Tab 1	**SB 58** by **Garcia;** Compare to CS/CS/CS/H 00289 Boating Safety

Tab 2	**SB 468** by **Collins;** Compare to CS/CS/H 00113 Fleeing or Attempting to Elude a Law Enforcement Officer

918400	D	S	RCS	CJ, Collins	Delete everything after	03/25 04:07 PM

Tab 3	**SB 494** by **Leek;** Identical to H 00455 Animal Cruelty

207354	D	S	RCS	CJ, Leek	Delete everything after	03/25 04:08 PM

Tab 4	**SB 500** by **Avila;** Identical to H 00711 Spectrum Alert

Tab 5	**SB 612** by **Burgess;** Identical to H 00457 Murder

479542	D	S	RS	CJ, Burgess	Delete everything after	03/25 04:09 PM
146538	SD	S	RCS	CJ, Burgess	Delete everything after	03/25 04:09 PM

Tab 6	**SB 726** by **Ingoglia;** Compare to CS/H 00279 False Reporting

Tab 7	**SB 814** by **Fine;** Compare to H 00031 Weapons or Firearms at School-sponsored Events or on School Property

Tab 8	**SB 964** by **Bernard;** Similar to CS/H 00181 Objective Parole Guidelines

Tab 9	**SB 1136** by **Collins;** Identical to H 00777 Age as an Element of a Criminal Offense

281246	A	S	RCS	CJ, Collins	Delete L.26 - 49:	03/25 04:14 PM

Tab 10	**SB 1180** by **Gaetz;** Similar to CS/H 00757 Sexual Images

423516	D	S	RCS	CJ, Gaetz	Delete everything after	03/25 04:15 PM

Tab 11	**SB 1344** by **Simon;** Similar to CS/H 01405 Juvenile Justice

384302	D	S	RCS	CJ, Simon	Delete everything after	03/25 04:16 PM

Tab 12	**SB 1386** by **Yarborough;** Similar to H 00857 Assault or Battery on a Utility Worker

525180	A	S	RCS	CJ, Yarborough	Delete L.28:	03/25 04:16 PM

Tab 13	**SB 1604** by **Martin;** Similar to H 00903 Corrections

628088	D	S	RCS	CJ, Martin	Delete everything after	03/25 04:17 PM

Tab 14	**SB 1660** by **Grall;** Similar to H 00895 Prostitution and Related Acts

193322	A	S	RS	CJ, Grall	Delete L.68 - 349:	03/25 04:18 PM
559024	SD	S	RCS	CJ, Grall	Delete everything after	03/25 04:18 PM

Tab 15	**SB 1828** by **Martin;** Similar to H 01447 Trespass in a Structure or Conveyance

175286	D	S	RCS	CJ, Martin	Delete everything after	03/25 04:19 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, March 25, 2025
TIME: 1:30—3:30 p.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Building

MEMBERS: Senator Martin, Chair; Senator Smith, Vice Chair; Senators Bernard, Bradley, Garcia, Gruters, Pizzo, Simon, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 58** Garcia (Compare CS/CS/CS/H 289, CS/CS/S 628)	Boating Safety; Requiring the Department of Highway Safety and Motor Vehicles to issue original, renewal, or replacement identification cards with a lifetime boating safety identification card symbol to applicants if certain conditions are met; providing increased criminal penalties for the reckless operation of a vessel which causes serious bodily injury to another; revising the conditions that compose the offense of, and penalties for, boating under the influence (BUI); revising the definition of the term “vessel homicide” to include the killing of an unborn child by causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances, etc. CJ 03/25/2025 Temporarily Postponed TR FP	Temporarily Postponed
2	**SB 468** Collins (Compare CS/CS/H 113)	Fleeing or Attempting to Elude a Law Enforcement Officer; Revising the law enforcement vehicle marking requirements for specified offenses; providing mandatory minimum classification of certain offenses, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
3	**SB 494** Leek (Identical H 455)	Animal Cruelty; Requiring the Department of Law Enforcement to post on its website the names of certain individuals who have violated specified animal cruelty provisions, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 500** Avila (Identical H 711)	Spectrum Alert; Requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems, etc. CJ 03/25/2025 Favorable ACJ FP	Favorable Yeas 9 Nays 0
5	**SB 612** Burgess (Identical H 457)	Murder; Revising the elements that constitute the felony offense of murder in the third degree, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
6	**SB 726** Ingoglia (Compare CS/H 279, S 278)	False Reporting; Providing that a person who misuses emergency communication systems is liable for the costs of prosecution and investigation; providing that a person who makes a false report to law enforcement authorities is liable for the costs of prosecution and investigation; providing that such persons are also liable for restitution if the false report involves another person who sustained injuries or property damage as a result of the false report, etc. CJ 03/25/2025 Favorable RI RC	Favorable Yeas 9 Nays 0
7	**SB 814** Fine (Compare H 31)	Weapons or Firearms at School-sponsored Events or on School Property; Prohibiting persons from storing, rather than possessing, firearms or weapons at a school-sponsored event or on the property of any school, school bus, or school bus stop; authorizing persons to carry firearms on the property of any college or university; providing that the Department of Law Enforcement may authorize a college or university, while hosting or sponsoring a sporting or athletic event, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited; requiring the college or university to submit a security plan to the department to receive such authorization, etc. CJ 03/25/2025 Unfavorable ACJ RC	Unfavorable Yeas 3 Nays 4

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	**SB 964** Bernard (Similar H 181)	Objective Parole Guidelines; Revising requirements for objective parole guidelines; requiring the Commission on Offender Review to submit a specified statistical analysis to the Legislature, etc. CJ 03/25/2025 Favorable ACJ FP	Favorable Yeas 9 Nays 0
9	**SB 1136** Collins (Identical H 777, Compare H 1503, S 1718)	Age as an Element of a Criminal Offense; Providing that ignorance of a victim's age, misrepresentation of a victim's age, and a bona fide belief concerning a victim's age are not defenses to certain offenses in which the victim's age is an element of the offense; providing an exception; revising the classification of specified offenses involving luring or enticing a child, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
10	**SB 1180** Gaetz (Similar CS/H 757)	Sexual Images; Prohibiting lewd imagery or depictions involving a child; prohibiting the creation of such depictions; providing criminal penalties; prohibiting the generation of nude photos involving identifiable persons; authorizing civil actions for violations of such prohibition, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
11	**SB 1344** Simon (Similar CS/H 1405)	Juvenile Justice; Providing for appointment of counsel in certain circumstances; providing for payment of counsel; revising provisions for a child's punishment for contempt of court; revising provisions related to case staffing and the composition of the case staff committee; authorizing a child to be taken into custody pursuant to a finding of contempt; providing for early truancy intervention; specifying when a guardian ad litem may be appointed for a child, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
12	**SB 1386** Yarborough (Similar H 857)	Assault or Battery on a Utility Worker; Defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	**SB 1604** Martin (Similar H 903)	Corrections; Revising provisions relating to deferral of prepayment of court costs and fees for indigent prisoners for actions involving challenges to prison disciplinary reports; requiring exhaustion of administrative remedies before certain actions concerning confinement of prisoners may be brought; providing that prison terms for certain offenses committed in conjunction with another felony offense may be sentenced to be served consecutively; revising provisions concerning methods of execution of death sentences, etc. CJ 03/25/2025 Fav/CS ACJ FP	Fav/CS Yeas 5 Nays 2
14	**SB 1660** Grall (Similar H 895)	Prostitution and Related Acts; Prohibiting adults from offering to commit, committing, or engaging in prostitution, lewdness, or assignation; repealing a provision relating to forcing, compelling, or coercing another to become a prostitute; prohibiting the owning, establishing, maintaining, operating, using, letting, or renting of a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, with knowledge or reckless disregard that it will be used for the purpose of commercial sex, etc. CJ 03/25/2025 Fav/CS ACJ RC	Fav/CS Yeas 9 Nays 0
15	**SB 1828** Martin (Similar H 1447)	Trespass in a Structure or Conveyance; Providing that a trespass is a felony of the third degree if it occurs in a structure being used for a large, ticketed event, etc. CJ 03/25/2025 Fav/CS JU RC	Fav/CS Yeas 8 Nays 1
	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 58
INTRODUCER:	Senator Garcia
SUBJECT:	Boating Safety
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Pre-meeting**
2.			TR	
3.			FP	

I. Summary:

SB 58 amends multiple statutes relating to boating safety Specifically the bill:

- Amends ss. 322.051, and 322.14, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to issue an original, renewal or replacement identification cards and driver licenses with a lifetime boating safety identification card symbol upon the applicant's identification or license if certain conditions are met. The bill requires the DHSMV to issue certain replacement identification cards or license without charging a specified fee.
- Amends s. 322.08, F.S., to require that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application.
- Amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury under certain circumstances. Providing graduated penalties depending on the level of damage to property or injury to person. The bill defines "Serious bodily injury."
- Amends s. 327.33, F.S., to provide increased criminal penalties for the reckless operation of a vessel which causes serious bodily injury and for a person who violates a navigation rule while operating a vessel that results in an accident causing serious bodily injury or death but the violation does not constitute reckless operation of a vessel.
- Amends s. 327.35, F.S., to specify that a person must be in physical control of a vessel to commit BUI.
- Requires a person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years.
- Requires the court to order the mandatory placement of ignition interlock devises upon certain vehicles leased or owned and routinely operated by certain persons convicted of BUI, and permits the court to order ignition interlock in other circumstances.

- Revises the substance abuse education, evaluation, and treatment requirements for certain persons, and provides for the revocation or suspension of driving privileges for failure to complete a required substance abuse education course.
- Requires a person convicted of certain BUI violations to maintain an insurance policy to meet certain requirements.
- Amends s. 327.352, F.S., to revise penalties for a person operating a vessel who fails to submit to a lawful test of his or her breath or urine.
- Amends s. 327.395, F.S., to provide that while operating a vessel powered by a motor of 10 horsepower or more a person must have in his or her possession aboard the vessel specified documentation.
- Requires an FWC-approved boating safety education course or temporary certificate examination be developed or approved by the commission must include certain components, including the dangers of BUI and Human Trafficking.
- Amends s. 327.731, F.S., to revise the mandatory education requirements for a person convicted of certain violations.
- Amends s. 782.072, F.S., to revise the definition for "vessel homicide," and "unborn child."[1]

The bill has an indeterminately positive fiscal impact. *See Section V. Fiscal Impact Statement*.

Sections 1, 2, 3, 6 and 7 of this bill are effective October 1, 2026. Section 8 of this bill is effective July 1, 2027. Except as otherwise expressly provided in this act, this bill takes effect July 1, 2025.

II. Present Situation:

Fish and Wildlife Conservation Commission

The FWC is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.[2] Chapter 327, F.S., concerning vessel safety, is enforced by the FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.[3]

The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.[4] This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the

[1] Section 775.021(5)(e), F.S.
[2] FLA. CONST. art. IV, s. 9. There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The FWC shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the FWC shall be prescribed by general law.
[3] Section 327.70(1), F.S.
[4] Fish and Wildlife Conservation Commission (FWC), *Boating*, available at https://myfwc.com/boating/ (last visited February 27, 2025).

waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.[5]

Boating Safety Education and Identification Cards

A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel the following:

- Photographic identification and a Florida boating safety identification card issued by the FWC;
- A state-issued identification card or driver license indicating possession of the Florida boating safety identification card; or
- Photographic identification and a temporary certificate issued or approved by the FWC, an International Certificate of Competency, a boating safety card or certificate from another state or United States territory, or a Canadian Pleasure Craft Operator Card.[6]

A person is exempt from the requirement to have the specified identification and documentation described above if he or she:

- Is licensed by the United States Coast Guard to serve as master of a vessel;[7] or
- Has been previously licensed by the United States Coast Guard to serve as master of a vessel, provides proof of such licensure to the FWC, and requests that a boating safety identification card be issued in his or her name.[8]
- Operates a vessel on a private lake or pond.[9]
- Is accompanied in the vessel by a person who is exempt from this section or who holds a boating safety identification card in compliance with this section, who is 18 years of age or older, and who is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.[10]
- Is a nonresident who has in his or her possession photographic identification and proof that he or she has completed a boating safety education course or equivalency examination in another state or a United States territory which meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators.[11]
- Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale meeting the requirements of s. 328.46(1), F.S.[12]

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[5] Fish and Wildlife Conservation Commission (FWC), *Law Enforcement*, available at https://myfwc.com/about/inside-fwc/le/ (last visited February 27, 2025). The FWC's Division of Law Enforcement is responsible for protecting Florida's natural resources, including fish, wildlife and the environment, while providing a safe atmosphere for residents and visitors to recreate. Fish and Wildlife Conservation Commission (FWC) officers have full police powers and statewide jurisdiction. They patrol rural, wilderness and inshore and offshore areas and are often the sole law enforcement presence in many remote parts of the state. The Division of Law Enforcement has cooperative agreements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Officers are also cross-deputized to enforce federal marine fisheries and wildlife laws, thus ensuring state and federal consistency in resource-protection efforts.

[6] Section 327.395(2), F.S.

[7] Section 327.395(6)(a)1., F.S.

[8] Section 327.395(6)(a)2., F.S.

[9] Section 327.395(6)(b), F.S.

[10] Section 327.395(6)(c), F.S.

[11] Section 327.395(6)(d), F.S.

[12] Section 327.395(6)(e), F.S.

- Is operating a vessel within 90 days after completing a boating safety education course and has a photographic identification card and a boating safety education certificate available for inspection as proof of having completed a boating safety education course. The boating safety education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination.[13]
- Is exempted by rule of the FWC.[14]

A person may obtain a Florida boating safety identification card by successfully completing a boating safety education course that meets the requirements and rules adopted by the FWC.[15] A person may obtain a temporary certificate by passing a temporary certificate examination that meets the requirements of this section and rules adopted by the FWC pursuant to this section.[16]

An FWC-approved boating safety education course or temporary certificate examination developed or approved by the FWC must include components regarding:

- Driving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331, F.S. [17]
- The danger associated with:
  - A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.
  - A passenger falling overboard.
  - Operating a vessel with a person in the water near the vessel.
  - Starting a vessel with the engine in gear.
  - Leaving the vessel running when a passenger is boarding or disembarking. [18]
- The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft. [19]

A Florida boating safety identification card issued to a person who has completed a boating safety education course is valid for life. A temporary certificate issued to a person who has passed a temporary certification examination is valid for 90 days after the date of issuance. The FWC may issue either the boating safety identification card or the temporary certificate in a digital, electronic, or paper format.[20] The FWC may establish and collect a $2 fee for each card and temporary certificate issued.[21]

A boating safety education course is mandatory for persons convicted of certain boating safety violations. A person convicted of a criminal boating safety violation, of a noncriminal boating

[13] Section 327.395(6)(f), F.S.
[14] Section 327.395(6)(g), F.S.
[15] Section 327.395(3)(a), F.S.
[16] Section 327.395(3)(b), F.S.
[17] Section 327.395(4)(a), F.S.
[18] Section 327.395(4)(b)1-5, F.S.
[19] Section 327.395(4)(c), F.S.
[20] Section 327.395(5), F.S.
[21] Section 327.395(9), F.S.

safety infraction if it resulted in a reportable boating accident, or of two noncriminal infractions[22] occurring within a 12-month period must:

- Enroll in, attend, and successfully complete, at his or her own expense, an FWC-approved classroom or online boating safety course;
- File with FWC within 90 days proof of successful completion of the course;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course with FWC; and
- Pay a $500 fine.[23]

Boating Crimes

Vessel Homicide

Vessel homicide is the killing of a human being by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another.[24] Vessel homicide is generally a second degree felony;[25] however, it is a first degree felony if:

- At the time of the accident, the person knew or should have known, that the accident occurred;[26] and
- The person failed to give information and render aid as required.[27]

Careless and Reckless Boating

Generally, a person may not operate a vessel in a reckless or careless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person, commits the first degree misdemeanor offense of reckless operation of a vessel.[28]

A person must operate a vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. Failing to operate a vessel in this manner is the noncriminal infraction of careless operation.[29]

Leaving the Scene

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[22] The noncriminal boating safety infractions included relate to careless operation; water skiing, aquaplaning, parasailing, and similar activities; interference with navigation; boating-restricted areas and speed limits; required safety equipment, lights, and shapes; navigation rules; personal watercraft; boater safety education; operation of overloaded or overpowered vessels; divers-down warning devices; adequate mufflers on an airboat; display of a flag on an airboat; carelessly causing seagrass scarring; and protection zones for springs. Sections 327.731(1) and 327.73(1), F.S.
[23] Section 327.731(1)(d), F.S.
[24] Section 782.072, F.S.
[25] Section 782.072(1), F.S.
[26] Section 782.072(2)(a), F.S.
[27] Section 782.072(2)(b), F.S.
[28] Section 327.33(1), F.S.
[29] Section 327.33(2), F.S.

