residence; who fails to respond to any address verification
 673 correspondence from the department or from county or local law
 674 enforcement agencies within 3 weeks after the date of the
 675 correspondence; who knowingly provides false registration
 676 information by act or omission; or who otherwise fails, by act
 677 or omission, to comply with the requirements of this section,
 678 commits a felony of the third degree, punishable as provided in
 679 s. 775.082, s. 775.083, or s. 775.084. Each instance of failure
 680 to register or report changes to the required information
 681 specified herein constitutes a separate offense.

682 (b) A career offender who commits any act or omission in
 683 violation of this section, s. 944.608, or s. 944.609 may be
 684 prosecuted for the act or omission in the county in which the
 685 act or omission was committed, in the county of the last
 686 registered address of the career offender, in the county in
 687 which the conviction occurred for the offense or offenses that
 688 meet the criteria for designating a person as a career offender,
 689 in the county in which he or she was designated a career
 690 offender, in the county where the career offender was released
 691 from incarceration, or in the county of the intended address of
 692 the career offender as reported by the offender before his or
 693 her release from incarceration.

694 (c) An arrest on charges of failure to register when the
 695 offender has been provided and advised of his or her statutory
 696 obligations to register under this section, the service of an

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697 information or a complaint for a violation of this section, or
 698 an arraignment on charges for a violation of this section
 699 constitutes actual notice of the duty to register. A career
 700 offender's failure to register immediately as required by this
 701 section following such arrest, service, or arraignment
 702 constitutes grounds for a subsequent charge of failure to
 703 register. A career offender charged with the crime of failure to
 704 register who asserts, or intends to assert, a lack of notice of
 705 the duty to register as a defense to a charge of failure to
 706 register shall register immediately as required by this section.
 707 A career offender who is charged with a subsequent failure to
 708 register may not assert the defense of a lack of notice of the
 709 duty to register. Registration following such arrest, service,
 710 or arraignment is not a defense and does not relieve the career
 711 offender of criminal liability for the failure to register.

712 (d) (b) Any person who misuses public records information
 713 concerning a career offender, as defined in this section, or a
 714 career offender, as defined in s. 944.608 or s. 944.609, to
 715 secure a payment from such career offender; who knowingly
 716 distributes or publishes false information concerning such a
 717 career offender which the person misrepresents as being public
 718 records information; or who materially alters public records
 719 information with the intent to misrepresent the information,
 720 including documents, summaries of public records information
 721 provided by law enforcement agencies, or public records
 722 information displayed by law enforcement agencies on websites or
 723 provided through other means of communication, commits a
 724 misdemeanor of the first degree, punishable as provided in s.
 725 775.082 or s. 775.083.

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726 ~~(9) PROSECUTIONS FOR ACTS OR OMISSIONS. A career offender~~
 727 ~~who commits any act or omission in violation of this section, s.~~
 728 ~~944.608, or s. 944.609 may be prosecuted for the act or omission~~
 729 ~~in the county in which the act or omission was committed, the~~
 730 ~~county of the last registered address of the career offender,~~
 731 ~~the county in which the conviction occurred for the offense or~~
 732 ~~offenses that meet the criteria for designating a person as a~~
 733 ~~career offender, or in the county in which he or she was~~
 734 ~~designated a career offender.~~

735 (12) (10) PENALTIES FOR ASSISTING CAREER OFFENDER IN
 736 NONCOMPLIANCE. ~~Any~~ It is a misdemeanor of the first degree,
 737 punishable as provided in s. 775.082 or s. 775.083, for a person
 738 who has reason to believe that a career offender is not
 739 complying, or has not complied, with the requirements of this
 740 section and who, with the intent to assist the career offender
 741 in eluding a law enforcement agency that is seeking to find the
 742 career offender to question the career offender about, or to
 743 arrest the career offender for, his or her noncompliance with
 744 the requirements of this section, ~~to:~~

745 (a) Withholds ~~Withhold~~ information from, or does not fail
 746 ~~to~~ notify, the law enforcement agency about the career
 747 offender's noncompliance with the requirements of this section,
 748 and, if known, the whereabouts of the career offender;

749 (b) Harbors ~~Harbor~~ or attempts attempt to harbor, or
 750 assists ~~assist~~ another person in harboring or attempting to
 751 harbor, the career offender;

752 (c) Conceals ~~Conceal~~ or attempts attempt to conceal, or
 753 assists ~~assist~~ another person in concealing or attempting to
 754 conceal, the career offender; or

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755 (d) Provides ~~Provide~~ information to the law enforcement
 756 agency regarding the career offender which the person knows to
 757 be false information,
 758
 759 commits a felony of the third degree, punishable as provided in
 760 s. 775.082, s. 775.083, or s. 775.084.

761 Section 3. Section 944.608, Florida Statutes, is amended to
 762 read:

763 944.608 Notification to Department of Law Enforcement of
 764 information on career offenders.—

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

766 (a) "Career offender" means a person who is in the custody
 767 or control of, or under the supervision of, the department or is
 768 in the custody or control of, or under the supervision of, a
 769 private correctional facility, and who is designated as a
 770 habitual violent felony offender, a violent career criminal, or
 771 a three-time violent felony offender under s. 775.084 or as a
 772 prison releasee reoffender under s. 775.082(9).

773 (b) "Permanent residence" and "temporary residence" have
 774 the same meaning as provided in s. 775.261.

775 (c) "Vehicles owned" has the same meaning as provided in s.
 776 775.261.

777 (2) If a career offender is not sentenced to a term of
 778 imprisonment, the clerk of the court shall ensure that the
 779 career offender's fingerprints are taken and forwarded to the
 780 Department of Law Enforcement within 48 hours after the court
 781 sentences the career offender. The fingerprints shall be clearly
 782 marked "Career Offender Registration."

783 (3) A career offender, as described in this section, who is

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784 under the supervision of the department but is not incarcerated
 785 shall ~~must~~ register with the department within 3 business days
 786 after sentencing and provide his or her name; date of birth;
 787 social security number; race; ~~sex gender~~; height; weight; hair
 788 and eye color; tattoos or other identifying marks; employment
 789 information required to be provided pursuant to s. 775.261; all
 790 home telephone numbers and cellular telephone numbers required
 791 to be provided pursuant to s. 775.261; the make, model, color,
 792 vehicle identification number (VIN), and license tag number of
 793 all vehicles owned; and permanent or legal residence and address
 794 of temporary residence within the state or out of state while
 795 the career offender is under supervision in this state,
 796 including any rural route address or post office box; and
 797 address, location or description, and dates of any current or
 798 known future temporary residence within this state or out of
 799 state. The department shall verify the address of each career
 800 offender in the manner described in s. 775.261. The department
 801 shall report to the Department of Law Enforcement any failure by
 802 a career offender to comply with any registration requirements.

803 (4) In addition to notification and transmittal
 804 requirements imposed by any other provision of law, the
 805 department shall compile information on any career offender and
 806 provide the information to the Department of Law Enforcement.
 807 The information shall be made available electronically to the
 808 Department of Law Enforcement as soon as this information is in
 809 the department's database and must be in a format that is
 810 compatible with the requirements of the Florida Crime
 811 Information Center.

812 (5) The information provided to the Department of Law

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813 Enforcement must include:

814 (a) The information obtained from the career offender under
815 subsection (3);

816 (b) The career offender's most current address; ~~and~~ place
817 of permanent ~~or~~ ~~and~~ temporary residence within ~~this the~~ state or
818 out of state; ~~and address, location or description, and dates of~~
819 any current or known future temporary residence within this
820 state or out of state, while the career offender is under
821 supervision in this state, including the name of the county or
822 municipality in which the career offender permanently or
823 temporarily resides, ~~and address, location or description, and~~
824 dates of any current or known future temporary residence within
825 this state or out of state, and, if known, the intended place of
826 permanent or temporary residence, ~~and address, location or~~
827 description, and dates of any current or known future temporary
828 residence within this state or out of state upon satisfaction of
829 all sanctions;

830 (c) The legal status of the career offender and the
831 scheduled termination date of that legal status;

832 (d) The location of, and local telephone number for, any
833 Department of Corrections' office that is responsible for
834 supervising the career offender; and

835 (e) A digitized photograph of the career offender, which
836 must have been taken within 60 days before the career offender
837 is released from the custody of the department or a private
838 correctional facility or within 60 days after the onset of the
839 department's supervision of any career offender who is on
840 probation, community control, conditional release, parole,
841 provisional release, or control release. If the career offender

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842 is in the custody ~~or control of,~~ ~~or under the supervision of,~~ a
843 private correctional facility, the facility shall take a
844 digitized photograph of the career offender within the time
845 period provided in this paragraph and shall provide the
846 photograph to the department.

847 (6) (a) The department shall notify the Department of Law
848 Enforcement if the career offender escapes, absconds, or dies
849 while in the custody or control of, or under the supervision of,
850 the department.

851 (b) If any information provided by the department changes
852 during the time the career offender is under the department's
853 custody, control, or supervision, including any change in the
854 career offender's name by reason of marriage or other legal
855 process, the department shall, in a timely manner, update the
856 information and provide it to the Department of Law Enforcement
857 in the manner prescribed in subsection (4).

858 (7) If the career offender is in the custody of a local
859 jail, the custodian of the local jail shall notify the
860 Department of Law Enforcement within 3 business days after
861 intake of the offender for any reason and upon release, and
862 shall forward the information to the Department of Law
863 Enforcement. The custodian of the local jail shall also take a
864 digitized photograph of the career offender while the offender
865 remains in custody and shall provide the digitized photograph to
866 the Department of Law Enforcement.

867 (8) If the career offender is under federal supervision,
868 the federal agency responsible for supervising the career
869 offender may forward to the Department of Law Enforcement any
870 information regarding the career offender which is consistent

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871 with the information provided by the department under this
 872 section, and may indicate whether use of the information is
 873 restricted to law enforcement purposes only or may be used by
 874 the Department of Law Enforcement for purposes of public
 875 notification.

876 (9)(7) A career offender, as described in this section, who
 877 is under the supervision of the department but who is not
 878 incarcerated shall, in addition to the registration requirements
 879 provided in subsection (3), register in the manner provided in
 880 s. 775.261(4)(d) ~~s. 775.261(4)(e)~~, unless the career offender is
 881 a sexual predator, in which case he or she shall register as
 882 required under s. 775.21, or is a sexual offender, in which case
 883 he or she shall register as required in s. 943.0435 or s.
 884 944.607. A career offender who fails to comply with all of the
 885 requirements of s. 775.261 ~~s. 775.261(4)~~ is subject to the
 886 penalties provided in s. 775.261(11) ~~s. 775.261(8)~~.

887 (10)(a)(8) The failure of a career offender to submit to
 888 the taking of a digitized photograph, or to otherwise comply
 889 with the requirements of this section, is a felony of the third
 890 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 891 775.084.

892 (b) A career offender who commits any act or omission in
 893 violation of this section may be prosecuted for the act or
 894 omission in the county in which the act or omission was
 895 committed, in the county of the last registered address of the
 896 career offender, in the county in which the conviction occurred
 897 for the offense or offenses that meet the criteria for
 898 designating a person as a career offender, in the county in
 899 which he or she was designated a career offender, in the county

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900 where the career offender was released from incarceration, or in
 901 the county of the intended address of the career offender as
 902 reported by the offender before his or her release from
 903 incarceration.

904 (c) An arrest on charges of failure to register when the
 905 offender has been provided and advised of his or her statutory
 906 obligations to register under s. 775.261, the service of an
 907 information or a complaint for a violation of this section, or
 908 an arraignment on charges for a violation of this section
 909 constitutes actual notice of the duty to register. A career
 910 offender's failure to register immediately as required by this
 911 section following such arrest, service, or arraignment
 912 constitutes grounds for a subsequent charge of failure to
 913 register. A career offender charged with the crime of failure to
 914 register who asserts, or intends to assert, a lack of notice of
 915 the duty to register as a defense to a charge of failure to
 916 register shall register immediately as required by this section.
 917 A career offender who is charged with a subsequent failure to
 918 register may not assert the defense of a lack of notice of the
 919 duty to register.

920 (d) Registration following such arrest, service, or
 921 arraignment is not a defense and does not relieve the career
 922 offender of criminal liability for the failure to register.

923 (11)(9) The department, the Department of Highway Safety
 924 and Motor Vehicles, the Department of Law Enforcement, personnel
 925 of those departments, and any individual or entity acting at the
 926 request or upon the direction of those departments are immune
 927 from civil liability for damages for good faith compliance with
 928 this section, and shall be presumed to have acted in good faith

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929 in compiling, recording, reporting, or providing information.
 930 The presumption of good faith is not overcome if technical or
 931 clerical errors are made by the department, the Department of
 932 Highway Safety and Motor Vehicles, the Department of Law
 933 Enforcement, personnel of those departments, or any individual
 934 or entity acting at the request or upon the direction of those
 935 departments in compiling, recording, reporting, or providing
 936 information, or, if the information is incomplete or incorrect
 937 because the information has not been provided by a person or
 938 agency required to provide the information, or because the
 939 information was not reported or was falsely reported.