It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he or she can do so without serious danger to the operator's own vessel, crew, and passengers, to render assistance to other persons. Additionally, he or she must give his or her name, address, and identification of his or her vessel in writing to any person injured and to the owner of any property damaged. The operator must also take all reasonable steps to locate and notify the owner or person in charge of un unattended vessel involved in an accident.[30]

A person commits a second degree misdemeanor for leaving the scene of a vessel involved in an accident, if such accident results in property damage only.

A person commits a third degree felony for leaving the scene of a vessel involved in an accident, if such accident results in personal injury. [31]

Boating Under the Influence

A person is guilty of BUI if the person is operating a vessel in this state and the person:

- Is under the influence of an alcoholic beverage, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., when affected to the extent that the person's normal faculties are impaired;[32]
- Has a blood-alcohol level or 0.08 or more grams of alcohol per 100 milliliters of blood;[33] or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.[34]

The criminal penalties for BUI vary depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.[35] The penalties for a first or second BUI offense includes:

- A fine of not less than $500 or more than $1,000 for a first conviction.[36]
- A fine of not less than $1,000 or more than $2,000 for a second conviction.[37]
- Imprisonment for not more than 6 months for a first conviction.[38]
- Imprisonment for not more than 9 months for a second conviction.[39]
- A period of probation not exceeding one year for a first conviction.[40]
- A mandatory 50 hours of community service,[41] and a mandatory 10-day vessel impoundment or immobilization for a first conviction.[42]

[30] Section 327.30(1), F.S,
[31] Section 327.30(5), F.S.
[32] Section 327.35(1)(a), F.S.
[33] Section 327.35(1)(b), F.S.
[34] Section 327.35(1)(c), F.S.
[35] Section 327.35, F.S.
[36] Section 327.35(2)(a)1., F.S.
[37] Section 327.35(2)(a), F.S.
[38] Section 327.35(2)(a)2.a., F.S.
[39] Section 327.35(2)(a)2.b.,F.S.
[40] Section 327.35(6)(a), F.S.
[41] *Id*.
[42] *Id*.

- A mandatory term of imprisonment of at least 10 days and a mandatory 30-day vessel impoundment or immobilization for a second conviction that occurs within a period of 5 years after the date of a prior conviction.[43]

Any person who is convicted of a third BUI for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a third degree felony. [44] Additionally, the court must order imprisonment of at least 30 days, and order the impoundment or immobilization of the vessel for 90 days.[45]

Any person who is convicted of a third BUI for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months.[46]

Any person who is convicted of a fourth or subsequent BUI, regardless of when any prior conviction for a violation of this section occurred commits a third degree felony. The fine imposed for a fourth or subsequent violation may not be less than $2,000. [47]

Any person who commits BUI, who operates a vessel, and who by reason of such operation causes or contributes to causing:

- Damage to the property or person of another commits a first degree misdemeanor.[48]
- Serious bodily injury to another commits a third degree felony.[49]
- The death of any human being commits BUI manslaughter and commits a second degree felony.[50]
- If at the time of the accident the person knew, or should have known, that the accident occurred and failed to give information and render aid, such person commits a first degree felony.[51]

Any person who is convicted of a BUI and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a BUI and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, must be punished:[52]

- By a fine of:
  - Not less than $1,000 or more than $2,000 for a first conviction.[53]
  - Not less than $2,000 or more than $4,000 for a second conviction.[54]
  - Not less than $4,000 or a third or subsequent conviction.[55]

[43] Section 327.35(6)(b), F.S.
[44] Section 327.35(2)(b)1., F.S.
[45] Section 327.35(6)(c), F.S.
[46] Section 327.35(2)(b)2., F.S.
[47] Section 327.35(2)(b)3., F.S.
[48] Section 327.35(3)(c)1., F.S.
[49] Section 327.35(3)(c)2., F.S.
[50] Section 327.35(3)(c)3.a., F.S.
[51] Section 327.35(3)(c)b.,F.S., penalties for this subsection does not require that the person know that the accident resulted in injury or death.
[52] Section 327.35(4), F.S.
[53] Section 327.35(4)(a)1., F.S.
[54] Section 327.35(4)(a)2., F.S.
[55] Section 327.35(4)(a)3., F.S.

- By imprisonment for:
  - Not more than 9 months for a first conviction.[56]
  - Not more than 12 months for a second conviction.[57]

Additionally, the court must place any person convicted of BUI to monthly reporting probation and must require attendance at a substance abuse course specified by the court. The agency conducting the course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment.[58]

Implied Consent

A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages.[59] Additionally, a person is deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances.[60]

The urine, or chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcohol, chemical substances, or controlled substances. The administration of a breath test does not preclude the administration of another type of test. [61]

The person shall be told that his or her failure to submit to any lawful test of his or her urine or breath under this chapter will result in a civil penalty of $500, and that if he or she refuses to submit to a lawful test of his or her urine or breath and he or she has been previously fined under s. 327.35215, F.S., or his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a first degree misdemeanor.[62]

The refusal to submit to a urine, or chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.[63]

[56] Section 327.35(4)(b)1., F.S.
[57] Section 327.35(4)(b)2., F.S.
[58] Section 327.35(5), F.S.
[59] Section 327.352(1)(a)1., F.S.
[60] Section 327.352(1)(a)2., F.S.
[61] Section 316.1932(1)(a)1.a., F.S.
[62] Section 327.352(1)(a)1.-2., F.S.
[63] Section 327.352(1)(a)1.-2., F.S.

Refusal

A person who has refused to submit to a chemical or physical test of his or her breath or urine and who has been previously fined under s. 327.35215, F.S.,[64] or has previously had his or her driver license suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, and:

- Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;[65]
- Who was placed under lawful arrest for a BUI unless such test was requested pursuant to s. 327.352(1)(c), F.S.;[66]
- Who was informed that if he or she refused to submit to such test, he or she is subject to a fine of $500;[67]
- Who was informed that a refusal to submit to a lawful test of his or her breath or urine, if he or she has been previously fined for a prior refusal or has previously had his or her driver license suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a first degree misdemeanor.[68]
- Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer commits a first degree misdemeanor.[69]

Blood Test for Impairment

While there is implied consent for a urine or breath test, a blood draw to determine whether a person is under the influence of alcohol, a chemical substance or a controlled substance generally requires a warrant. A blood draw is considered a search and individuals cannot be lawfully compelled to submit to a blood draw by statute.[70]

However, s. 327.353, F.S., provides that a law enforcement officer who has probable cause to believe a vessel operated by a person under the influence of alcoholic beverages, any chemical substance, or any controlled substance has caused the death or serious bodily injury of a human being, must require the person operating the vessel to submit to a blood draw. The officer may use reasonable force if necessary to require the person to submit to the administration of such blood draw.[71]

Courts have upheld a similar statute allowing forcible blood draw after a traffic accident with serious bodily injury where there is probable cause to believe that the driver was under the influence of alcohol.[72]

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[64] Section 327.35215, F.S., provides that a person arrested for an alleged violation of BUI who refuses to submit to ta blood test, breath test, or urine test is subject to a $500 civil penalty.
[65] Section 327.359(1), F.S.
[66] Section 327.359(2), F.S.
[67] Section 327.359(3), F.S.
[68] Section 327.359(4), F.S.
[69] Section 327.359(5), F.S.
[70] *State v. Hamilton*, 350 So. 3d 839 (1st DCA 2022) (citing *Missouri v. McNeely*, 569 U.S. 141, 148 (2013) and *Birchfield v. North Dakota*, 579 U.S. 438, 477 (2016).
[71] Section 327.353(1)(a), F.S.
[72] *See State v. Quintanilla*, 276 So. 3d 941 (3rd DCA 2019).

Boarding a vessel (Search)

The Florida Supreme Court has held that the state's interest in random stopping and brief detention of motorboats for limited purposes outweighs a person's interest in being completely free from such limited intrusion.[73] No officer shall board any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard. An officer may board a vessel:

- When the owner or operator is aboard with consent; or
- When the officer has probable cause or knowledge to believe that a violation of a provision of this chapter has occurred or is occurring.

An officer may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by a law enforcement officer, or when the safety or marine sanitation equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.[74] Law enforcement officers of the FWC have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products.[75]

Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Law enforcement officers may arrest any person in the act of violating this law, the rules of the FWC, or any of the laws of this state.[76]

It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the FWC.[77]

Comparison penalty for Driving Under the Influence of MV and Vessel Under Florida Law

	Motor Vehicle		Vessel		Notes
	Penalty	Statute	Penalty	Statute	
1st Offense	Undesignated MM[78]	316.193(2)(a)	Undesignated MM[79]	327.35(2)(a)	Punishable by a fine of not less than $500 or more than $1000 and not more than 6

[73] *State v. Casal*, 410 So. 2d 152 (Fla. 1982).
[74] Section 327.56 (1), F.S.
[75] Section 379.3313, F.S.
[76] *Id*.
[77] Section 379.3313(1), F.S.
[78] *Id*.
[79] Section 775.081(2), F.S., a misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

					months imprisonment.
2nd Offense	Undesignated MM	316.193(2)(a)	Undesignated MM	327.35(2)(a)	Punishable by a fine of not less than $1000 or more than $2,000 and not more than nine months imprisonment.
3rd Offense within 10 yrs	Felony 3rd	316.193(2)(b)1.	Felony 3rd	327.35(2)(b)1.	Term of imprisonment not to exceed five yrs
3rd Offense more than 10 yrs	Undesignated MM with enhanced penalties	316.193(2)(b)2.	Undesignated MM with enhanced penalties	327.35(2)(b)2.	Punishable by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months
4th or Subsequent	Felony 3rd	316.193(2)(b)3.	Felony 3rd	327.35(2)(b)3.	Not to exceed five yrs imprisonment and a fine not less than $2,000.
Damage to Property or person of another	MM 1st	316.193(3)(c)1.	MM 1st	327.35(3)(c)1.	Punishable by a definite term of imprisonment not exceeding one year and a $1,000 fine.
Serious Bodily Injury	Felony 3rd	316.193(3)(c)2.	Felony 3rd	327.35(3)(c)2.	Term of imprisonment not to exceed five years.
Death of any Human (Manslaughter)	Felony 2nd	316.193(3)(c)3.a	Felony 2nd	327.35(3)(c)3. a.	Term of imprisonment not to exceed 15 years. DUI or BUI Manslaughter has a Mandatory minimum sentence of four years imprisonment.
Knew or should've known that an accident occurred and failed to give information or render aid	Felony 1st	316.193(3)(c)3.b.	Felony 1st	327.35(3)(c)3.b.	Term of imprisonment of 30 years.

BAL .015 or high accompanied by a person under 18	Undesignated MM with enhanced penalties	316.193(4)(a)-(b)	Undesignated MM with enhanced penalties	327.35(4)(a)-(b)	By a fine of: * Not less than $1,000 or more than $2,000 for a first conviction. * Not less than $2,000 or more than $4,000 for a second conviction. *Not less than $4,000 for a third or subsequent conviction. By imprisonment for: * Not more than nine months for a first conviction. * Not more than 12 months for a second conviction.

III. Effect of Proposed Changes:

SB 58 amends multiple statutes relating to boating safety.

Section I, II, III: Identification Cards, Driver License, and Applications

The bill amends s. 322.051, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to issue an original, renewal or replacement identification cards or driver license with a lifetime boating safety identification card symbol upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Fish and Wildlife Conservation Commission (FWC) that the applicant was issued a Florida boating safety identification card.

The department shall include the lifetime boating safety identification card symbol on an original, renewal, or replacement identification card with no additional fee to the applicant for the designation. If the sole purpose of a replacement identification card is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement identification card or driver license must be issued without payment of the fee required by s. 322.21(1)(f).[80]

The bill amends s. 322.08, F.S., to require that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application.

The FWC may provide to the DHSMV any record documenting the applicant's completion of a boating safety education course meeting the requirements of s. 327.395, F.S., or issuance of a Florida boating safety identification card.

[80] Section 322.21(1)(f), F.S., provides that an original, renewal, or replacement identification cards issued is $25.

Section IV: Leaving the Scene of Vessel Accident

The bill amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury. If a person leaves the scene and the accident results in:

- Property damage only, the person commits a first degree misdemeanor.[81]
- Injury to a person other than serious bodily injury, the person commits a third degree felony.
- Serious bodily injury, the person commits a second degree felony.[82]
- The death of another person the person commits a first degree felony.[83]
    - A person who willfully commits a violation of the above law while operating a vessel under the influence must be sentenced to a mandatory minimum term of imprisonment of 4 years.

"Serious bodily injury" means an injury to a person, including the vessel operator, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

Section V: Reckless or Careless operation of a vessel

The bill amends s. 327.33, F.S., to provide that a person who operates a vessel in a reckless manner, and by reason of such operation, causes serious bodily injury to another commits a third degree felony.

The term "serious bodily injury" means an injury to a person which consists of a physical condition that creates a serious personal disfigurement or protracted loss or impairment of the function of a bodily member or organ.

A person who violates a navigation rule while operating a vessel that results in an accident causing serious bodily injury or death but the violation does not constitute reckless operation of a vessel, commits a third degree felony. This bill increases the penalty for such a violation from a misdemeanor to a felony.

Section VI: Boating Under the Influence

The bill amends s. 327.35, to specify that a person commits the offense of boating under the influence and is subject to punishment if the person is in physical control of a vessel within this state and commits certain acts.

A person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years.

<u>Ignition Interlock</u>

[81] A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a $1,000 fine, as provided in ss. 775.082 and 775.083, F.S.
[82] A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to $10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.
[83] A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to $10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

The bill provides for the mandatory placement of an ignition interlock device as ordered by the court and approved by the DHSMV in accordance with s. 316.1938, F.S., upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The ignition interlock device must be installed, at the convicted person's sole expense, for not:

- Less than two continuous years for a 3rd violation that occurs within 10 years after a prior conviction.
- Less than two continuous years for a 3rd violation that occurred more than 10 years after the date of a prior conviction.
- Less than six continuous months for the first offense and for not less than two continuous years for a second offense for any person who is convicted of a BUI who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

The court may order ignition interlock for not less than six continuous months for a 4th or subsequent violation if the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher.

Substance Abuse Treatment Referral

In addition to any sentence or fine, the court shall place any offender convicted of BUI on monthly reporting probation and shall require attendance at a substance abuse course specified by the court. The agency conducting the substance abuse course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment which must include a psychosocial evaluation. If the substance abuse program makes such a referral, the completion of all such education, evaluation and treatment is a condition of reporting probation.