940 (12) A person who has reason to believe that a career
 941 offender is not complying, or has not complied, with the
 942 requirements of this section and who, with the intent to assist
 943 the career offender in eluding a law enforcement agency that is
 944 seeking to find the career offender to question the career
 945 offender about, or to arrest the career offender for, his or her
 946 noncompliance with the requirements of this section:

947 (a) Withholds information from, or does not notify, the law
 948 enforcement agency about the career offender's noncompliance
 949 with the requirements of this section, and, if known, the
 950 whereabouts of the career offender;

951 (b) Harbors or attempts to harbor, or assists another
 952 person in harboring or attempting to harbor, the career
 953 offender;

954 (c) Conceals or attempts to conceal, or assists another
 955 person in concealing or attempting to conceal, the career
 956 offender; or

957 (d) Provides information to the law enforcement agency

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958 regarding the career offender which the person knows to be false
 959 information,

960
 961 commits a felony of the third degree, punishable as provided in
 962 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
 963 apply if the career offender is incarcerated in or is in the
 964 custody of a state correctional facility, a private correctional
 965 facility, a local jail, or a federal correctional facility.

966 Section 4. Section 944.609, Florida Statutes, is amended to
 967 read:

968 944.609 Career offenders; notification upon release.—

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

970 (a) "Career offender" means a person who is in the custody
 971 or control of, or under the supervision of, the department or is
 972 in the custody or control of, or under the supervision of a
 973 private correctional facility, who is designated as a habitual
 974 violent felony offender, a violent career criminal, or a three-
 975 time violent felony offender under s. 775.084 or as a prison
 976 releasee reoffender under s. 775.082(9).

977 (b) "Permanent residence" and "temporary residence" have
 978 the same meaning as provided in s. 775.261.

979 (c) "Vehicles owned" has the same meaning as provided in s.
 980 775.261.

981 (2) The Legislature finds that certain career offenders, by
 982 virtue of their histories of offenses, present a threat to the
 983 public and to communities. Career offenders have a reduced
 984 expectation of privacy because of the public's interest in
 985 public safety and in the effective operation of government. The
 986 Legislature finds that requiring these career offenders to

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987 register for the purpose of tracking the career offenders and
 988 providing for notifying the public and a community of the
 989 presence of a career offender are important aids to law
 990 enforcement agencies, the public, and communities if the career
 991 offender engages again in criminal conduct. Registration is
 992 intended to aid law enforcement agencies in timely apprehending
 993 a career offender. Registration is not a punishment, but merely
 994 a status. Notification to the public and communities of the
 995 presence of a career offender aids the public and communities in
 996 avoiding being victimized by the career offender. The
 997 Legislature intends to require the registration of career
 998 offenders and to authorize law enforcement agencies to notify
 999 the public and communities of the presence of a career offender.

1000 (3) (a) The department must provide information regarding
 1001 any career offender who is being released after serving a period
 1002 of incarceration for any offense, as follows:

1003 1. The department must provide the career offender's name,
 1004 any change in the career offender's name by reason of marriage
 1005 or other legal process, and any alias, if known; the
 1006 correctional facility from which the career offender is
 1007 released; the career offender's social security number, race,
 1008 ~~sex~~ gender, date of birth, height, weight, and hair and eye
 1009 color; address of any planned permanent residence or temporary
 1010 residence, within this state or out of state, including a rural
 1011 route address and a post office box; address, location or
 1012 description, and dates of any current or known future temporary
 1013 residence within this state or out of state; date and county of
 1014 sentence and each crime for which the career offender was
 1015 sentenced; a copy of the career offender's fingerprints, palm

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1016 prints, and a digitized photograph taken within 60 days before
 1017 release; the date of release of the career offender; employment
 1018 information, if known, required to be provided pursuant to s.
 1019 775.261; and all home telephone numbers and cellular telephone
 1020 numbers required to be provided pursuant to s. 775.261 ~~and the~~
 1021 ~~career offender's intended residence address, if known.~~ The
 1022 department shall notify the Department of Law Enforcement if the
 1023 career offender escapes, absconds, or dies. If the career
 1024 offender is in the custody of a private correctional facility,
 1025 the facility shall take the digitized photograph of the career
 1026 offender within 60 days before the career offender's release and
 1027 provide this photograph to the Department of Corrections and
 1028 also place it in the career offender's file. If the career
 1029 offender is in the custody of a local jail, the custodian of the
 1030 local jail shall notify the Department of Law Enforcement within
 1031 3 business days after intake of the offender for any reason and
 1032 upon ~~of the career offender's~~ release, and provide to the
 1033 Department of Law Enforcement the information specified in this
 1034 paragraph and any information specified in subparagraph 2. which
 1035 the Department of Law Enforcement requests.

1036 2. The department may provide any other information deemed
 1037 necessary, including criminal and corrections records and
 1038 nonprivileged personnel and treatment records, when available.

1039 (b) The department must provide the information described
 1040 in subparagraph (a)1. to:

1041 1. The sheriff of the county from where the career offender
 1042 was sentenced;

1043 2. The sheriff of the county and, if applicable, the police
 1044 chief of the municipality, where the career offender plans to

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1045 reside;

1046 3. The Department of Law Enforcement;

1047 4. When requested, the victim of the offense, the victim's

1048 parent or legal guardian if the victim is a minor, the lawful

1049 representative of the victim or of the victim's parent or

1050 guardian if the victim is a minor, or the next of kin if the

1051 victim is a homicide victim; and

1052 5. Any person who requests such information,

1053

1054 either within 6 months prior to the anticipated release of a

1055 career offender, or as soon as possible if a career offender is

1056 released earlier than anticipated. All such information provided

1057 to the Department of Law Enforcement must be available

1058 electronically as soon as the information is in the agency's

1059 database and must be in a format that is compatible with the

1060 requirements of the Florida Crime Information Center.

1061 (c) Upon request, the department must provide the

1062 information described in subparagraph (a)2. to:

1063 1. The sheriff of the county from where the career offender

1064 was sentenced; and

1065 2. The sheriff of the county and, if applicable, the police

1066 chief of the municipality, where the career offender plans to

1067 reside,

1068

1069 either within 6 months prior to the anticipated release of a

1070 career offender, or as soon as possible if a career offender is

1071 released earlier than anticipated.

1072 (d) Upon receiving information regarding a career offender

1073 from the department, the Department of Law Enforcement, the

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1074 sheriff, or the chief of police shall provide the information

1075 described in subparagraph (a)1. to any individual who requests

1076 such information and may release the information to the public

1077 in any manner deemed appropriate, unless the information is

1078 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of

1079 the State Constitution.

1080 (4) This section authorizes the department or any law

1081 enforcement agency ~~to may~~ notify the community and the public of

1082 a career offender's presence in the community. However, with

1083 respect to a career offender who has been found to be a sexual

1084 predator under s. 775.21, the Department of Law Enforcement or

1085 any other law enforcement agency must inform the community and

1086 the public of the sexual predator's ~~career offender's~~ presence

1087 in the community, as provided in s. 775.21.