A referral to treatment resulting from a psychosocial evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider appointed by the court. The provider must be provided access to the substance abuse program's psychosocial evaluation before the independent psychosocial evaluation is conducted. The court shall review the results and recommendations of both evaluations before determining the request for a waiver.

This bill provides that upon notification of the offender's failure to complete the substance abuse education course and treatment, the court may order the suspension or revocation of the offender's driving privileges. The DHSMV may temporarily reinstate the driving privilege on a restricted basis upon verification from the substance abuse program that the offender is currently participating in treatment and that both the substance abuse education course and evaluation requirement have been completed.

An organization that conducts an offender's substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department, in accordance with department rule, determines that the service provider conducting the substance abuse education and evaluation is the most appropriate service provider and is licensed under ch. 397, F.S., or is exempt from such licensure. Organizations authorized to provide services under this section shall submit quarterly statistical referral reports to the department.

Other BUI Penalties and Requirements

For the second conviction for an offense that occurs within a period of five years after the date of a prior conviction, the court may order a defendant to pay a fine of $10 for each hour of public service or community work otherwise required only if the court finds that the residence or location of the defendant at the time public service or community work is required or the defendant's employment obligations would create an undue hardship for the defendant. However, the total period of probation and incarceration may not exceed one year. The bill decreases from 30 to 10 the number of days that a vessel must be impounded.

A person convicted of BUI whether arising from the same incident or incidents occurring within the preceding 12 months, must maintain an insurance policy insuring against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Such insurance policy must contain limits of not less than $100,000 for bodily injury liability or death and $50,000 for property damage. A person who operates a vessel without such insurance policy commits a second degree misdemeanor.

Section VII: Implied Consent

The bill amends s. 327.352, F.S., to revise penalties for a person operating a vessel who fails to submit to a lawful test of his or her breath or urine.

The person must be told that his or her failure to submit to a lawful test of his or her breath or urine will result in a suspension of the person's privilege to operate a vessel for a period of one year for a first refusal or for a period of 18 months if his or her privilege to operate a vessel has been previously suspended or if he or she has been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required.

Section VIII: Boating Safety Education

The bill amends s. 327.395, F.S., to provide that while operating a vessel powered by a motor of 10 horsepower or more a person must have in his or her possession aboard the vessel specified documentation. Current law provides that only persons born on or after a specified date must carry such documentation.

An FWC-approved boating safety education course or temporary certificate examination developed or approved by the commission must include components. The bill adds to the list of specified documents:

- BUI
- Human trafficking

Section IX: Mandatory Education

The bill amends s. 327.731, F.S., to revise the mandatory education requirements for a person convicted of a criminal violation, convicted of a noncriminal infraction if the infraction resulted in a reportable boating accident, or convicted of a specified noncriminal infraction. Such person must do all of the following:

- Enroll in, attend, and successfully complete, at his or her own expense, one of the following courses, as applicable:
  - For a person convicted of any two noncriminal infractions within a 24-month period, the boating safety education course provided for in s. 327.395, F.S.
  - For a person convicted of a criminal violation, of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or of three or more noncriminal infractions within a 36-month period, the boating safety education course provided for in s. 327.395, F.S. and a 4-hour course that includes information regarding all of the following:
    - The boating laws of this state.
    - Causes and prevention of boating accidents.
    - The importance of wearing personal floatation devices.
    - The use of common sense and common courtesy while operating a vessel.
    - How to operate a vessel defensively.

Section X: Vessel Homicide

The bill amends s. 782.072, F.S., to revise the definition for "vessel homicide" to include the killing of an unborn child causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances. The term "unborn child," is to mean a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.[84]

Sections 1, 2, 3, 6 and 7 of this bill are effective October 1, 2026. Section 8 of this bill is effective July 1, 2027. Except as otherwise expressly provided in this act, this bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

[84] Section 775.021(5)(e), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Pursuant to s. 327.395(9), F.S., FWC is authorized to collect a fee of $2.00 for each card and temporary certificate associated with boating safety education courses. The bill would result in an increase in the volume of boaters required to obtain a boating safety education card or certificate, which would result in an increase in the amount of revenue collected from associated fees. Any such impact would be indeterminately positive.[85]

The bill would increase the number of boating safety education cards and certificates issued by FWC. Currently about 45 percent of the cards issued are printed on plastic and accompanied by a letter mailed to the card holder. When plastic cards are issued, there is a cost associated with staff time, cost of the card/letter/envelope, printing, and the cost of mailing each card.

Additionally, provisions in the bill related to records communicated to DHSMV may require a mechanism by which to disseminate information. As such, the bill would have an indeterminate negative fiscal impact on expenditures proportionate to the relative increase in card and certificate issuance.

The FWC would need to develop a process to share/provide to the DHSMV the data containing names of individuals who have completed a boating safety education course. We do not anticipate any fiscal impact, as such processes could likely be provided for using existing resources.[86]

DHSMV collected $1,453 in the Highway Safety Operating Trust Fund in FY 2022-2023 form customers who requested just the Lifetime Boater Safety designation. Although the DHSMV cannot predict how many individuals would add the Lifetime Boater Safety

[85] Florida Fish and Wildlife Conservation The FWC, *2024 Agency Legislative Bill Analysis*, on SB 30, pg. 4 (on file with the Senate Committee on Criminal Justice).
[86] Florida Fish and Wildlife Conservation The FWC, *2024 Agency Legislative Bill Analysis*, on SB 30, pg. 5 (on file with the Senate Committee on Criminal Justice).

designation, if the same number of customers of FY 2022-2023 requested the Lifetime Boater Safety designation, then the fiscal year revenue loss would be $1,453.[87]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.08, 322.14, 327.30, 327.33, 327.35, 327.352, 327.395, 327.731, 782.072, 119.0712, 327.70, 327.73, and 327.54.

The bill reenacts 327.54, F.S., relating to liveries, to incorporate the amendment made to s. 327.395, F.S.

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.

[87] Highway Safety and Motor Vehicles, *2024 Agency Legislative Bill Analysis* on SB 30 at pg. 4 (on file with the Senate Committee on Criminal Justice).

By Senator Garcia

36-00060A-25 202558__

A bill to be entitled

An act relating to boating safety; amending s. 322.051, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue original, renewal, or replacement identification cards with a lifetime boating safety identification card symbol to applicants if certain conditions are met; requiring the department to include the symbol on such cards with no additional fee for the designation; requiring the department to issue certain replacement identification cards without charging a specified fee; amending s. 322.08, F.S.; requiring that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application; authorizing the Fish and Wildlife Conservation Commission to provide the department with certain information relating to the applicant; amending s. 322.14, F.S.; requiring the department to issue original, renewal, or replacement driver licenses with a lifetime boating safety identification card symbol to applicants if certain conditions are met; requiring the department to include the symbol on such licenses with no additional fee for the designation; requiring the department to issue certain replacement driver licenses without charging a specified fee; amending s. 327.30, F.S.; revising the penalties for persons operating a vessel involved in

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an accident or injury who leave the scene of the accident or injury under certain circumstances; providing graduated penalties depending on the level of damage to property or injury to person; providing a mandatory minimum sentence for a person who willfully commits such a violation resulting in the death of another while boating under the influence; defining the term "serious bodily injury"; amending s. 327.33, F.S.; providing increased criminal penalties for the reckless operation of a vessel which causes serious bodily injury to another; defining the term "serious bodily injury"; amending s. 327.35, F.S.; revising the conditions that compose the offense of, and penalties for, boating under the influence (BUI); requiring courts to order the mandatory placement of ignition interlock devices upon certain vehicles leased or owned and routinely operated by certain persons; revising the conditions composing the offense of, and penalties for, BUI manslaughter; providing a mandatory minimum term of imprisonment for a person convicted of BUI manslaughter; requiring courts to order the mandatory placement of ignition interlock devices upon certain vehicles leased or owned and routinely operated by certain persons; revising substance abuse education, evaluation, and treatment requirements for certain persons; requiring substance abuse programs to notify the court and department of an offender's failure to report to or complete such treatment or education and evaluation; providing penalties for the

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

offender; requiring waivers before organizations conducting substance abuse education and evaluation begin providing such treatment; providing authorization and documentation requirements for such waivers; authorizing civil penalties; requiring a person convicted of certain BUI violations to maintain an insurance policy that meets certain requirements; providing criminal penalties for failure to maintain such insurance policy; making technical changes; amending s. 327.352, F.S.; revising penalties for a person operating a vessel who fails to submit to a lawful test of his or her breath or urine; amending s. 327.395, F.S.; requiring that all persons, rather than only persons born on or after a specified date, have specified identification in their possession while operating a vessel; revising the required components of the commission's developed or approved boating safety education course and temporary certificate examination; amending s. 327.731, F.S.; revising the mandatory education requirements for a person convicted of certain violations; requiring the commission to adopt rules; making technical changes; amending s. 782.072, F.S.; revising the definition of the term "vessel homicide" to include the killing of an unborn child by causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances; defining the term "unborn child"; amending ss. 119.0712, 327.70, and 327.73, F.S.; conforming cross-references; reenacting s.

327.54(4), F.S., relating to liveries, to incorporate the amendment made to s. 327.395, F.S., in references thereto; providing effective dates.

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

Section 1. Effective October 1, 2026, paragraph (d) of subsection (8) of section 322.051, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

322.051 Identification cards.—

(8)

(d) The department shall include symbols representing the following on an identification card upon the payment of an additional $1 fee by an applicant who meets the requirements of subsection (1) and presents his or her:

1. Lifetime freshwater fishing license;

2. Lifetime saltwater fishing license;

3. Lifetime hunting license; or

4. Lifetime sportsman's license~~; or~~

~~5. Lifetime boater safety identification card~~.

A person may replace his or her identification card before its expiration date with a card that includes his or her status as a lifetime licensee ~~or boater safety cardholder~~ upon surrender of his or her current identification card, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of the person's lifetime license ~~or card~~. If the sole purpose of the replacement identification card is the inclusion of the applicant's status as a lifetime licensee ~~or~~

~~cardholder~~, the replacement identification card must be issued without payment of the fee required in s. 322.21(1)(f)3.c.

(f) The department shall issue an original, renewal, or replacement identification card, as applicable, which includes a symbol representing a lifetime boating safety identification card upon the applicant's presentation of his or her Florida boating safety identification card or shall provide a receipt of confirmation by the Fish and Wildlife Conservation Commission that the applicant was issued a Florida boating safety identification card. The department shall include the lifetime boating safety identification card symbol on an original, renewal, or replacement identification card with no additional fee to the applicant for the designation. If the sole purpose of a replacement identification card is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement identification card must be issued without payment of the fee required by s. 322.21(1)(f).

Section 2. Effective October 1, 2026, present subsections (5) through (10) of section 322.08, Florida Statutes, are redesignated as subsections (6) through (11), respectively, and a new subsection (5) is added to that section, to read:

322.08 Application for license; requirements for license and identification card forms.—

(5) Each such application must indicate whether the applicant has obtained a Florida boating safety identification card pursuant to s. 327.395, and, if so, a copy of such card must be submitted with the application. For purposes of administering this subsection, the Fish and Wildlife Conservation Commission may provide to the department any record

documenting the applicant's completion of a boating safety education course meeting the requirements of s. 327.395 or issuance of a Florida boating safety identification card.

Section 3. Effective October 1, 2026, paragraph (e) of subsection (1) of section 322.14, Florida Statutes, is amended, and paragraph (g) is added to that subsection, to read:

322.14 Licenses issued to drivers.—

(1)

(e) The department shall include symbols representing the following on a driver license upon the payment of an additional $1 fee by an applicant who meets the requirements of s. 322.08 and presents his or her:

1. Lifetime freshwater fishing license;

2. Lifetime saltwater fishing license;

3. Lifetime hunting license; or

4. Lifetime sportsman's license~~; or~~

~~5. Lifetime boater safety identification card~~.

A person may replace his or her driver license before its expiration date with a license that includes his or her status as a lifetime licensee ~~or boater safety cardholder~~ upon surrender of his or her current driver license, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of the person's lifetime license ~~or identification card~~. If the sole purpose of the replacement driver license is the inclusion of the applicant's status as a lifetime licensee ~~or cardholder~~, the replacement driver license must be issued without payment of the fee required in s. 322.21(1)(e).

(g) The department shall issue an original, renewal, or replacement driver license, as applicable, which includes a symbol representing a lifetime boating safety identification card, upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Fish and Wildlife Conservation Commission that the applicant has been issued a Florida boating safety identification card. The department shall include the lifetime boating safety identification card symbol on an original, renewal, or replacement driver license with no additional fee to the applicant for the designation. If the sole purpose of a replacement driver license is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement driver license must be issued without payment of the fee required by s. 322.21(1)(e).

Section 4. Subsection (5) of section 327.30, Florida Statutes, is amended to read:

327.30 Collisions, accidents, and casualties.—

(5) It is unlawful for a person operating a vessel involved in an accident or injury to leave the scene of the accident or injury without giving all possible aid to all persons involved and making a reasonable effort to locate the owner or persons affected and subsequently complying with and notifying the appropriate law enforcement official as required under this section.

(a) If a ~~Any~~ person ~~who~~ violates this subsection and the ~~with respect to an~~ accident results ~~resulting~~ in:

1. Property damage only, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.

775.083.

2. Injury to a person other than serious bodily injury, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Serious bodily injury, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The death of another person, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who willfully commits a violation of this subparagraph while operating a vessel under the influence as set forth in s. 327.35(1) must be sentenced to a mandatory minimum term of imprisonment of 4 years.

(b) As used in this subsection, the term "serious bodily injury" means an injury to a person, including the vessel operator, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ ~~personal injury commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any person who violates this subsection with respect to an accident resulting in property damage only commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

Section 5. Present subsections (2), (3), and (4) of section 327.33, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, a new subsection (2) is added to that section, and subsection (1) and present subsection (3) of that section are amended, to read:

327.33 Reckless or careless operation of vessel.—

(1) It is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person commits ~~is guilty of~~ reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6). Except as provided in subsection (2), a person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who:

(a) Violates subsection (1);

(b) Operates a vessel; and

(c) By reason of such operation, causes serious bodily injury to another,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "serious bodily injury" means an injury to a person which consists of a physical condition that creates a serious personal disfigurement or protracted loss or impairment of the function of a bodily member or organ.

(4)~~(3)~~ Each person operating a vessel upon the waters of this state shall comply with the navigation rules.

(a) A person who violates a ~~the~~ navigation rule ~~rules~~ and such ~~the~~ violation results in a boating accident causing serious bodily injury as defined in s. 327.353 or death, but the

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violation does not constitute reckless operation of a vessel, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who violates the navigation rules and the violation does not constitute reckless operation of a vessel commits a noncriminal violation as defined in s. 775.08, punishable as provided in s. 327.73.

(c) Law enforcement vessels may deviate from the navigational rules when such diversion is necessary to the performance of their duties and when such deviation may be safely accomplished.

Section 6. Effective October 1, 2026, present subsection (10) of section 327.35, Florida Statutes, is redesignated as subsection (11), a new subsection (10) is added to that section, and subsections (1) through (6) of that section are amended, to read:

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

(1) A person commits ~~is guilty of~~ the offense of boating under the influence and is subject to punishment as provided in subsection (2) if the person is in physical control of ~~operating~~ a vessel within this state and any of the following applies:

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

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

(c) The person has a breath-alcohol level of 0.08 or more

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grams of alcohol per 210 liters of breath.