1088 (5) An elected or appointed official, public employee,

1089 school administrator or employee, or agency, or any individual

1090 or entity acting at the request or upon the direction of any law

1091 enforcement agency, is immune from civil liability for damages

1092 resulting from the good faith compliance with the requirements

1093 of this section or the release of information under this

1094 section.

1095 Section 5. For the purpose of incorporating the amendment

1096 made by this act to section 775.261, Florida Statutes, in a

1097 reference thereto, subsection (4) of section 320.02, Florida

1098 Statutes, is reenacted to read:

1099 320.02 Registration required; application for registration;

1100 forms.-

1101 (4) Except as provided in ss. 775.21, 775.261, 943.0435,

1102 944.607, and 985.4815, the owner of any motor vehicle registered

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1103 in the state shall notify the department in writing of any
 1104 change of address within 30 days of such change. The
 1105 notification shall include the registration license plate
 1106 number, the vehicle identification number (VIN) or title
 1107 certificate number, year of vehicle make, and the owner's full
 1108 name.

1109 Section 6. For the purpose of incorporating the amendment
 1110 made by this act to section 775.261, Florida Statutes, in a
 1111 reference thereto, subsection (1) of section 322.19, Florida
 1112 Statutes, is reenacted to read:

1113 322.19 Change of address or name.—

1114 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
 1115 944.607, and 985.4815, whenever any person, after applying for
 1116 or receiving a driver license or identification card, changes
 1117 his or her legal name, that person must within 30 days
 1118 thereafter obtain a replacement license or card that reflects
 1119 the change.

1120 Section 7. For the purpose of incorporating the amendments
 1121 made by this act to sections 775.261 and 944.609, Florida
 1122 Statutes, in references thereto, subsection (4) of section
 1123 775.13, Florida Statutes, is reenacted to read:

1124 775.13 Registration of convicted felons, exemptions;
 1125 penalties.—

1126 (4) This section does not apply to an offender:

1127 (a) Who has had his or her civil rights restored;

1128 (b) Who has received a full pardon for the offense for
 1129 which convicted;

1130 (c) Who has been lawfully released from incarceration or
 1131 other sentence or supervision for a felony conviction for more

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1132 than 5 years prior to such time for registration, unless the
 1133 offender is a fugitive from justice on a felony charge or has
 1134 been convicted of any offense since release from such
 1135 incarceration or other sentence or supervision;

1136 (d) Who is a parolee or probationer under the supervision
 1137 of the United States Parole Commission if the commission knows
 1138 of and consents to the presence of the offender in Florida or is
 1139 a probationer under the supervision of any federal probation
 1140 officer in the state or who has been lawfully discharged from
 1141 such parole or probation;

1142 (e) Who is a sexual predator and has registered as required
 1143 under s. 775.21;

1144 (f) Who is a sexual offender and has registered as required
 1145 in s. 943.0435 or s. 944.607; or

1146 (g) Who is a career offender who has registered as required
 1147 in s. 775.261 or s. 944.609.

1148 Section 8. This act shall take effect October 1, 2024.



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION	
BILL NUMBER:	SB 1634
BILL TITLE:	Career Offenders
BILL SPONSOR:	Senator Collins
EFFECTIVE DATE:	October 1, 2024

COMMITTEES OF REFERENCE
1) Criminal Justice
2) Appropriations Committee on Criminal and Civil Justice
3) Fiscal Policy
4)
5)

CURRENT COMMITTEE
Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	HB 1539
SPONSOR:	Representative Jacques

Is this bill part of an agency package?
Yes

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	January 22, 2024
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Grant Geyer, Heather Faulkner, Christina Hagenbeck
LEGAL ANALYST:	Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Career Offenders: Requires driver licenses or ID cards to have specified marking; revises registration criteria; revises required actions & required information that must be provided at registration; revises certain timeframes; revises duties of specified agencies.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** The Florida Career Offender Registration Act, s. 775.261, F.S., was passed in 2002 to require a select group of convicted felons who, by virtue of their history of offenses, present a threat to the public and to communities, to register their residences with law enforcement and a state registry maintained by the Florida Department of Law Enforcement (FDLE). Currently, there are over 19,600 Florida career offenders, with over 9,700 not incarcerated and over 1,000 absconded/location unknown.

Career offenders are required to complete an initial registration with FDLE or the sheriff's office in the county in which they maintain a permanent or temporary residence within two working days after establishing a residence or within two working days after release from custody or supervision. Residency is defined as a place where a career offender abides, lodges, or resides for 14 or more consecutive days or 14 days in the aggregate, where the offender routinely abides, lodges, or resides for 4 or more consecutive or nonconsecutive days in any month and which is not their permanent residence, and for an offender that does not reside in this state, where they are employed or enrolled as a student for any amount of time in Florida.

There is currently no requirement for:

- Career offenders to report employment information, vehicles owned, phone numbers, or palmprints.
- County jails to notify the department upon a career offender's intake and release.
- A marking on a career offender's driver license or identification card.

2. EFFECT OF THE BILL:

- Updates s. 775.261, F.S., to better conform with the structure, language, and requirements of the Florida Sexual Predators Act and the Florida Sexual Offenders Act.
- Changes the definition of career offender residences by reducing the length of time to establish a residence (permanent or temporary) from 14 days to 5 days.
- Expands the amount of information that career offenders are required to register with law enforcement, to include employment information, vehicles, phone numbers, and palm prints.
- Removes the ability to register with the FDLE. Registration will occur with the sheriff's office or with the Department of Corrections, depending on the offender's supervision status.
- Requires county jails to notify the department upon a career offender's intake and release.
- Amends language to ensure the department is notified of a petition for relief of registration requirement.
- Identifies additional career offender registration violations to include failure to respond to address verification correspondence or knowingly providing false registration information. Specifies that each instance of failure to register or report changes to the required information specified constitutes a separate offense.
- Specifies that an arrest for failure to register, the service of an information or a complaint for a violation under the Act, or an arraignment on charges for a violation of the Act constitutes actual notice of the duty to register.
- Increases penalties for assisting in career offender non-compliance.
- Adds "CAREER OFFENDER" marking on Florida driver licenses and identification cards under section 322.141, F.S.
- Updates ss. 944.608 and 944.609, F.S., to conform with changes in s. 775.261, F.S.
- Enhances the ability for law enforcement to manage and monitor the career offender population, holding them more accountable to comply with these legislative changes.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES? Y N

If yes, explain:	
What is the expected impact to the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	
Date Due:	
Bill Section Number:	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y N

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	
Expenditures:	<p>Sheriff's offices and police departments will need to update career offender documentation, policies and procedures, and training materials.</p> <p>The proposed changes may lead to an increase in violations of the registration statute, leading to more arrests for failure to register as a career offender.</p>

Does the legislation increase local taxes or fees?	No
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	
Expenditures:	<p>The proposed changes will require FDLE to update the career offender public website, the CJNet website, registration obligations, and training materials (see Technology Impact section). This has minimal fiscal impact and FDLE will utilize existing staff resources.</p> <p>Career offenders under the supervision of the Department of Corrections will be required to register pursuant to s. 944.608, F.S. This may lead to increased reporting of information from the Department of Corrections to FDLE.</p> <p>There are currently over 9,700 non-incarcerated career offenders, most of which reside in Florida communities. If passed, this bill would require all of them to go to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) during their birth month to update their license or ID card. This will require all of the registrants residing in Florida to report to DHSMV within one year following the bill's passage, which may cause an impact to DHSMV. There will an unknown fiscal impact for DHSMV to add the "CAREER OFFENDER" designation.</p>
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	No

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:

ADDITIONAL COMMENTS

- Career offender registration laws have only undergone minor legislative changes since passage and are significantly lacking enforcement and accountability for the growing career offender population. The department is proposing changes that would bring this statute more in line with Florida's other registration laws (sexual offender and sexual predator) and thus better serve the public safety interests of Florida citizens by holding the registered career offenders accountable and ensuring accurate information is contained within the registry.
- On average, career offenders' arrests account for significantly more arrests than those of Florida's sexual predators. The table below (updated January 19, 2024) shows that career offenders have more average arrests in their criminal histories, arrest charges, felony arrests, and misdemeanor arrests. While their arrest counts and charges are substantially higher, career offenders currently have fewer registration requirements than sexual predators. Career offenders have been found by the legislature to present a threat to the public and to communities. The changes will increase the ability for law enforcement to manage and monitor the career offender population, holding them more accountable to comply with these legislative changes.

Registered Sexual Predator vs. Career Offender Arrests		
	Sexual Predators	Career Offenders
Total Registrants	16,084	19,605
Average Arrests in Criminal History	7.1	19.7
Average Arrest Charges in Criminal History	11.9	38.5
Average Felony Arrest Charges	6.8	20.4
Average Misdemeanor Arrest Charges	5.2	18.1

- Proposed language in section 322.141(4), F.S., indicates that "unless previously secured or updated, each career offender shall report to the department during the month of his or her birth in order to obtain an updated or renewed driver license or identification card as required by subsection (3)." Therefore, while the bill would be effective October 1, 2024, current registrants required to update their license or ID card with DHSMV pursuant to this bill would not be required to do so until their birth month. This will ensure that all registrants are not immediately out of compliance as of the bill's effective date.

SB 1634 – Career Offenders (Identical HB 1539)

This bill amends s. 322.141, F.S., s. 775.261, F.S., and s. 944.608, F.S., revising registration criteria, required actions, and required information to be provided at registration. These changes could impact the current felonies under s. 775.261, F.S. and s. 944.608, F.S. Furthermore, two new felonies are added under s. 775.261, F.S. and the language for current felonies is also amended. The language for the new felony states that “a career offender who remains at a permanent or temporary residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (d) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (d) but fails to make a report as required under this paragraph” would now commit an **unranked, 2nd degree felony (Level 4 by default)**. It also increases the 1st degree misdemeanor to an **unranked, 3rd degree felony (Level 1 by default)** for a person who assists a career offender in noncompliance. For the current Level 4, 2nd degree felony under this statute, it now states (new language in bold): A career offender who reports his or her intent to **establish a permanent or temporary residence in another state or jurisdiction other than the State of Florida, but who remains in this state without reporting to the sheriff in the manner required...** For the Level 1, 3rd degree felony for failure to register, it states the following (new language in bold): a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to make a **required report in connection with vacating a permanent residence; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission;** or who otherwise fails, by act or omission, to comply with the requirements of this section...” It also adds that “each instance of failure to register or report changes to the required information specified herein constitutes a separate offense.”

For s. 944.608, F.S., this bill adds the same assisting in noncompliance language that exists under s. 775.261, F.S., and also makes it an **unranked, 3rd degree felony (Level 1 by default)**. This assisting in noncompliance language is connected to the Level 1, 3rd degree felony for “the failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section.”

Per FDLE, there are currently over 9,700 non-incarcerated career offenders in the state of Florida.

Per FDLE, in FY 22-23, there were no arrests for assisting a career offender in non-compliance. However, there were two guilty/convicted charges, but no adjudications withheld.

Per DOC, there were 45 offenders admitted to prison for failure to register by a career offender. While jail data isn't available, there were also 51 supervision admissions, giving this Level 1, 3rd degree felony a 46.9% incarceration rate. It is not known how many of those admitted to prison or supervision had multiple instances of failing to register, which could impact sentence lengths for incarcerated offenders and incarceration for supervised offenders. It is also not known how many additional offenders there would be under the new felonies.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

The Florida Senate

APPEARANCE RECORD

SB 1434

Bill Number or Topic

2/16/24

Meeting Date

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

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name LAurette Philipsen - Florida Cares Phone 561-855-0833

Address 2048 Ponce De Leon Ave Email laurette@floridacares.org

Street

West Palm Beach FL 33407

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1634

2/6/2024

Meeting Date

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **(850) 410-7000**

Address **2331 Phillips Rd**

Email **BobbieSmith@fdle.state.fl.us**

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:

FDLE

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

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

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

S-001 (08/10/2021)

Feb 6, 2024

Meeting Date

Criminal Justice

Committee

Name Jennifer Cook Pritt

Phone 8502193631

Address 2636 Mitcham Drive

Email jpritt@fpca.com

Street

Tallahassee

FL

32308

City

State

Zip

Reset Form

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 17, 2024

I respectfully request that **Senate Bill #1634**, relating to Career Offenders, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

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 Criminal Justice

BILL: SB 1712

INTRODUCER: Senators Collins and Perry

SUBJECT: Peer Support for First Responders

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1712 expands the limitation on the disclosure of “peer support communications” to include communications between a correctional officer or correctional probation officer and a first responder peer. This provides the protection for peer support communications to correctional officers and correctional probation officers.

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

First Responders

Section 112.1815, F.S., provides that a “first responder” is a law enforcement officer¹ as defined in s. 943.10, F.S., a firefighter² as defined in s. 633.102, F.S., or an emergency medical

¹ Section 943.10(1), F.S., 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 term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

² Section 633.102(9), F.S., defines “firefighter” as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S.

technician³ or paramedic⁴ as defined in s. 401.23, F.S., employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical 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.

Peer Support for First Responders

Section 111.09, F.S., provides that the term “peer support” means the provision of physical, moral, or emotional support to a first responder by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. Under s. 111.09, F.S., the term “first responder peer” is defined as a person who:

- Is not a health care practitioner as defined in s. 456.001, F.S.
- Has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder’s employment.
- Has been designated by the first responder’s employing agency to provide peer support as provided in this section and has received training for this purpose.