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), a ~~any~~ person ~~who is~~ convicted of a violation of subsection (1) is subject to the following ~~shall be punished~~:

1. ~~By~~ A fine of:

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

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

2. ~~By~~ Imprisonment for:

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

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

The clerk shall remit the portion of a fine imposed in excess of $500 pursuant to sub-subparagraph 1.a. and the portion of a fine imposed in excess of $1,000 pursuant to sub-subparagraph 1.b.~~,~~ ~~shall be remitted by the clerk~~ to the Department of Revenue for deposit into the General Revenue Fund.

(b)1. A ~~Any~~ person ~~who is~~ convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The ignition interlock device must be installed, at the convicted

person's sole expense, for not less than 2 continuous years.

2. A ~~Any~~ person ~~who is~~ convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section is subject to ~~shall be punished by~~ a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. The clerk shall remit the portion of a fine imposed in excess of $2,500 pursuant to this subparagraph ~~shall be remitted by the clerk~~ to the Department of Revenue for deposit into the General Revenue Fund. In addition, the court shall order the mandatory placement of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The ignition interlock device must be installed, at the convicted person's sole expense, for not less than 2 continuous years.

3. Any person ~~who is~~ convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

However, the fine imposed for such fourth or subsequent violation may not be less than $2,000. The clerk shall remit the portion of such fine imposed in excess of $1,000 ~~shall be remitted by the clerk~~ to the Department of Revenue for deposit into the General Revenue Fund. In addition to the penalties specified in paragraph (a), the court may order the placement of

an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles individually or jointly leased or owned and routinely operated by the convicted person if, at the time of the offense, the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher. The ignition interlock device must be installed, at the convicted person's sole expense, for not less than 6 continuous months.

(3) A ~~Any~~ person who:

(a) Violates ~~Who is in violation of~~ subsection (1);

(b) ~~Who~~ Operates a vessel; and

(c) ~~Who,~~ By reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 327.353, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of a ~~any~~ human being or an unborn child as defined in s. 775.021(5)(e) commits BUI manslaughter, and commits:

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

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

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

(II) The person failed to give information and render aid as required by s. 327.30.

A person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years. ~~This~~ Sub-subparagraph 3.b. does not require that the person knew that the accident resulted in injury or death.

(4) A ~~Any~~ person ~~who is~~ convicted of violating ~~a violation of~~ subsection (1) ~~and~~ who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person ~~who is~~ convicted of violating ~~a violation of~~ subsection (1) ~~and~~ who at the time of the offense was accompanied in the vessel by a person under ~~the age of~~ 18 years of age, is subject to ~~shall be punished~~:

(a) ~~By~~ A fine of:

1. Not less than $1,000 or more than $2,000 for a first conviction.

2. Not less than $2,000 or more than $4,000 for a second conviction.

3. Not less than $4,000 for a third or subsequent conviction.

(b) ~~By~~ Imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

(c) In addition to the penalties provided in paragraphs (a) and (b), the mandatory placement of an ignition interlock device as ordered by the court and approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The ignition interlock device must be installed, at the convicted person's sole expense, for

not less than 6 continuous months for the first offense and for not less than 2 continuous years for a second offense.

The clerk shall remit the portion of a fine imposed in excess of $1,000 pursuant to subparagraph (a)1. and the portion of a fine imposed in excess of $2,000 pursuant to subparagraph (a)2. or subparagraph (a)3.~~, shall be remitted by the clerk~~ to the Department of Revenue for deposit into the General Revenue Fund. For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

(5) In addition to any sentence or fine, the court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course specified by the court.~~; and~~

(a) The agency conducting the substance abuse course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, which must include a psychosocial evaluation of the offender, in addition to any sentence or fine imposed under this section. If the substance abuse program makes such a referral in addition to any sentence or fine imposed under this section, the completion of all such education, evaluation, and treatment is a condition of reporting probation. The offender shall assume reasonable costs for such education, evaluation, and treatment~~, with completion of all such education, evaluation, and treatment being a condition of reporting probation~~. A referral to treatment resulting from a psychosocial evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized

substance abuse treatment provider ~~agency~~ appointed by the court. The provider must be provided access to the substance abuse program's psychosocial evaluation before the independent psychosocial evaluation is conducted ~~and with access to the original evaluation~~. The offender shall bear the cost of this procedure. The court shall review the results and recommendations of both evaluations before determining the request for a waiver.

(b) If an offender is referred to treatment under this subsection and he or she fails to report for or complete such treatment or fails to complete the program's substance abuse education course and evaluation, the substance abuse program must notify the court and the department of the failure. Upon receipt of the notice, the department must cancel the offender's driving privilege, notwithstanding the terms of the court order or any suspension or revocation of the driving privilege. The department may temporarily reinstate the driving privilege on a restricted basis upon verification from the substance abuse program that the offender is currently participating in treatment and that both the substance abuse education course and evaluation requirement have been completed. If the substance abuse program notifies the department of a second failure to complete treatment, the department must reinstate the driving privilege only after notice of completion of treatment from the substance abuse program.

(c) An organization that conducts an offender's substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted

only if the department, in accordance with department rule, determines that the service provider conducting the substance abuse education and evaluation is the most appropriate service provider and is licensed under chapter 397 or is exempt from such licensure. Organizations authorized to provide services under this section shall submit quarterly statistical referral reports to the department.

(d) As used in this subsection, the term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I-V of s. 893.03.

(6) With respect to a ~~any~~ person convicted of violating ~~a violation of~~ subsection (1), regardless of any other penalty imposed:

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. The court shall ~~must~~ also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 days or for the unexpired term of any lease or rental agreement that expires within 10 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph (g). The total period of probation and incarceration may not exceed 1 year.

(b) For the second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. The court may order a defendant to pay a fine of $10 for each hour of public service or community work otherwise required only if the court finds that the residence or location of the defendant at the time public service or community work is required or the defendant's employment obligations would create an undue hardship for the defendant. However, the total period of probation and incarceration may not exceed 1 year. The court shall ~~must~~ also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 ~~30~~ days or for the unexpired term of any lease or rental agreement that expires within 10 ~~30~~ days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph (g). At least 48 hours of confinement must be consecutive.

(c) For the third or subsequent conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. The court shall ~~must~~ also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in

the defendant's name at the time of impoundment or immobilization, for a period of 90 days or for the unexpired term of any lease or rental agreement that expires within 90 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph (g). At least 48 hours of confinement must be consecutive.

(d) The court shall ~~must~~ at the time of sentencing the defendant issue an order for the impoundment or immobilization of a vessel. Within 7 business days after the date that the court issues the order of impoundment, and once again 30 business days before the actual impoundment or immobilization of the vessel, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of each vessel, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vessel.

(e) A person who owns but was not operating the vessel when the offense occurred may submit to the court a police report indicating that the vessel was stolen at the time of the offense or documentation of having purchased the vessel after the offense was committed from an entity other than the defendant or the defendant's agent. If the court finds that the vessel was stolen or that the sale was not made to circumvent the order and allow the defendant continued access to the vessel, the order must be dismissed and the owner of the vessel will incur no costs. If the court denies the request to dismiss the order of impoundment or immobilization, the petitioner may request an

evidentiary hearing.

(f) A person who owns but was not operating the vessel when the offense occurred, and whose vessel was stolen or who purchased the vessel after the offense was committed directly from the defendant or the defendant's agent, may request an evidentiary hearing to determine whether the impoundment or immobilization should occur. If the court finds that either the vessel was stolen or the purchase was made without knowledge of the offense, that the purchaser had no relationship to the defendant other than through the transaction, and that such purchase would not circumvent the order and allow the defendant continued access to the vessel, the order must be dismissed and the owner of the vessel will incur no costs.

(g) All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vessel or, if the vessel is leased or rented, by the person leasing or renting the vessel, unless the impoundment or immobilization order is dismissed.

(h) The person who owns a vessel that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vessel and who has not requested a review of the impoundment pursuant to paragraph (e) or paragraph (f), may, within 10 days after the date that person has knowledge of the location of the vessel, file a complaint in the county in which the owner resides to determine whether the vessel was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vessel released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for

impoundment or immobilization, including towing or storage, to ensure the payment of the costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vessel. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vessel or to the contents of the vessel.

(i) A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which the defendant has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, any conviction for a violation of s. 316.193, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section.

(10) Notwithstanding any sentence or fine imposed by law or the court, a person convicted of violating subsection (1) and one or more additional criminal violations under this chapter, whether arising from the same incident or incidents occurring

within the preceding 12 months, must maintain an insurance policy insuring against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Such insurance policy must contain limits of not less than $100,000 for bodily injury liability or death and $50,000 for property damage. A person who operates a vessel without such insurance policy commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Effective October 1, 2026, paragraph (a) of subsection (1) of section 327.352, Florida Statutes, is amended to read:

327.352 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, a person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must

be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person must ~~shall~~ be told that his or her failure to submit to a ~~any~~ lawful test of his or her breath under this chapter will result in a suspension of the person's privilege to operate a vessel for a period of 1 year for a first refusal or for a period of 18 months if his or her privilege to operate a vessel has been previously suspended or if he or she has been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 316. The person must also be told ~~civil penalty of $500, and~~ that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, under this chapter or chapter 316, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the

presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test must be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person must ~~shall~~ be told that his or her failure to submit to a ~~any~~ lawful test of his or her urine under this chapter will result in suspension of the person's privilege to operate a vessel for a period of 1 year for the first refusal, or for a period of 18 months if his or her privilege to operate a vessel or to operate a vehicle has been previously suspended under s. 327.35215 or chapter 316. The person must also be told ~~a civil penalty of $500, and~~ that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a

misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

Section 8. Subsections (1), (2), and (4) of section 327.395, Florida Statutes, are amended to read:

327.395 Boating safety education.—

(1) Effective July 1, 2027, a person operating ~~born on or after January 1, 1988, may not operate~~ a vessel powered by a motor of 10 horsepower or greater must have ~~unless such person has~~ in his or her possession aboard the vessel the documents required by subsection (2).

(2) While operating a vessel, a person ~~identified under subsection (1)~~ must have in his or her possession aboard the vessel photographic identification and a Florida boating safety identification card issued by the commission; a state-issued identification card or driver license indicating possession of the Florida boating safety identification card; or photographic identification and a temporary certificate issued or approved by the commission, an International Certificate of Competency, a boating safety card or certificate from another state or United States territory, or a Canadian Pleasure Craft Operator Card, which shows that he or she has done one of the following:

(a) Completed a commission-approved boating safety education course that meets the minimum requirements established by the National Association of State Boating Law Administrators.~~;~~

(b) Passed a temporary certificate examination developed or

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approved by the commission.~~;~~

(c) Obtained a valid International Certificate of Competency.~~; or~~

(d) Completed a boating safety education course or equivalency examination in another state, a United States territory, or Canada which meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators.

(4) A commission-approved boating safety education course or temporary certificate examination developed or approved by the commission must include components regarding all of the following:

(a) Diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.

(b) The danger associated with:

1. A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.

2. A passenger falling overboard.

3. Operating a vessel with a person in the water near the vessel.

4. Starting a vessel with the engine in gear.

5. Leaving the vessel running when a passenger is boarding or disembarking.

6. Boating under the influence in violation of s. 327.35.

(c) The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.

(d) Human trafficking awareness.

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The commission must include the components under this subsection in boating safety education campaigns and in educational materials produced by the commission, as appropriate.

Section 9. Section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or convicted of a ~~two~~ noncriminal infraction ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p), or ~~and~~ (s)-(y)~~, the infractions occurring within a 12-month period,~~ must do all of the following:

(a) Enroll in, attend, and successfully complete, at his or her own expense, one of the following courses, as applicable:

1. For a person convicted of any two noncriminal infractions within a 24-month period, the boating safety education course provided for in s. 327.395.

2. For a person convicted of a criminal violation, of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or of three or more noncriminal infractions within a 36-month period, the boating safety education course provided for in s. 327.395 and a 4-hour course that includes information regarding all of the following:

a. The boating laws of this state.

b. Causes and prevention of boating accidents.

c. The importance of wearing personal flotation devices.

d. The use of common sense and common courtesy while operating a vessel.

e. How to operate a vessel defensively. ~~a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule;~~

(b) File with the commission within 90 days proof of successful completion of the course.~~;~~

(c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission.~~; and~~

(d) Pay a fine of $500. The clerk of the court shall remit all fines assessed and collected under this paragraph to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to support law enforcement activities.

(2) As used in ~~For the purposes of~~ this section, the terms "convicted" and "conviction" mean ~~means~~ a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, regardless of whether ~~or not~~ adjudication was withheld or whether imposition of sentence was withheld, deferred, or suspended. A ~~Any~~ person who operates a vessel on the waters of this state in violation of ~~the provisions of~~ this section commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The commission shall print on the reverse side of the defendant's copy of the boating citation a notice of the provisions of this section. Upon conviction, the clerk of the court shall notify the defendant that it is unlawful for him or her to operate any vessel until he or she has complied with this section, but failure of the clerk of the court to provide such a notice is ~~shall~~ not ~~be~~ a defense to a charge of unlawful operation of a vessel under subsection (2).

(4) The commission shall:

(a) Maintain a program to ensure compliance with the mandatory boating safety education requirements under this section. This program must:

1.~~(a)~~ Track any citations resulting in a conviction under this section and the disposition of such citations; and~~.~~

2.~~(b)~~ Send specific notices to each person subject to the requirement for mandatory boating safety education.

(b) Adopt rules necessary to implement this section.

Section 10. Section 782.072, Florida Statutes, is amended to read:

782.072 Vessel homicide.—"Vessel homicide" is the killing of a human being, or the killing of an unborn child by causing injury to the mother, by the operation of a vessel as defined in s. 327.02 by another in a reckless manner likely to cause the death of, or great bodily harm to, another. As used in this section, the term "unborn child" has the same meaning as in s. 775.021(5)(e). Vessel homicide is:

(1) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 327.30(1).

This subsection does not require that the person knew that the accident resulted in injury or death.

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

Section 11. Effective October 1, 2026, paragraph (c) of subsection (2) of section 119.0712, Florida Statutes, is amended to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

(c) E-mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively.

Section 12. Paragraph (a) of subsection (3) of section 327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(3)(a) Noncriminal violations of the following statutes may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on the waters of this state:

1. Section 327.33(4)(b) ~~327.33(3)(b)~~, relating to navigation rules.

2. Section 327.44, relating to interference with navigation.

3. Section 327.50(2), relating to required lights and shapes.

4. Section 327.53, relating to marine sanitation.

5. Section 328.48(5), relating to display of decal.

6. Section 328.52(2), relating to display of number.

7. Section 327.4107, relating to vessels at risk of becoming derelict.

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

8. Section 327.4109, relating to prohibited anchoring or mooring.

Section 13. Paragraph (o) of subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(o) Section 327.33(4)(b) ~~327.33(3)(b)~~, relating to a violation of navigation rules:

1. That does not result in an accident; or

2. That results in an accident not causing serious bodily injury or death, for which the penalty is:

a. For a first offense, up to a maximum of $500.

b. For a second offense, up to a maximum of $1,000.

c. For a third or subsequent offense, up to a maximum of $1,500.

Any person cited for a violation of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $100, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at

the time such uniform boating citation is issued.