Peer support is based on the notion that those who have overcome the impact of stressful and traumatic events are uniquely qualified to assist others dealing with similar experiences through increased awareness and vigilance, empathic responses, and personal validation.⁵ Peer support programs can assist individuals facing post-traumatic stress disorder, sleep deprivation, suicide ideations, substance abuse, and depression. Statistics show nearly 30 percent of first responders will develop a behavioral health condition, including but not limited to depression and PTSD, during the course of their career.⁶ The Orlando Firefighters Peer Support Team provides support and wellness to fellow firefighters and their families through the process of listening, providing referrals, and support. None of the members are professional counselors, but they receive extensive training to guide and support individuals through various situations.⁷

Peer Support Communications

Section 111.09, F.S., provides that the term “peer support communication” means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity. First responder peers are prohibited from divulging information from, or testifying about, a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer

³ Section 401.23(12), F.S., defines “emergency medical technician” as a person who is certified by the department to perform basic life support pursuant to this part.

⁴ Section 401.23(18), F.S., defines “paramedic” as a person who is certified by the department to perform basic and advanced life support pursuant to this part.

⁵ Julie Repper and Tim Carter, “A Review of the Literature on Peer Support in Mental Health Services,” *Journal of Mental Health* 20, no. 4 (August 2011): 392-411, <https://pubmed.ncbi.nlm.nih.gov/21770786/> (last visited January 30, 2024).

⁶ Substance Abuse and Mental Health Services Administration, First Responders: Behavioral Health Concerns, Emergency Response, and Trauma (May 2018), <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf> (last visited Jan. 30, 2024).

⁷ Orlando Professional Firefighters Local 1365, Our Team, <https://www.orlandolocal1365.org/peer-support-3/> (last visited Jan. 30, 2024).

support communication, in which case such information may be divulged but is limited to the scope of the proceeding;⁸

- The first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications;⁹
- Based on the peer support communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; or¹⁰
- There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities.¹¹

Section 111.09, F.S., does not prevent the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a first responder peer from a source other than a first responder through a peer support communication.

III. Effect of Proposed Changes:

The bill amends s. 111.09, F.S., to expand the definition of “first responder” to include correctional officers and correctional probation officers as defined in s. 943.10, F.S. This expansion affords correctional officers and correctional probation officers the same protection for peer support communications, especially regarding the confidentiality of the communication between a first responder peer and fellow first responder.

The bill will take effect on July 1, 2024.

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.

⁸ Section 111.09(2)(a), F.S.

⁹ Section 111.09(2)(b), F.S.

¹⁰ Section 111.09(2)(c), F.S.

¹¹ Section 111.09(2)(d), F.S.

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 is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 111.09 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 Collins

14-01365-24

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A bill to be entitled

An act relating to peer support for first responders;
amending s. 111.09, F.S.; revising the definition of
the term "first responder" to include correctional
officers and correctional probation officers for the
provision of peer support; providing an effective
date.

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

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

111.09 Peer support for first responders.—

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

(b) "First responder" has the same meaning as provided in
s. 112.1815 and includes 911 public safety telecommunicators as
defined in s. 401.465, correctional officers as defined in s.
943.10(2), and correctional probation officers as defined in s.
943.10(3).

Section 2. This act shall take effect July 1, 2024.

Feb 6, 2024

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 1712

Bill Number or Topic

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

Criminal Justice

Committee

N/A

Amendment Barcode (if applicable)

Name James Baiardi

Phone 305 986 4071

Address 300 East Broad St

Street

Email jimmy@FIPBA.org

Tallahassee FL 32312

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FIA PBA State Corrections Chapter

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

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Feb 06 24

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 17-72

Bill Number or Topic

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

Committee

Name David Weissman

Amendment Barcode (if applicable)
Phone 347-967-5600

Address 4757 N Goldenrod Rd
Street

Email _____

Winter Park

City _____ State _____ Zip _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/16/24
Meeting Date

SB 1712
Bill Number or Topic

CJ
Committee

Amendment Barcode (if applicable)

Name Aabby Hilleg, Lt Phone 321-229-7054

Address 2500 W Colonial D Email abby.hilleg@ccsofl.com
Street

Orlando 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:
Orange County SO
Sheriff mma

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

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 29, 2024

I respectfully request that **Senate Bill # 1712**, relating to Peer Support for First Responders, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Committee Criminal Justice

Judge:

Started: 2/6/2024 11:35:42 AM

Ends: 2/6/2024 1:47:09 PM Length: 02:11:28

11:35:42 AM Quorum is present
11:35:42 AM Meeting called to order, roll call
11:35:56 AM Chair Martin makes opening comments
11:36:01 AM Chair Martin passes the chair to Vice Chair Bradley
11:36:35 AM Tab 1, SB 42- Professional Licensing Requirements for Barbers and Cosmetologists by Senator Stewart
11:36:41 AM Senator Stewart explains the bill
11:37:44 AM Public testimony:
11:37:52 AM Laurette Philipsen, Florida Cares
11:38:55 AM Chair Bradley reads appearance cards waiving
11:39:18 AM Debate:
11:39:20 AM Senator Ingoglia
11:40:29 AM Senator Stewart closes on the bill
11:40:43 AM Roll call on SB 42
11:40:57 AM Chair Bradley reports the bill
11:41:15 AM Tab 7, SB 888- Property Rights by Senator Perry
11:41:29 AM Amendment 521814
11:41:39 AM Senator Perry explains the amendment
11:42:51 AM Questions:
11:42:52 AM Senator Polsky
11:43:15 AM Senator Perry
11:43:19 AM Senator Polsky
11:43:26 AM Senator Perry
11:43:29 AM Senator Polsky
11:43:41 AM Senator Perry
11:44:37 AM Senator Polsky
11:44:44 AM Senator Perry
11:45:25 AM Senator Polsky
11:46:02 AM Senator Perry
11:46:39 AM Senator Polsky
11:46:49 AM Senator Perry
11:47:29 AM Senator Polsky
11:47:37 AM Senator Perry
11:47:45 AM Chair Bradley TPs SB 888
11:47:50 AM Vice Chair Bradley passes the chair to Chair Martin
11:47:57 AM Tab 14, SB 1434- Pretrial Intervention Programs by Senator Book
11:48:04 AM Senator Book explains the bill
11:49:31 AM Amendment 458690
11:49:42 AM Senator Book explains the amendment
11:50:14 AM Senator Book waives close
11:50:18 AM Chair Martin reports the amendment
11:50:20 AM Back to SB 1434 as amended
11:50:24 AM Senator Book waives close
11:50:26 AM Roll call on SB 1434
11:50:43 AM Chair Martin reports the bill
11:50:46 AM Tab 15, SB 1604- Digital Voyeurism by Senator Book
11:50:53 AM Amendment 249990
11:51:05 AM Senator Book explains the amendment
11:53:01 AM Senator Book waives close
11:53:04 AM Chair Martin reports the amendment
11:53:07 AM Back to SB 1604 as amended
11:53:11 AM Chair Martin reads appearance cards waiving
11:53:21 AM Senator Book waives close