Section 14. For the purpose of incorporating the amendment made by this act to section 327.395, Florida Statutes, in references thereto, subsection (4) of section 327.54, Florida Statutes, is reenacted to read:

327.54 Liveries; safety regulations; penalty.—

(4) A livery may not knowingly lease or rent a vessel to a person who is required to comply with s. 327.395 unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

2024 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Highway Safety and Motor Vehicles

BILL INFORMATION	
BILL NUMBER:	SB 30
BILL TITLE:	**Boating Safety**
BILL SPONSOR:	Garcia (I)
EFFECTIVE DATE:	7/1/2024

COMMITTEES OF REFERENCE
1)
2)
3)
4)
5)

CURRENT COMMITTEE

SIMILAR BILLS	
BILL NUMBER:	N/A
SPONSOR:	N/A

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	N/A
SPONSOR:	N/A

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
Date of Analysis:	October 25, 2023
Division Director/Designee MS	10/26/23
Division Director/Designee FHP	
Bureau Chief(s):	Jessica Espinoza, Bureau of Issuance Oversight (BIO)
Additional Analyst(S):	September 13, 2023: Kenny Zimmerman – Strategic Management Office September 18, 2023: BIO and ISA Representatives
Legal Analyst:	10.25.2023: Kathy Jiminez, Driver License Chief, OGC
Fiscal Analyst:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill 30 ("bill") requires the Department of Highway Safety and Motor Vehicles (Department) to add the Lifetime Boating Safety symbol on new or renewal driver license or identification cards to applicants at no cost for the designation if certain conditions are met; requires that applications for original, renewal, or replacement driver licenses or identification cards to include proof, such as their Florida Boating Safety Identification Card or a receipt of confirmation by the Fish and Wildlife Conservation Commission (FWC), that the applicant was issued a Florida Boating Safety Identification Card; may require the Department to accept electronic submission of such proof.

If passed, this act shall take effect July 1, 2024.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

On February 25, 2016 CS/SB 158 was enacted to alter sections 322.051(8)(d) and 322.14(1)(e), F.S., to provide that an individual who holds a lifetime fishing, hunting, or sportsman's license or a lifetime boater safety identification card may have a symbol displaying that lifetime status added to the individual's driver license or identification card, when the driver license or identification card is being issued for a fee. Adding the recreational symbol requires the payment of a $1.00 fee, in addition to the applicable original or renewal driver license or identification card fees. An individual who replaces his or her driver license or identification card before its expiration date, may also add the recreational symbol. Adding the recreational symbol to a replacement driver license or identification card where a change or update is made (i.e., an address or name change) requires payment of a $2.00 fee, in addition to applicable replacement driver license or identification card fees. If the sole purpose of replacing the driver license or identification card is to add a lifetime fishing, hunting, sportsman or boater safety symbol, the replacement driver license or identification card must be issued without payments of the credential replacement fees, as required in s. 322.21(1)(f)3.c., F.S., where only a $2.00 fee is required for the issuance. A driver license or identification card that has a recreational symbol can be used as proof that the individual possesses the lifetime recreational license or card.

As of September 2023, the Department has issued 12,176 driver licenses and 147 identification cards with the lifetime boater safety symbol.

2. EFFECT OF THE BILL:

The bill creates s. 322.051(8)(f), and 322.14(1)(g) F.S., which directs the Department to add the recreational symbol for applicants who request the symbol and can produce a lifetime boating safety identification card or show receipt of confirmation issued by the FWC at no additional designation charge during an original or renewal driver license or identification card transaction. The applicant must present a copy of the lifetime boating safety identification card or receipt of confirmation to have the symbol placed on the driver license or identification card and must only pay the required credential issuance fees.

The bill amends s. 322.08, F.S., to require an applicant for a driver license who requests the recreational symbol to state whether the applicant has obtained a Florida boating safety identification card pursuant to s. 327.395, F.S., and if so, a copy of such card must be submitted with the application. The bill also states that

the FWC may provide the Department with any record it has of the applicant completing the boating safety education course or having been issued a Florida boating safety identification card.

The department interprets the new provisions in s. 322.051(8)(f) and 322.08(5)), F.S., to mean that the applicant will not be charged a fee to have the lifetime boating safety identification card symbol added to a driver license or identification card as part of an original or renewal transaction. (See Amendments in Additional Comments section)

In addition, the amendments to s. 322.08(5) F.S., authorize the FWC to provide the Department with FWC records regarding completion of a boating safety education course and the issuance of a Florida boating safety identification card and, if FWC chooses to implement a data exchange to make that information available, the Department will need to develop means to access the data provided by FWC.

Section 4 regarding s. 327.35 F.S., boating under the influence, does not apply to the Department.

Impact to the Department:

Passage of the bill will require the Department to implement programming changes to legacy and modernized computer systems, notify tax collector stakeholders and internal staff of procedural updates, and make website changes. (For more details on impact, see the Technology Impact section.)

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y☒ N☐

If yes, explain:	Procedure regarding the current fees will need to be updated to reflect no charge for the symbol (lifetime designation) to be added.
Is the change consistent with the agency's core mission?	Y☒ N☐
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Proponents of this bill may be holders of lifetime boating licenses issued by Florida Fish and Wildlife Commission.
Opponents and summary of position:	There are no known opponents.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y☐ N☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y☐ N☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y☐ N☒

Revenues:	Unknown
Expenditures:	Unknown
Does the legislation increase local taxes or fees? If yes, explain.	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?	NA

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y☒ N☐

Revenues:	The Department collected $1,453 in the Highway Safety Operating Trust Fund in FY 2022-2023 from customers who requested just the Lifetime Boater Safety designation. Although the Department cannot predict how many individuals would add the Lifetime Boater Safety designation, if the same number of customers of FY 2022-2023 requested the Lifetime Boater Safety designation, then the fiscal year revenue loss would be $1,453.
Expenditures:	None
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	NA

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y☐ N☒

Revenues:	Unknown
Expenditures:	Unknown
Other:	NA

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y☒ N☐

If yes, explain impact.	Boaters opting to have "Lifetime Boater Safety Symbol" displayed on their driver license or identification card would no longer pay the $1 or $2 fee.
Bill Section Number:	Section 1, Lines 59, and 63

TECHNOLOGY IMPACT

1. DOES THE BILL 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 Department estimates that 315 hours will be required for programming and implementation. These hours are estimated to have a fiscal impact on the Department of $12,225 in FTE and contracted resources. (Development: 190 hours @ $40/hour + 20 hours @ $100/hour and Testing: 105 hours @ $25/hour) Programming would be needed to update the fees for issuances where a lifetime boater safety designation is added to the credential for driver licenses and identification cards.

FEDERAL IMPACT

1. **DOES THE BILL 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.	None

ADDITIONAL COMMENTS

Amendment #1:

Amendment #1:

The amendments to ss. 322.051(1)(f) and 322.14(1)(g), F.S., contain some inconsistencies in the language. At the beginning of the two added paragraphs reference is made to only to "new or replacement" identification cards and driver licenses, respectively. At the end of those paragraphs, reference is made to "new or renewal" identification cards or driver licenses, respectively.

The Department asks that further review and consideration is given to the following changes to align the new paragraphs with the other references in these sections:

On lines 71-80, revise those lines to read:

(f) The department shall issue an original, renewal, ~~new~~ or replacement identification card, as applicable, which includes a symbol representing a lifetime boating safety identification card upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Fish and Wildlife Conservation Commission that the applicant was issued a Florida boating safety identification card. The department shall include the lifetime boating safety identification card symbol on an original, renewal, or replacement ~~new or renewal~~ identification card at no ~~charge~~ additional fee to the applicant for the designation. If the sole purpose of the replacement identification card is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement identification card must be issued without payment of the designation fee or fees required in s. 322.21(1)(f).

On lines 122-131, revise those lines to read:

(g) The department shall issue an original, renewal ~~new~~ or replacement driver license, as applicable, which includes a symbol representing a lifetime boating safety identification card upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Fish and Wildlife Conservation Commission that the applicant was issued a Florida boating safety identification card. The department shall include the lifetime boating safety identification card symbol on an original, renewal or replacement ~~new or renewal~~ driver license at no ~~charge~~ additional fee to the applicant for the designation. If the sole purpose of the replacement driver license is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement driver license must be issued without payment of the designation fee or fees required in s. 322.21(1)(e)

Amendment #2:

The time required for the Department to implement these changes will be affected by the Department's on-going computer modernization efforts and implementation schedule for Phase II of the Motorist Modernization Project and whether the FWC elects to provide data concerning completion of the boating safety education course electronically to the Department (i.e., in accordance with lines 92-95 of the bill).

- The Department asks that further review and consideration be given to revising the bill's effective date (line 289), if FWC intends to provide data about persons who have completed the boating education safety course to the Department electronically. If FWC intends to provide that data electronically, the effective date of the bill should be changed to October 1, **2025**, rather than October 1, 2024.
-

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	None

2025 AGENCY LEGISLATIVE BILL ANALYSIS
DEPARTMENT OF REVENUE

BILL INFORMATION	
BILL NUMBER:	SB 58
BILL TITLE:	Boating Safety
BILL SPONSOR:	Senator Garcia
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) N/A
2)
3)
4)
5)

CURRENT COMMITTEE
N/A

SIMILAR BILLS	
BILL NUMBER:	N/A
SPONSOR:	

IDENTICAL BILLS	
BILL NUMBER:	N/A
SPONSOR:	

PREVIOUS LEGISLATION
YEAR/BILL NUMBER/SPONSOR/LAST ACTION: N/A

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	January 8, 2025
AGENCY CONTACT:	Alec Yarger (850) 717-6153

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Sections 1 - 5 (pp. 4-10): Do not affect the Department of Revenue

Section 6. (pp. 10-22): Boating under the influence; penalties; "designated drivers."

PRESENT SITUATION

Section 327.35(6)(b), F.S., does not currently contain a monetary penalty for each hour of required public service for violating s. 327.35(1), F.S. (boating under the influence).

EFFECT OF THE BILL

Amends s. 327.35(6)(b), F.S., to provide that the court may order a defendant to pay a $10 fine per hour of required public service or community work unless it creates an undue hardship for the defendant.

Sections 7 - 14 (pp. 25-32): Do not affect the Department of Revenue

Section 15 (p. 32): Provides an effective date of July 1, 2025, except as otherwise provided by the bill.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES? ☐ YES ☒ NO

If yes, explain:	
Rule(s) impacted (provide references to F.A.C., etc.):	

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A

4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS? ☐ YES ☒ NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. THAT AFFECTS THE DEPARTMENT OF REVENUE REQUIRED BY THIS BILL? ☐ YES ☒ NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.

7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: ***(Department of Revenue expenditures and operational impacts)***	☐ NO IMPACT ☐ LESS THAN $25,000 ☐ MORE THAN $25,000 ☒ UNABLE TO DETERMINE ☐ OPERATIONAL IMPACT ONLY
Does the legislation contain an appropriation to the Department?	☐ YES ☒ NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.

9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

TECHNOLOGY IMPACT

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Sections 119.0712, 322.051, 322.08, 322.14, 327.30, 327.33, 327.35, 327.352, 327.395, 327.54, 327.70, 327.73, 327.731, and 782.072, F.S.

11. HAS SIMILAR LANGUAGE, A COMPANION BILL OR A PREVIOUS VERSION OF THE BILL BEEN ANALYZED THIS SESSION? ☐ YES ☒ NO **If no, go to #12. If yes:**

A. Identify language or bill number.

B. Were issues/problems identified? ☐ YES ☐ NO

a. If yes, have they been resolved? ☐ YES ☐ NO **If no, briefly explain.**

C. Are new issues/problems created? ☐ YES ☐ NO **If yes, briefly identify.**

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? ☒ YES ☐ NO

If yes, describe administrative problems, technical errors, or other difficulties:

Section 6, Lines 497-503:

As written, it is unclear whether the Department will be required to modify the Clerk of Court Remittance System to include a new line for the proposed fine. It is recommended that the bill include the specific fund into which the proposed fine is to be deposited.

13. RECOMMENDED CORRECTIONS: ☐ YES ☒ NO **If yes, provide corrections.**

14. OTHER: N/A

2024 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

BILL INFORMATION	
BILL NUMBER:	Senate Bill 30
BILL TITLE:	Boating Safety
BILL SPONSOR:	Senator Garcia (I)
EFFECTIVE DATE:	July 1, 2024

COMMITTEES OF REFERENCE
1) Environment and Natural Resources
2) Transportation
3) Fiscal Policy
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE
Environment and Natural Resources

SIMILAR BILLS	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	Click or tap here to enter text.
LEAD AGENCY ANALYST:	Captain Rachel Bryant
ADDITIONAL ANALYST(S):	Tammy Sapp
LEGAL ANALYST:	Mary Atkins
FISCAL ANALYST:	Clay White

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Currently, any person born on or after January 1, 1988, operating a vessel with a motor of 10 horsepower or greater must show proof they have met minimum requirements for boating safety education. A person may obtain a Florida boating safety identification card or temporary certificate by successfully completing a boating safety education course or temporary certificate examination. Currently, a Florida boating safety identification card issued to a person who has completed a boating safety education course is valid for life.

The bill requires, effective July 1, 2026, that all persons operating a vessel of 10 horsepower or greater must have boating safety education. Additionally, the bill requires FWC-approved boating safety education courses and temporary certificate examinations to include components about the dangers of boating under the influence and human trafficking awareness.

Currently, a person convicted of a criminal violation, a noncriminal infraction that resulted in a reportable boating accident or convicted of two noncriminal infractions as specified in s. 327.73, F.S., within a 12-month period must complete the boating safety education course.

The bill specifies that for those convicted of any two noncriminal infractions within a 24-month period, they must complete the boating safety education course, and for those convicted of a criminal violation, a noncriminal infraction that resulted in a reportable boating accident, or three or more noncriminal infractions within a 36-month period, they must complete the boating safety education course and a 4-hour additional course.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Boating Safety Education

Currently, any person born on or after January 1, 1988, operating a vessel with a motor of 10 horsepower or greater must show proof they have met minimum requirements for boating safety education by possessing one of the following:

- Photographic identification and a Florida boating safety identification card issued by the Florida Fish and Wildlife Conservation Commission (FWC);
- State-issued identification card or driver license indicating possession of the Florida boating safety identification card; or
- Photographic identification and a temporary certificate issued or approved by FWC, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. territory, or a Canadian Pleasure Craft Operator Card.

A person may obtain a Florida boating safety identification card or temporary certificate by successfully completing a boating safety education course or temporary certificate examination, respectively, that meets the requirements of s. 327.395, F.S., and FWC rule. An FWC-approved boating safety education course or temporary certificate examination developed or approved by FWC must include components regarding:

- Diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.
- The danger associated with:
    - A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.
    - A passenger falling overboard.
    - Operating a vessel with a person in the water near the vessel.
    - Starting a vessel with the engine in gear.
    - Leaving the vessel running when a passenger is boarding or disembarking.
- The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.

A Florida boating safety identification card issued to a person who has completed a boating safety education course is valid for life. A temporary certificate issued to a person who has passed a temporary certification examination is valid for 90 days after the date of issuance.

Mandatory Education for Violators

A person convicted of a criminal violation, a noncriminal infraction that resulted in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73, F.S., within a 12-month period must:

- Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the minimum standards established by FWC rule;
- File with FWC within 90 days proof of successful completion of the course;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course with FWC; and pay a fine of $500.

2. EFFECT OF THE BILL:

The bill authorizes FWC to provide to the Department of Highway Safety and Motor Vehicles (DHSMV) any record it has of the applicant completing a boating safety education course or that has been issued a Florida boating safety identification card.

The bill specifies that, notwithstanding any sentence or fine imposed by law or the court, a person convicted of a violation relating to boating under the influence must maintain an insurance policy insuring against loss from liability or bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Such insurance must contain limits not less than $100,000 for bodily injury liability or death and $50,000 for property damage. The bill further specifies that operating a vessel in violation of such requirements constitutes a second-degree misdemeanor.

The bill requires, effective July 1, 2026, that all persons operating a vessel of 10 horsepower or greater must have boating safety education. Additionally, the bill requires FWC-approved boating safety education courses and temporary certificate examinations to include components about the dangers of boating under the influence and human trafficking awareness.

Finally, the bill specifies that:

- For those convicted of any two noncriminal infractions within a 24-month period, they must complete the boating safety education course, as provided in s. 327.395, F.S.
- For those convicted of a criminal violation, a noncriminal infraction that resulted in a reportable boating accident, or three or more noncriminal infractions within a 36-month period, they must complete the boating safety education course provided in s. 327.395, F.S., and a 4-hour additional course that includes information regarding the boating laws of the state; causes and prevention of boating accidents; the importance of wearing personal flotation devices; the use of common sense and common courtesy while operating a vessel; and operating a vessel defensively.

The bill further authorizes FWC to adopt rules to implement such requirements for mandatory boating safety education.

The bill is effective July 1, 2024.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y☒ N☐

If yes, explain:	Revise:Rule 68D-36.104, F.A.C., Minimum Standards for Boating Safety Education Courses and Rule 68D-36.106, F.A.C., Violator Courses
Is the change consistent with the agency's core mission?	Y☒ N☐
Rule(s) impacted (provide references to F.A.C., etc.):	Rule 68D-36.104, F.A.C. Rule 68D-36.106, F.A.C.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y☐ N☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y☐ N☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y☐ N☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
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?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y☒ N☐

Revenues:	Pursuant to s. 327.395(9), F.S., FWC is authorized to collect a fee of $2.00 for each card and temporary certificate associated with boating safety education courses. The bill would result in an increase in the volume of boaters required to obtain a boating safety education card or certificate, which would result in an

	increase in the amount of revenue collected from associated fees. Any such impact would be indeterminately positive.
Expenditures:	The bill would increase the number of boating safety education cards and certificates issued by FWC. Currently about 45 percent of the cards issued are printed on plastic and accompanied by a letter mailed to the card holder. When plastic cards are issued, there is a cost associated with staff time, cost of the card/letter/envelope, printing, and the cost of mailing each card. Additionally, provisions in the bill related to records communicated to DHSMV may require a mechanism by which to disseminate information. As such, the bill would have an indeterminate negative fiscal impact on expenditures proportionate to the relative increase in card and certificate issuance.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y☒ N☐

Revenues:	The bill would result in an increase in the number of individuals required to take a boating safety education course, which would lead to an indeterminate positive increase in opportunities for agents to charge and keep associated service fees as authorized in s. 327.395(8), F.S. Additionally, provisions in the bill associated with mandatory insurance requirements would result in an indeterminate positive impact to organizations in the private insurance industry, proportionate with the number of BUI convictions.
Expenditures:	None.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y☐ N☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

1. DOES THE BILL 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 FWC would need to develop a process to share/provide to the Department of Highway Safety and Motor Vehicles the data containing names of individuals who have completed a boating safety education course. We do not anticipate any fiscal impact, as such processes could likely be provided for using existing resources.

FEDERAL IMPACT

1. DOES THE BILL 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.	Click or tap here to enter text.

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	Click or tap here to enter text.

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 22, 2025

I respectfully request that **Senate Bill # 58**, relating to **Boating Safety:** Requiring the Department of Highway Safety and Motor Vehicles to issue original, renewal, or replacement identification cards with a lifetime boating safety identification card symbol to applicants if certain conditions are met; providing increased criminal penalties for the reckless operation of a vessel which causes serious bodily injury to another; revising the conditions that compose the offense of, and penalties for, boating under the influence (BUI); revising the definition of the term "vessel homicide" to include the killing of an unborn child by causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances, etc. , be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ileana Garcia
Florida Senate, District 36

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

3-25-25
Meeting Date

CRIMINAL JUSTICE
Committee

58
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jess M. McCarty, Executive Assistant County Attorney

Phone 305-979-7110

Address 111 N.W. 1st Street Suite 2800
Street

Email jmm2@miamidade.gov

Miami | FL | 33128
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:
Miami-Dade County

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

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

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

March 25, 2025
Meeting Date

Criminal Justice
Committee

58
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 468
INTRODUCER:	Criminal Justice Committee and Senator Collins
SUBJECT:	Fleeing or Attempting to Elude a Law Enforcement Officer
DATE:	March 26, 2025 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 468 amends s. 316.1935, F.S., to remove the requirement that a law enforcement vehicle have insignia for the crime of fleeing or attempting to elude a law enforcement officer.

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

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

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

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

The bill takes effect October 1, 2025.

II. Present Situation:

Fleeing or Attempting to Elude a Law Enforcement Officer

Fleeing or attempting to elude a LEO

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

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

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

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

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

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

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

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

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

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

compliance with such order, willfully flees in an attempt to elude such officer and, as a result of such fleeing or eluding:

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

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

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

Agency Insignia and Other Jurisdictional Markings

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

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

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

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

[7] Section 316.1935(4)(a), F.S.
[8] Section 316.1935(4)(b), F.S.
[9] Criminal Jury Instructions 28.7, *Fleeing to Elude a Law Enforcement Officer (Siren and Lights Activated) Section 316.1935(2), F.S.*, available at https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww-media.floridabar.org%2Fuploads%2F2023%2F02%2F28.7-revised.docx&wdOrigin=BROWSELINK (visited last March 15, 2025).
[10] *Gorsuch v. State*, 797 So. 2d 649, 651 (Fla. 3rd DCA 2001).
[11] *Slack v. State*, 30 So. 3d 684, 687 (Fla. 1st DCA 2010) (citing *Gorsuch*, supra note 9).
[12] *Ellis v. State*, 258 So. 3d 491, 492-93 (Fla. 1st DCA 2018).

"Pensacola Police Department" and "PENSACOLAPOLICE.COM" would qualify as agency insignia.[13]

Offense Severity Ranking Chart

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

Sentencing Multiplier

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

III. Effect of Proposed Changes:

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

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

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

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

- Notwithstanding any provision of law to the contrary, any conditions provided in s. 316.193(6)(e), (f), (g), and (h), F.S.
- The vehicle was at the time of the violation, in the care, custody, or control of another person; the vehicle owner identifies that person in a statement made under oath; and a

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

witness observed the other person driving the vehicle and corroborates the vehicle owner's statement.

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

The bill increases the ranking for any crime of fleeing or attempting to elude as follows:

- Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated is a second degree felony, ranked a Level 5, rather than a Level 4.
- Aggravated fleeing or eluding is a second degree felony, and ranked a Level 6, rather than a Level 5.

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

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

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

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

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

B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(1) It is unlawful for the operator of any vehicle, having



knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer, and a person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

(b) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the



person’s vehicle, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 3 years imprisonment. ~~Nothing in~~ This paragraph does not ~~shall~~ prevent a court from imposing a greater sentence of incarceration as authorized by law.

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

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

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

The felony of aggravated fleeing or eluding and the felony of aggravated fleeing or eluding with serious bodily injury or



death constitute separate offenses for which a person may be charged, in addition to the offenses under ss. 316.027 and 316.061, relating to unlawfully leaving the scene of a crash, which the person had been in the course of committing or attempting to commit when the order to stop was given. Notwithstanding any other provision of law, the court shall sentence any person convicted of committing aggravated fleeing or eluding with serious bodily injury or death to a mandatory minimum sentence of 3 years imprisonment. ~~Nothing in~~ This subsection does not ~~shall~~ prevent a court from imposing a greater sentence of incarceration as authorized by law.

(7) Any motor vehicle involved in a violation of this section ~~is deemed to be contraband, which may be seized by a law enforcement agency and is subject to forfeiture pursuant to ss. 932.701-932.704. Any vehicle not required to be titled under the laws of this state is presumed to be the property of the person in possession of the vehicle.~~ may be impounded for a period of 30 business days. The impounding law enforcement agency shall make a diligent effort to notify the registered owner of the impound. The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment for violation of this subsection in accordance with procedures established by the department.

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

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



1. Notwithstanding any provision of law to the contrary, any conditions provided in s. 316.193(6)(e), (f), (g), and (h).

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4



Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
~~316.1935(3)(a)~~	~~2nd~~	~~Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.~~
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.



784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or



		expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school



		property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.



812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.



817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official



			proceedings.
174			
	837.021(1)	3rd	Make contradictory statements in official proceedings.
175			
	838.022	3rd	Official misconduct.
176			
	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
177			
	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
178			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
179			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
180			
	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
181			
	843.19(2)	2nd	Injure, disable, or kill



			police, fire, or SAR canine or police horse.
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
	870.01(3)	2nd	Aggravated rioting.
	870.01(5)	2nd	Aggravated inciting a riot.
	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
	914.14(2)	3rd	Witnesses accepting bribes.
	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.



916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

(e) LEVEL 5

Florida Statute	Felony Degree	Description



316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
~~316.1935(4)(a)~~	~~2nd~~	~~Aggravated fleeing or eluding.~~
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or



			sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
207			
	379.367(4)	3rd	Willful molestation of a commercial harvester’s spiny lobster trap, line, or buoy.
208			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
209			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
210			
	440.10(1)(g)	2nd	Failure to obtain workers’ compensation coverage.
211			
	440.105(5)	2nd	Unlawful solicitation for the



			purpose of making workers' compensation claims.
212			
	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
213			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
214			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
215			
	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
216			
	790.162	2nd	Threat to throw or discharge destructive device.
217			
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
218			
	790.221(1)	2nd	Possession of short-barreled



		shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain



			minor victims.
227			
	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
228			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
229			
	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
230			
	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
231			
	812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
232			
	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
233			
	812.081(3)	2nd	Trafficking in trade secrets.
234			
	812.131(2)(b)	3rd	Robbery by sudden snatching.
235			



812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (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.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or



		related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with



			violence.
247			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
248			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
249			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
250			
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
251			
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
252			
	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).
253			
	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.
254			
	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.
255			
	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.



Florida Statute	Felony Degree	Description
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.



316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.



784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.



787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.



800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000



			or more; coordination of others.
298			
	812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
299			
	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.
300			
	812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
301			
	812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
302			
	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
303			
	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
304			
	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in



			death.
305			
	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
306			
	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
307			
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
308			
	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
309			
	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
310			
	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
311			
	827.03(2)(c)	3rd	Abuse of a child.
312			
	827.03(2)(d)	3rd	Neglect of a child.
313			
	827.071(5)	3rd	Possess, control, or intentionally view any



			photographic material, motion picture, etc., which includes child pornography.
828.126(3)		3rd	Sexual activities involving animals.
836.05		2nd	Threats; extortion.
836.10		2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12		3rd	Aids or assists person to escape.
847.011		3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012		3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)		3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.



893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.



951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

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

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

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

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

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

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

a. Twelve (12) community sanction violation points are



assessed for the violation and for each successive violation of felony probation or community control where:

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

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

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

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

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

Prior capital felony points: If the offender has one or more prior capital felonies in the offender’s criminal record, points shall be added to the subtotal sentence points of the offender



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

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

Sentencing multipliers:

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

Violent offenses committed against specified justice system personnel: If the primary offense is a violation of s.



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

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

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

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

Domestic violence in the presence of a child: If the offender is



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

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

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

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled



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

By Senator Collins

14-00734-25 2025468__

A bill to be entitled

An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; revising the law enforcement vehicle marking requirements for specified offenses; providing mandatory minimum classification of certain offenses; amending s. 921.0022, F.S.; reclassifying offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Present subsections (5), (6), and (7) of section 316.1935, Florida Statutes, are redesignated as subsections (6), (7), and (8), respectively, a new subsection (5) is added to that section, subsections (2), (3), and (4) of that section are amended, and subsection (1) of that section is republished, to read:

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

(1) It is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer, and a person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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14-00734-25 2025468__

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

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

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

(b) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person’s vehicle, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 3 years imprisonment in addition to the mandatory minimum sentence provided under subsection (5). ~~Nothing in~~ This paragraph does not ~~shall~~ prevent a court from imposing a greater sentence of

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incarceration as authorized by law.

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

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

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

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

or eluding with serious bodily injury or death to a mandatory minimum sentence of 3 years imprisonment in addition to the mandatory minimum sentence provided under subsection (5). ~~Nothing in~~ This subsection does not ~~shall~~ prevent a court from imposing a greater sentence of incarceration as authorized by law.

(5) Except as otherwise provided, a violation of subsection (1), subsection (2), subsection (3), or subsection (4):

(a) Upon a first offense, is ranked in level 7 of the offense severity ranking chart.

(b) Upon a second offense, is ranked in level 8 of the offense severity ranking chart.

(c) Upon a third or subsequent offense, is ranked in level 9 of the offense severity ranking chart.

Section 2. Paragraphs (a), (c), (d), (g), (h), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing,

		ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount $1,000 or more but less than $20,000.
~~316.1935(1)~~	~~3rd~~	~~Fleeing or attempting to elude law enforcement officer.~~
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully

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		issued driver license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value $1,000 or more.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
713.69	3rd	Tenant removes property upon

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		which lien has accrued, value $1,000 or more.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

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831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money

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		by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
~~316.1935(2)~~	~~3rd~~	~~Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.~~
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described

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		in the Marine Turtle Protection Act.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.

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624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than

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		structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.

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817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

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831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
847.01385	3rd	Harmful communication to a minor.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).

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893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

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893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled

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		substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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(d) LEVEL 4

Florida Statute	Felony Degree	Description
~~316.1935(3)(a)~~	~~2nd~~	~~Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.~~
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.

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784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious

		touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.

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812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.

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817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements

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		in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.

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847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.

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918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

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316.1935(1), (2), (3), or (4)	Various	Fleeing or attempting to elude law enforcement officer; 1st offense, unless otherwise specified.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920	2nd	Medicaid provider fraud; more

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(2)(b)1.b.		than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.

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464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of

		chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where

		children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.

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784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or

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		threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a

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		prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault

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		or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.

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812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

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817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or

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		disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.

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838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a

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		criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.

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893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135	1st	Trafficking in oxycodone, 14

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(1)(c)3.b.		grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135	1st	Trafficking in 1,4-Butanediol,

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(1)(j)1.a.		1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration

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		requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to

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		report and reregister; failure to respond to address verification; providing false registration information.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
316.1935(1), (2), (3), or (4)	Various	Fleeing or attempting to elude law enforcement officer; 2nd offense, unless otherwise specified.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

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327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.

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782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual

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		activity of an adult.
787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

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794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
800.04(4)(b)	2nd	Lewd or lascivious battery.
800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.
812.015(11)(b)	1st	Retail theft; possession of a firearm during commission of offense.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no

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		firearm, deadly weapon, or other weapon.
817.418(2)(b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.
817.504(1)(b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
817.505(4)(c)	1st	Patient brokering; 20 or more patients.
817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

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817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $50,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a

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		capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than

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		10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
893.135 (1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.

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893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
893.135 (1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
893.135 (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.

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893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than

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$100,000.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
316.1935(1), (2), (3), or (4)	Various	Fleeing or attempting to elude law enforcement officer; 3rd offense, unless otherwise specified.
316.1935(2)	1st	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
327.35 (3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2)(b)1.c.	1st	Medicaid provider fraud; $50,000 or more.
499.0051(8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

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560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

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782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

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787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and

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		commits sexual battery on a person less than 12 years.
794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
794.011(4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.
817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

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817.535(5)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)(a)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent

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		to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(c)2.d.	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
893.135 (1)(c)3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
893.135 (1)(c)4.b.(III)	1st	Trafficking in fentanyl, 28 grams or more.