11:53:27 AM Roll call on SB 1604
11:53:39 AM Chair Martin reports the bill
11:54:06 AM Tab 12, SB 1286- Return of Weapons and Arms Following an Arrest by Senator Collins
11:54:13 AM Senator Collins explains the bill
11:55:14 AM Senator Polsky
11:55:14 AM Questions:
11:55:37 AM Senator Collins
11:56:06 AM Senator Polsky
11:56:29 AM Senator Collins
11:56:48 AM Senator Polsky
11:56:51 AM Amendment 908506
11:57:05 AM Senator Collins explains the amendment
11:57:14 AM Senator Collins waives close
11:57:25 AM Chair Martin reports the amendment
11:57:29 AM Questions:
11:57:32 AM Senator Pizzo
11:59:08 AM Senator Collins
11:59:20 AM Senator Pizzo
12:00:23 PM Senator Collins
12:00:40 PM Senator Pizzo
12:01:05 PM Senator Collins
12:01:22 PM Public testimony:
12:01:49 PM Luis Valdes, Gun Owners of America
12:02:49 PM Questions:
12:02:50 PM Senator Pizzo
12:02:56 PM Luis Valdes
12:02:57 PM Senator Pizzo
12:03:01 PM Luis Valdes
12:03:06 PM Senator Pizzo
12:03:08 PM Luis Valdes
12:03:15 PM Senator Pizzo
12:03:21 PM Luis Valdes
12:03:26 PM Senator Pizzo
12:03:28 PM Luis Valdes
12:03:32 PM Senator Pizzo
12:03:35 PM Luis Valdes
12:03:44 PM Chair Martin reads appearance cards waiving
12:04:16 PM Debate:
12:04:18 PM Senator Pizzo
12:05:18 PM Senator Ingoglia
12:06:49 PM Senator Pizzo
12:08:27 PM Senator Ingoglia
12:09:19 PM Chair Martin
12:10:47 PM Senator Collins closes on the bill
12:11:46 PM Roll call on SB 1286
12:11:59 PM Chair Martin reports the bill
12:12:05 PM Tab 16, SB 1634- Career Offenders by Senator Collins
12:12:10 PM Senator Collins explains the bill
12:13:15 PM Senator Powell
12:13:15 PM Questions:
12:13:53 PM Senator Collins
12:14:34 PM Senator Powell
12:14:48 PM Senator Collins
12:14:55 PM Senator Powell
12:15:37 PM Senator Collins
12:16:48 PM Senator Powell
12:17:56 PM Senator Collins
12:18:12 PM Senator Powell
12:19:32 PM Senator Collins
12:20:38 PM Senator Pizzo
12:21:01 PM Senator Collins
12:21:29 PM Senator Pizzo

12:22:01 PM Senator Collins
12:22:59 PM Senator Pizzo
12:23:43 PM Senator Collins
12:23:54 PM Senator Pizzo
12:23:55 PM Senator Collins
12:24:07 PM Senator Pizzo
12:24:11 PM Senator Collins
12:24:16 PM Senator Pizzo
12:24:45 PM Senator Collins
12:25:20 PM Senator Pizzo
12:25:34 PM Senator Collins
12:25:54 PM Senator Polsky
12:26:26 PM Senator Collins
12:26:43 PM Senator Polsky
12:26:47 PM Senator Collins
12:27:30 PM Senator Polsky
12:27:42 PM Senator Collins
12:27:58 PM Public testimony:
12:28:19 PM Laurette Philipsen
12:30:34 PM Chair Martin reads appearance cards waiving
12:30:41 PM Senator Pizzo
12:30:41 PM Debate:
12:31:24 PM Senator Collins closes on the bill
12:31:57 PM Roll call on SB 1634
12:32:12 PM Chair Martin reports the bill
12:32:25 PM Tab 17, SB 1712- Peer Support for First Responders by Senator Collins
12:32:26 PM Senator Collins explains the bill
12:32:50 PM Public testimony:
12:32:57 PM James Baiardi, FLA. PBA State Corrections Chapter
12:34:08 PM David Weissman
12:34:40 PM Chair Martin reads appearance cards waiving
12:34:51 PM Senator Collins closes on the bill
12:34:58 PM Roll call on SB 1712
12:35:12 PM Chair Martin reports the bill
12:35:18 PM Tab 13, SB 1356- School Safety by Senator Calatayud
12:35:35 PM Amendment 468660
12:35:42 PM Senator Calatayud explains the amendment
12:37:20 PM Senator Pizzo
12:37:20 PM Questions:
12:37:39 PM Senator Calatayud
12:37:58 PM Chair Martin reads appearance cards waiving
12:38:07 PM Senator Calatayud waives close
12:38:10 PM Chair Martin reports the amendment
12:38:14 PM Back to SB 1356 as amended
12:38:16 PM Public testimony:
12:38:24 PM Ryan Kennedy, Florida Citizens Alliance
12:39:07 PM Chair Martin reads appearance cards waiving
12:39:13 PM Senator Calatayud closes on the bill
12:39:19 PM Chair Martin reports the bill
12:39:39 PM Tab 8, SB 1012- Employment of Ex-offenders by Senator Calatayud
12:39:47 PM Amendment 729916
12:40:00 PM Senator Calatayud explains the amendment
12:42:10 PM Senator Ingoglia
12:42:10 PM Questions:
12:42:37 PM Senator Calatayud
12:42:53 PM Senator Ingoglia
12:42:59 PM Senator Calatayud
12:43:24 PM Senator Ingoglia
12:43:46 PM Senator Calatayud
12:43:53 PM Senator Ingoglia
12:43:58 PM Senator Pizzo
12:44:40 PM Senator Calatayud