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893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, 200 grams or more.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
893.135 (1)(m)2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
893.135 (1)(n)2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

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

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: February 24, 2025

I respectfully request that **Senate Bill # 468**, relating to Fleeing or Attempting to Elude a Law Enforecement Officer, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

03/25/2025
Meeting Date

Criminal Justice
Committee

SB468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Danielle Chanzes

Phone 954-980-0130

Address 6400 North Andrews Ave suite 510
Street

Email danielle@rossenlawfirm.com

Ft. Lauderdale FL 33309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/25/25
Meeting Date

Criminal Justice
Committee

SB 468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Rossen

Phone 754-206-6200

Address 6400 N. Andrews Ave Ste 510
Street

Email Adam@rossenlawfirm.com

Fort Lauderdale FL 33309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Criminal Justice
Committee

SB 468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric DeCampos

Phone 847-989-7104

Address 1515 W. 22nd Ave Ste 1300W
Street

Email edecampos@nicb.org

Oak Brook IL 60523
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
National Insurance Crime Bureau

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

CRIMINAL JUSTICE
Committee

468
Bill Number or Topic

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST.
Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FL PBA

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

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

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

March 25 2025
Meeting Date

Criminal Justice
Committee

SB ~~0468~~ 468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Police Chiefs Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

March 25, 2025
Meeting Date

Criminal Justice
Committee

468
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 494
INTRODUCER:	Criminal Justice Committee and Senator Leek
SUBJECT:	Animal Cruelty
DATE:	March 26, 2025
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 494 amends s. 828.12, F.S., to provide that beginning January 1, 2026, the Florida Department of Law Enforcement (FDLE) will post on its website the names of those persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

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

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant's subtotal points by 1.25 for the crime of Aggravated Animal Cruelty.

The offense must have included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal.

The bill names the act "Dexter's Law."

The FDLE expects a fiscal impact of approximately $12,000. *See Section V., Fiscal Impact Statement.*

The bill takes effect July 1, 2024.

II. Present Situation:

Animal Cruelty Offenses

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

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

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

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

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

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

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

---

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

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

[3] A third degree felony is punishable by up to 5 years imprisonment and a $5,000 fine. Sections 775.082 and 775.083, F.S. However, a violation of s. 828.12(2), F.S., may result in a fine of up to $10,000. Sections775.083(1)(g), and 828.12(2), F.S.

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

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

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

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

commits a first degree misdemeanor.[7]

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

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

Additionally, a person may not:

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

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

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

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

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

Animal Abuse Registries in Florida

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

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

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

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

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

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

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

Criminal Punishment Code

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

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

III. Effect of Proposed Changes:

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

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

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

The bill names the act "Dexter's Law."

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None noted.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE expects to spend one month and expend approximately $12,000 to complete the necessary programmatic changes to fulfill the requirements of the bill.[29]

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

VIII. Statutes Affected:

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

IX. Additional Information:

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

CS by Criminal Justice on March 25, 2025:

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

B. Amendments:

None.

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

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

828.12 Cruelty to animals.—

(7) Beginning January 1, 2026, the Department of Law Enforcement shall post on its website, in a searchable format

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prescribed by the department, the names of those individuals who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of this section.

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

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

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

FLORIDA CRIMINAL PUNISHMENT CODE
WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	.....
9	92	=	.....
8	74	=	.....
7	56	=	.....
6	36	=	.....



5	28	=	.....
4	22	=	.....
3	16	=	.....
2	10	=	.....
1	4	=	.....

Total

Additional Offenses

Level	Sentence Points		Counts		Total
10	58	x	....	=	....
9	46	x	....	=	....
8	37	x	....	=	....
7	28	x	....	=	....

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6	18	x	....	=	....
5	5.4	x	....	=	....
4	3.6	x	....	=	....
3	2.4	x	....	=	....
2	1.2	x	....	=	....
1	0.7	x	....	=	....
M	0.2	x	....	=	....

Total

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	....	=	....

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Death	120	x	....	=	....
Severe	40	x	....	=	....
Moderate	18	x	....	=	....
Slight	4	x	....	=	....
Sexual penetration	80	x	....	=	....
Sexual contact	40	x	....	=	....

Total

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	....	=	....



9	23	x	....	=	....
8	19	x	....	=	....
7	14	x	....	=	....
6	9	x	....	=	....
5	3.6	x	....	=	....
4	2.4	x	....	=	....
3	1.6	x	....	=	....
2	0.8	x	....	=	....
1	0.5	x	....	=	....
M	0.2	x	....	=	....

Total

TOTAL OFFENSE SCORE .....

TOTAL PRIOR RECORD SCORE .....



LEGAL STATUS .....

COMMUNITY SANCTION VIOLATION .....

PRIOR SERIOUS FELONY .....

PRIOR CAPITAL FELONY .....

FIREARM OR SEMIAUTOMATIC WEAPON .....

SUBTOTAL.....

PRISON RELEASEE REOFFENDER (no)(yes) .....

VIOLENT CAREER CRIMINAL (no)(yes) .....

HABITUAL VIOLENT OFFENDER (no)(yes) .....

HABITUAL OFFENDER (no)(yes) .....

AGGRAVATED ANIMAL CRUELTY (no)(yes) (x multiplier) .....

DRUG TRAFFICKER (no)(yes) (x multiplier) .....

LAW ENF. PROTECT. (no)(yes) (x multiplier) .....

MOTOR VEHICLE THEFT (no)(yes) (x multiplier) .....

CRIMINAL GANG OFFENSE (no)(yes) (x multiplier) .....

DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes) (x multiplier).....

ADULT-ON-MINOR SEX OFFENSE (no)(yes) (x multiplier) .....

.....

TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

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

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

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

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

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

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

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

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

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

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

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

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2)

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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:

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

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

Violent offenses committed against specified justice system

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

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

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

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

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the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

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

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to aggravated animal cruelty; providing a short title; amending s. 828.12, F.S.; requiring the Department of Law Enforcement to post on

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its website the names of certain individuals who have violated specified animal cruelty provisions; amending s. 921.0024, F.S.; providing a sentencing multiplier for specified offenses of aggravated animal cruelty; providing applicability; providing an effective date.

By Senator Leek

7-00649A-25 2025494__

A bill to be entitled

An act relating to animal cruelty; amending s. 828.12, F.S.; requiring the Department of Law Enforcement to post on its website the names of certain individuals who have violated specified animal cruelty provisions; providing an effective date.

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

Section 1. Subsection (7) is added to section 828.12, Florida Statutes, to read:

828.12 Cruelty to animals.—

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

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

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

2025 FDLE LEGISLATIVE BILL ANALYSIS

BILL INFORMATION	
BILL NUMBER:	SB 494
BILL TITLE:	Animal Cruelty
BILL SPONSOR:	Senator Leek
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) Senate Criminal Justice
2) Senate Appropriations Committee on Criminal and Civil Justice
3) Senate Fiscal Policy
4)
5)

CURRENT COMMITTEE
Senate Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	**HB 1341**
SPONSOR:	**REP. ARRINGTON**
YEAR:	**2022**
LAST ACTION:	Died in Criminal Justice & Public Safety Committee

IDENTICAL BILLS	
BILL NUMBER:	SB 455
SPONSOR:	Representative Weinberger

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	February 21, 2025
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Danielle Bell; Becky Bezemek
LEGAL ANALYST:	Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill requires the Florida Department of Law Enforcement (FDLE) to post on its website the names of individuals who have violated specified animal cruelty provisions.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

FDLE does not currently post on its website the names of individuals who have violated animal cruelty provisions.

2. EFFECT OF THE BILL:

Section 1, Subsection (7). The bill amends 828.12, F.S, requiring FDLE to post on its website in a searchable format prescribed by the department, the names of those individuals who have been convicted of, or who have entered a plea of guilty or nolo contender to, regardless of adjudication, specified animal cruelty offenses.

Section 2. The bill takes effect July 1, 2025.

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:	
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:	
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 requirements of this legislation is 1 month and will cost approximately $12,000 FDLE will utilize existing staff resources to implement this legislation.

FEDERAL IMPACT

1. **DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGECY 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 or concerns.

ADDITIONAL COMMENTS

The Florida Senate

APPEARANCE RECORD

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

3-25-25
Meeting Date

SB494
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Rachel Kaduk

Phone 239-410-3213

Address 1709 NE 28th St
Street

Email RKaduk@CapeCoral.gov

Cape Coral FL 33909
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Criminal Justice
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lilly Baron

Phone 352-644-1317

Address 12571 NE 30th Ct
Street
Anthony, FL 32617
City State Zip

Email spcaofocala@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Sen. CJ
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

Address 2167 Mahan Dr.
Street

Email amcnair@flsheriffs.org

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Sheriffs Association

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/2025
Meeting Date

CRIMINAL JUSTICE
Committee

SB494
DEXTER'S LAW
Bill Number or Topic

Amendment Barcode (if applicable)

Name DAVID PALOFF

Phone 727-534-0416

Address 18345 EDGEWOOD DR
Street

Email PALOFFDAVID80@GMAIL.COM

SPRING HILL FL 34610
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

SB494
Dexters Law
Bill Number or Topic

Amendment Barcode (if applicable)

Name Gina Botticello

Phone 727-687-0576

Address 18345 Edgewood Dr
Street
Spring Hill FL 34610
City State Zip

Email gbotticello@pascocountyfl.net

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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3/25/25
Meeting Date

Criminal Justice
Committee

HB 455 / SB 494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Gary Hansell

Phone 908-487-0173

Address 1911 Orchid St.
Street

Email gary_hansell@comcast.net

Sarasota FL 34239
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

GAH

☒ 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
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March 25 2025
Meeting Date

Criminal Justice
Committee

SB 0494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida 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)

The Florida Senate

APPEARANCE RECORD

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March 25, 2025
Meeting Date

Criminal Justice
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice Alliance

☐ 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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3-25-25
Meeting Date

SB494
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Holly Barbour, MD

Phone 941-350-1986

Address 1911 Orchid St
Street

Email hbarbour3@comcast.net

Sarasota FL 34239
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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3/25/25
Meeting Date

Criminal Justice
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Marie-Claire Péron

Phone 520-991-7590

Address 536 W. Harvard St.
Street

Email mariecleirep@icloud.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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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3-25-25
Meeting Date

Criminal Justice
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colleen Leister

Phone (386) 297-9462

Address 83 Rollins Lane
Street

Email ponylion4@gmail.com

Palm Coast Fl. 32164
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
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3/25/2025
Meeting Date

Criminal Justice
Committee

494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kyndra Mott (with Flagler Humane Society) Phone 386-453-6238

Address 108 Peachtree Circle Email Kmott@flaglerhumanesociety.org
Street

Daytona Beach FL 32114
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
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3-25-25
Meeting Date

Criminal Justice
Committee

4194
Bill Number or Topic

Amendment Barcode (if applicable)

Name Vanessa Conde

Phone 305-546-6683

Address 333 NE 24th St 1709
Street

Email vanessac@insightcommunitysolutions.com

Miami FL 33137
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
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3/25/25
Meeting Date

Criminal Justice
Committee

SB 494 / HB 455
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yolanda Berkowitz

Phone 3056696692

Address 160 Edgewater Drive
Street

Email yolandaberkowitz@gmail.com

Coral Gables FL 33133
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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3.25.2025
Meeting Date

Criminal Justice
Committee

SB 494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Meredith Towers

Phone 917-992-2776

Address 4612 Yarmouth Avenue S
Street

Email mtowers@humanepinellas.org

St Petersburg FL 33711
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:

Humane Soceity of Pinellas

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Criminal Justice
Committee

SB 494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kate MacFall

Phone 850 508-1001

Address 1206 Welton Dr.
Street

Email KMacFall@hsus.org

Tallahassee FL. 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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Humane Society of the United States

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	SB 500
INTRODUCER:	Senator Avila
SUBJECT:	Spectrum Alert
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Favorable**
2.			ACJ	
3.			FP	

I. Summary:

SB 500 creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the Department of Law Enforcement (FDLE), in cooperation with the Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (Lottery) and local law enforcement agencies to enhance the safety and well-being of children with autism spectrum disorder (ASD) through immediate effective community response.

The bill also requires those agencies to:

- Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD. The bill specifies what policies and procedures must be included.
- Provide requirements for a law enforcement agency, when receiving such a report.

There is no information available at present to indicate that this impact cannot be absorbed within existing resources. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2025.

II. Present Situation:

Autism and Autism Spectrum Disorder

Definition

ASD is a developmental disability caused by differences in the brain. Some people with ASD have a known difference, such as a genetic condition. Other causes are not yet known. Scientists believe there are multiple causes of ASD that act together to change the most common ways people develop. There is still much to learn about the causes and how they impact people with ASD. Early intervention services can greatly improve the development of a child with ASD.[1]

Section 627.6686(2)(b), F.S., defines "Autism spectrum disorder" to mean any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder.
- Asperger's syndrome.
- Pervasive developmental disorder not otherwise specified.[2]

ASD Screening and Diagnosis

Currently, there is no medical ASD test, like a blood test, to diagnose the disorder. Instead, experienced medical professionals examine a person's developmental history and behavior, interview and observe the person and their loved ones, and use professional screening and diagnostic tools to make a diagnosis.[3]

Rise in Autism Diagnosis

The Centers for Disease Control and Prevention (CDC) estimates that, in the United States, 1 in 36 children have been identified as having ASD, based on 2020 data from the Autism and Developmental Disabilities Monitoring network. This is a significant increase from prior years where:[4]

- 1 in 150 children were identified in 2002.
- 1 in 110 children were identified in 2006.
- 1 in 68 children were identified in 2010.
- 1 in 59 children were identified in 2014.
- 1 in 44 children were identified in 2018.

The United States has the fourth highest rate of autism behind the United Kingdom, Sweden, and Japan according to data gathered by the World Population Review. The source acknowledges some of the difficulties in making comparisons among different countries are due to the lack of

[1] Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, available at https://www.cdc.gov/autism/about/index.html (last visited March 18, 2025).
[2] Section 627.6686, F.S.
[3] Autism Speaks, *Autism screening,* available at https://www.autismspeaks.org/autism-screening (last visited March 18, 2025).
[4] Centers for Disease Control and Prevention, *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years – Autism and Developmental Disabilities Monitoring Network*, (11 Sites, United States, 2020), available at https://www.cdc.gov/mmwr/volumes/72/ss/ss7202a1.htm (last visited on March 18, 2025).

uniform criteria for assessing and diagnosing autism, lack of resources, and failure of some counties to track or report autism rates.[5]

Elopement and ASD

Elopement is when someone leaves a safe area or a responsible caregiver. First responders are vital for maintaining the health and safety of members of our communities. They are likely to be called upon in the event of a missing child or youth. It is important for first responders to be prepared by knowing which children in the community might wander, having family contact information, and having a plan to respond.[6]

Individuals with ASD are often attracted to water, yet have little to no sense of danger. Drowning is a leading cause of death in children with ASD. People with ASD may not be able to understand danger or respond to questions or verbal commands. Because many individuals with ASD go directly to water, it's important to treat each case as critical.[7]

Nearly half of children with ASD were reported to engage in elopement behavior, with a substantial number at risk for bodily harm. These results highlight the urgent need to develop interventions to reduce the risk of elopement, to support families coping with this issue, and to train childcare professionals, educators, and first responders who are often involved when elopements occur. Forty-nine percent of survey respondents reported their child with an ASD had attempted to elope at least once after age 4 years; 26% were missing long enough to cause concern. Of those who went missing, 24% were in danger of drowning and 65% were in danger of traffic injury.[8]

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.[9]

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[5] World Population Review, *Autism Rates by Country 2024*, available at https://worldpopulationreview.com/country-rankings/autism-rates-by-country (last visited March 18, 2025).
[6] Centers for Disease Control and Prevention, *Wandering (Elopement)*, available at https://www.cdc.gov/child-development/disability-safety/wandering.html (last visited on March 18, 2025).
[7] National Autism Association, *Autism and Wandering: A guide for First Responders*, available at https://nationalautismassociation.org/autism-wandering-a-guide-for-first-responders/ (last visited March 18, 2025).
[8] Connie Anderson, J. Kiely Law, Amy Daniels, Catherine Rice, David S. Mandell, Louis Hagopian, and Paul A. Law. *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders.* Pediatrics, available at https://publications.aap.org/pediatrics/article-abstract/130/5/870/32515/Occurrence-and-Family-Impact-of-Elopement-in?redirectedFrom=fulltext (last visited March 18, 2025).
[9] Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at https://www.fdle.state.fl.us/CJSTC/Overview.aspx (last visited March 18, 2025).