12:44:51 PM Senator Pizzo
12:44:56 PM Senator Calatayud
12:44:59 PM Senator Pizzo
12:45:18 PM Chair Martin reads appearance cards waiving
12:45:40 PM Senator Calatayud waives close
12:45:51 PM Chair Martin reports the amendment
12:45:53 PM Back to SB 1012 as amended
12:45:55 PM Senator Pizzo
12:45:55 PM Questions:
12:46:15 PM Senator Calatayud
12:47:30 PM Chair Martin reads appearance cards waiving
12:48:04 PM Senator Calatayud closes on the bill
12:48:36 PM Roll call on SB 1012
12:48:51 PM Chair Martin reports the bill
12:48:55 PM Tab 6, SB 852- Interpersonal Violence Injunction Petitions by Senator Calatayud
12:49:14 PM Senator Calatayud explains the bill
12:49:52 PM Amendment 536232
12:49:59 PM Senator Calatayud explains the amendment
12:50:21 PM Senator Calatayud waives close
12:50:24 PM Chair Martin reports the amendment
12:50:27 PM Back to SB 852 as amended
12:50:30 PM Senator Pizzo
12:50:30 PM Questions:
12:50:35 PM Senator Calatayud
12:50:45 PM Public testimony:
12:51:00 PM Colin Baldedbi
12:51:54 PM Questions:
12:51:55 PM Senator Pizzo
12:52:02 PM Colin Baldedbi
12:52:06 PM Chair Martin reads appearance cards waiving
12:52:23 PM Senator Calatayud closes on the bill
12:52:34 PM Roll call on SB 852
12:52:46 PM Chair Martin reports the bill
12:52:55 PM Tab 10, SB 1154- Probation and Community Control Violations by Senator Simon
12:53:01 PM Amendment 555360
12:53:49 PM Senator Simon explains the amendment
12:54:08 PM Senator Simon waives close
12:54:10 PM Chair Martin reports the bill
12:54:12 PM Back to SB 1154 as amended
12:54:17 PM Chair Martin reads appearance cards waiving
12:55:01 PM Senator Simon waives close
12:55:05 PM Roll call on SB 1154
12:55:18 PM Chair Martin reports the bill
12:55:23 PM Tab 5, SB 796- Combatting Human Trafficking by Senator Avila
12:55:30 PM Amendment 874482
12:55:39 PM Senator Avila explains the amendment
12:56:47 PM Senator Avila waives close
12:56:49 PM Chair Martin reports the amendment
12:56:51 PM Back to SB 796 as amended
12:56:53 PM Questions:
12:56:54 PM Senator Pizzo
12:57:07 PM senator Avila
12:57:47 PM Senator Pizzo
12:58:00 PM Senator Avila
12:58:13 PM Chair reads appearance cards waiving
12:58:38 PM Senator Pizzo
12:58:38 PM Debate:
12:59:18 PM Senator Avila closes on the bill
1:00:55 PM Roll call on SB 796
1:01:08 PM Chair Martin reports the bill
1:01:15 PM Tab 2, SB 116- Fees/Child Maintenance Restitution by Senator Burgess
1:01:24 PM Senator Burgess explains the bill

1:01:53 PM Amendment 362246
1:01:54 PM Senator Burgess explains the amendment
1:02:23 PM Senator Burgess waives close
1:02:26 PM Chair Martin reports the amendment
1:02:28 PM Back to SB 116 as amended
1:02:31 PM Public testimony:
1:02:39 PM Kristen Allen, Mothers Against Drunk Driving
1:04:11 PM Questions:
1:04:12 PM Senator Powell
1:04:35 PM Senator Burgess
1:04:52 PM Chair Martin reads appearance cards waiving
1:04:56 PM Senator Burgess closes on the bill
1:05:51 PM Roll call on SB 116
1:06:03 PM Chair Martin reports the bill
1:06:09 PM Tab 3, SB 118- Fees/Child Maintenance Restitution by Senator Burgess
1:06:11 PM Senator Burgess explains the bill
1:06:39 PM Amendment 869404
1:06:44 PM Senator Burgess explains the amendment
1:06:52 PM Senator Burgess waives close
1:06:54 PM Chair Martin reports the amendment
1:06:56 PM Back to SB 118 as amended
1:07:00 PM Chair Martin reads appearance cards waiving
1:07:06 PM Senator Burgess waives close
1:07:10 PM Roll call on SB 118
1:07:24 PM Chair Martin reports the bill
1:07:28 PM Tab 9, SB 1090- Unauthorized Sale of Alcoholic Beverages by Senator Martin
1:07:49 PM Chair Martin passes the chair to Vice Chair Bradley
1:07:54 PM Senator Martin explains the bill
1:08:54 PM Chair Bradley reads appearance cards waiving
1:09:11 PM Senator Martin waives close
1:09:18 PM Roll call on SB 1090
1:09:29 PM Chair Martin reports the bill
1:09:34 PM Vice Chair Bradley passes the chair to Chair Martin
1:09:39 PM Tab 7, SB 888- Property Rights by Senator Perry
1:09:50 PM Amendment 521814
1:09:53 PM Questions:
1:09:54 PM Senator Pizzo
1:10:27 PM Senator Perry
1:10:34 PM Senator Pizzo
1:10:54 PM Senator Perry
1:10:57 PM Senator Pizzo
1:11:09 PM Senator Perry
1:11:50 PM Senator Perry waives close
1:11:53 PM Chair Martin reports the amendment
1:11:54 PM Back to SB 888 as amended
1:11:57 PM Senator Pizzo
1:11:57 PM Questions:
1:12:36 PM Senator Perry
1:13:00 PM Senator Pizzo
1:13:34 PM Public testimony:
1:13:43 PM Patti Peoples
1:18:59 PM Jackson Oberlink, Florida Rising
1:21:34 PM Questions:
1:21:35 PM Senator Pizzo
1:22:06 PM Jackson Oberlink
1:22:08 PM Senator Pizzo
1:22:19 PM Jackson Oberlink
1:22:28 PM Senator Pizzo
1:22:43 PM Jackson Oberlink
1:22:45 PM Senator Pizzo
1:23:12 PM Jackson Oberlink
1:23:20 PM Senator Pizzo

1:23:44 PM Jackson Oberlink
1:23:46 PM Senator Pizzo
1:23:47 PM Jackson Oberlink
1:24:05 PM Senator Pizzo
1:24:27 PM Jackson Oberlink
1:24:32 PM Senator Pizzo
1:24:39 PM Jackson Oberlink
1:24:43 PM Senator Pizzo
1:24:48 PM Jackson Oberlink
1:24:55 PM Back to public testimony:
1:25:26 PM Aurelie Colon Cow-ray-lee, SPLC Action Fund
1:27:21 PM Chair Martin reads appearance cards waiving
1:30:49 PM Public testimony:
1:30:51 PM Gizelle Zamorano
1:33:44 PM Questions:
1:33:45 PM Senator Pizzo
1:33:54 PM Gizelle Zamorano
1:34:12 PM Senator Pizzo
1:34:16 PM Gizelle Zamorano
1:34:16 PM Senator Pizzo
1:34:19 PM Gizelle Zamorano
1:34:35 PM Debate:
1:34:36 PM Senator Yarborough
1:36:34 PM Senator Pizzo
1:40:26 PM Senator Powell
1:43:12 PM Senator Perry closes on the bill
1:45:35 PM Roll call on SB 888
1:45:48 PM Chair Martin reports the bill
1:46:03 PM Senator Polsky moves to record a missed vote
1:46:18 PM Chair Martin moves to record a missed vote
1:46:27 PM Senator Powell moves to record a missed vote
1:46:55 PM Meeting adjourned
1:47:09 PM
1:47:09 PM