Autism Training

In 2017, s. 943.1727, F.S., was created to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.[10]

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to ASD. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with ASD and responding to missing persons incidents involving people with ASD.[11]

Alert Systems

Silver Alert

The Florida Silver Alert is used to locate missing persons traveling by vehicle who are suffering from an irreversible deterioration of intellectual faculties. Law enforcement agencies must determine that the use of dynamic message signs may be the only possible way to rescue the missing person in order to issue a Silver Alert. To qualify for a Silver Alert the person must:

- Be 60 years and older, or
- Be 18-59 and law enforcement has determined the missing person lacks the capacity to consent, and
- Have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.[12]

Purple Alert

In 2021,[13] the Legislature created the Purple Alert to aid in the search for certain missing adults:[14]

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;

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[10] The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. Section 943.135, F.S.

[11] Florida Department of Law Enforcement, Online Mandatory Training, *Autism Spectrum Disorders (ASD) & Interviews*, available at https://www.fdle.state.fl.us/Media/BPDtraining/AutismInterviews/story.html (last visited March 18, 2025).

[12] Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert (last visited March 18, 2025).

[13] Chapter 2021-93, Laws of Florida.

[14] Section 937.0201(2), F.S., defines the term "missing adult" to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who do not meet the criteria for activation of a local or statewide Silver Alert.[15]

Florida's Purple Alert law requires the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.[16]

III. Effect of Proposed Changes:

The bill creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery and local law enforcement agencies to enhance the safety and well-being of children with ASD through immediate effective community response.

The bill also requires those agencies to develop a training program alert system for missing children with ASD which is compatible with existing alert systems for law enforcement officers and specifies that the training program must implement crisis intervention team training to:

- Equip law enforcement officers with the skills to understand ASD and other mental illnesses.
- Deescalate interactions with children in crisis.
- Facilitate appropriate interventions.
- Respond effectively to a reported missing child emergency the child has ASD.
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD.

The listed agencies must also establish policies and procedures for responding to a reported missing child who has ASD. Such policies and procedures must provide:

- Immediate and widespread dissemination of critical information when a child with ASD is reported missing.

[15] Florida Department of Law Enforcement (FDLE), *Silver Alert,* available at https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert (last visited March 18, 2025).
[16] Section 937.0205(3), F.S.

- Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD.
- Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

The listed agencies must require a law enforcement agency, at a minimum, to do all of the following when receiving such a report:

- Contact media outlets in the affected area or surrounding jurisdictions.
- Inform all on-duty law enforcement officers of the reported missing child with ASD.
- Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate impact on local law enforcement agencies, but there is no information available at present to indicate that this impact cannot be absorbed within existing resources. The FDLE will require programming changes that can be absorbed within existing resources. [17] The DHSMV will have indeterminate costs relating to costs associated with training and the establishment of measures to increase public awareness of autism related elopement.[18]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 937.0401

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.

[17] Florida Department of Law Enforcement, *2025 Bill Analysis SB 500 Spectrum Alert,* (on file with Senate Criminal Justice Committee).
[18] Department of Highway Safety and Motor Vehicles, *2025 Bill Analysis SB 500 Spectrum Alert,* (on file with Senate Criminal Justice Committee).

By Senator Avila

39-00360A-25 2025500__

A bill to be entitled

An act relating to the Spectrum Alert; creating s. 937.0401, F.S.; providing legislative findings; requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems; specifying requirements for the training program; requiring the Department of Law Enforcement to establish specified policies and procedures; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Section 937.0401, Florida Statutes, is created to read:

937.0401 Spectrum Alert.—

(1) The Legislature finds that autism spectrum disorder (ASD) significantly affects children in this country, creating unique challenges that can lead to critical safety risks, notably elopement or wandering behaviors in children. Children with ASD are prone to wander from safe environments, at a higher rate than their non-autistic peers. Elopement frequently results

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

39-00360A-25 2025500__

in severe consequences, including fatal traffic accidents and drownings. Notably, drowning is the leading cause of death of children with ASD in this country, with Florida ranking fifth in the nation. The high propensity for elopement and the ineffectiveness of traditional search and response methods necessitates a robust system that will swiftly locate and ensure the safety of missing children with ASD. The Legislature finds that a standardized system is necessary to aid in the search for a missing child with ASD.

(2) The Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall establish and implement the Spectrum Alert to enhance the safety and well-being of children with ASD through immediate and effective community and emergency response.

(3) The Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall:

(a) Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.

(b) Establish policies and procedures for responding to a

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

reported missing child emergency when the child has ASD. The policies and procedures must, at a minimum, provide for all of the following:

1. Immediate and widespread dissemination of critical information when a child with ASD is reported missing.

2. Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD.

3. Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

(c) Require a law enforcement agency, at a minimum, to do all of the following when receiving such a report:

1. Contact media outlets in the affected area or surrounding jurisdictions.

2. Inform all on-duty law enforcement officers of the reported missing child with ASD.

3. Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

(4) The Department of Law Enforcement may adopt rules to implement and administer this section.

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

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

2025 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Highway Safety and Motor Vehicles

BILL INFORMATION	
BILL NUMBER:	SB 500
BILL TITLE:	**Spectrum Alert**
BILL SPONSOR:	Avila
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) Criminal Justice
2) Appropriations Committee on Criminal and Civil Justice
3) Fiscal Policy
4)
5)

CURRENT COMMITTEE

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

BILL ANALYSIS INFORMATION	
Date of Analysis:	2/12/25
Division Director/Designee MS	
Division Director/Designee FHP	Major Lisa Barnett
Additional Analyst(s):	
Technical Analyst:	
Legal Analyst:	Bill Minton, FHP Chief Office of the General Counsel
Fiscal Analyst:	Steve Burch, CFO, OFM
Office of Legislative Affairs:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY:

Senate Bill 500 ("bill") creates an alert system for children with autism spectrum disorder (ASD), which must be compatible with existing alert systems. The bill also directs the Florida Department of Highway Safety and Motor Vehicles ("FLHSMV"), the Florida Department of Transportation ("FDOT"), Florida Department of Law Enforcement ("FDLE"), and the Florida Department of the Lottery ("Lottery") to develop a law enforcement crisis intervention training program and establish policies and procedures for responding to an alert. The bill provides guidelines for these procedures.

If passed, the bill will take effect on July 1, 2025.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 937.021, F.S., requires law enforcement agencies to have written policies specifying the procedures to be used to investigate reports of missing children and adults. This section requires the policies to include the requirements for accepting missing child and missing adult reports; procedures for each stage of the investigation; and standards for maintaining and clearing information concerning a missing child or adult which is stored in the Florida Crime Information Center, the National Crime Information Center, and the National Missing and Unidentified Persons System. Additionally, the section provides requirements for the handling of reports of missing children or adults, including immediate notification of all on-duty law enforcement officers, and a requirement to submit the report to the databases within 2 hours of receipt of the report. FDLE is tasked as the state coordinator for the Amber Alert, Silver Alert, and Purple Alert.

Florida issues the following alerts:

- Amber Alerts[1]-to locate missing children
- Silver Alerts[2]- to locate missing adults over 60 years old who have irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia)
    - Also used for adults 18-59 who law enforcement has determined lack the capacity to consent.
- Purple Alerts[3]- to locate a missing adult who has certain specified mental, cognitive, emotional, or intellectual disabilities
- Blue Alerts[4]- to locate individuals suspected of harming police officers or missing police officers

Activation of the State Alert system allows the use of the highway dynamic message signs to assist in the recovery of the missing person. For State Silver or Purple Alert activation to occur, the person must be traveling by motor vehicle with an identified license plate or other vehicle information. Additionally, for a State Silver Alert to be issued, the local law enforcement must have conducted a preliminary investigation

[1] Section 937.0201, F.S.
[2] Section 937.0201, F.S and https://www.fdle.state.fl.us/Amber-Plan/Silver-Alert
[3] Section 937.0205, F.S.
[4] Section 784.071, F.S.

to conclude the disappearance poses a credible threat to the person's welfare and safety, have entered the missing person into the Florida Crime Information Center and issued a statewide Be On the Look Out (BOLO), and contacted media outlets in the area and surrounding jurisdictions.[5] For an Amber Alert to be activated, the child must be under the age of 18; law enforcement must have a well-founded believe, based on an active investigation, that a kidnapping has occurred and that the child is in imminent danger of death or serious bodily injury; a detailed description of the child and/or the abductor/vehicle exist to broadcast to the public; and the law enforcement agency with jurisdiction recommends activation.[6]

Within FLHSMV, the responsibility for existing alerts is assigned to Florida Highway Patrol ("FHP") regional communications centers (RCCs). Sanford RCC is responsible for the coordination of Amber Alerts, Fort Myers RCC is responsible for the coordination of Silver Alerts, Tampa Bay RCC is responsible for the coordination of Purple Alerts, and Tallahassee RCC is responsible for the coordination of Blue Alerts. The role of the RCCs is to ensure that the alert information is properly distributed to all members via email and all on-duty members via radio broadcast; receiving and recording possible sightings of the missing person and ensuring a law enforcement officer is dispatched to investigate; and maintaining all reports related to the alert. Additionally, if FHP took the initial report of the missing person, RCC personnel are responsible for entering the missing person information into the appropriate databases within the designated two-hour window and entering further information to clear the missing person once the person is located. State troopers are responsible for taking initial reports of missing children or adults reported to them, looking for the missing child or adult or associated vehicle within their area, responding to any potential sightings, and reporting of their investigations to locate the missing child or adult.

FHP provides members with training on the alert systems for missing people via its electronic training system. This training is provided to all members on an annual basis.

Section 943.1727, F.S., requires FDLE to establish a continued employment training component related to autism spectrum disorder for law enforcement officers certified in the state of Florida. The training is required to include instruction on the recognition of symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to an individual exhibiting such symptoms and characteristics. FHP policy specifies that this training will be provided for new hires as well as annual refresher training.

Section 943.0439, F.S., also requires law enforcement officers to receive training related to the policies and procedures for interviewing or interrogating a person diagnosed with autism or an autism spectrum disorder. FHP provides training on dealing with or interviewing people with autism spectrum disorder on an annual basis.

2. EFFECT OF THE BILL:

The bill creates section 937.0401 of the Florida Statutes to establish an additional alert for children with ASD. The alert system is to be compatible with the existing alert systems and is referred to as the Spectrum Alert.

[5] https://www.fdle.state.fl.us/Amber-Plan/Silver-Alert
[6] http://www.fdle.state.fl.us/Amber-Plan/Amber-Alert.aspx

The responsibility for the establishment and implementation of this alert system is granted to FDLE, in cooperation with FLHSMV, Lottery, and local law enforcement agencies.

These entities are tasked with creating a training program implementing crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.

They are also tasked with establishing policies and procedures for responding to a reported missing child emergency when the child has ASD.

While FDLE, and potentially other agencies, are tasked with creating the training required by the bill, members of FHP will be required to obtain this training once it is developed. FHP may be responsible for or requested to assist in the development of the related training, and at a minimum will update FHP's training related to missing persons. FHP will need to review and update its policies and procedures regarding missing persons to include this alert system and the policy requirements. FHP members will need to be educated on the provisions of this bill.

As part of the policy requirements of this bill, public awareness campaigns would need to be implemented to educate the public's awareness of the risks associated with autism-related elopement.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y☒ N☐

If yes, explain:	
Is the change consistent with the agency's core mission?	Y☐ N☐
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	
Opponents and summary of position:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y☐ N☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y☐ N☒

Board:	
Board Purpose:	
Who Appoints:	

Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y☐ N☒

Revenues:	No
Expenditures:	No
Does the legislation increase local taxes or fees? If yes, explain.	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?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y☒ N☐

Revenues:	No
Expenditures:	Indeterminate costs related to two sections: 1) Development of a training plan would need to be developed; costs associated with the new training plan are unknown. 2) The establishment of measures to increase public awareness and understanding of the risks associated with autism-related elopement.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y☐ N☒

Revenues:	No
Expenditures:	No
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y☐ N☒

If yes, explain impact.	No
Bill Section Number:	No

TECHNOLOGY IMPACT

1. DOES THE BILL 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.	This legislation does not appear to have any impact on the Department's technology systems.

FEDERAL IMPACT

1. DOES THE BILL 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.	

ADDITIONAL COMMENTS

Comment 1:

Line 50

It may be better to separate the training requirements from the alert implementation requirements. Typically, when specific law enforcement training development is required, that task is delegated to FDLE. However, this bill is worded to divide that responsibility among FDLE, FDOT, FLHSMV, Lottery, and local law enforcement agencies. The majority of subsection (a) deals with training, so if the training element is left in this location, FHP recommends moving the development of an alert system to a separate subsection and then add what the alert system should consist of, similar to s. 937.0205, F.S., for the purple alert. Additionally, FHP recommends specifically assigning the responsibility for the development of the training to FDLE. Alternatively, law enforcement agencies in general may be tasked with developing their own training.

Example language to establish the alert system may be taken from Purple Alerts, s. 937.0205(3) and (3)(a)-(d), F.S.

Comment 2:

Lines 50-57

This bill requires the training to implement crisis intervention team training to equip officers with skills to understand ASD and other mental illnesses, de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD. The majority of the training just listed is beneficial to law enforcement officers in situations beyond missing children. This training requirement in lines 50-57, with the focus on ASD, might be more appropriate as an addendum to s. 943.1727, F.S., which focuses on continued training for law enforcement officers relating to ASD. Another consideration with the crisis intervention team training is that the training will need to be adapted

for the individual officer, since when a child is missing and is spotted somewhere, they are more likely to be initially approached by a single officer rather than a team of officers.

Comment 3:

Lines 58-78

Clarification may be needed on whether lines 58-61 should be interpreted as FDLE is to develop policies and procedures for other agencies or just for FDLE. Due to the leading section (3) of this subsection, lines 46-49, it implies these policies and procedures would be the responsibility of multiple agencies. Policies are established by each individual agency and not by FDLE. As noted in the present section, Florida law may task each individual law enforcement agency with developing their own policies and procedures, and precedent exists in statute to describe what those policies should include. Looking at the statutes for the Purple Alert, s.937.0205, F.S., and Blue Alert, s. 784.071, F.S., the same agencies, FDLE in cooperation with FLHSMV and FDOT, and Lottery for Purple Alerts, are tasked with the implementation and activation of the alerts. For Purple alerts, local law enforcement agencies are tasked with developing their own policies for the activation of a local Purple Alert. Additionally, law enforcement agencies are required to have specific policies related to missing child and adult reports under s. 937.021, F.S.

Recommend adopting language similar to Purple Alerts in s. 937.0205(5)-(8), F.S., to establish the implementation of the alert program and require law enforcement agencies to have policies in place for local Spectrum Alerts. This language would be similar to lines 70-78.

Consider adding any additional policy requirements to s. 937.021(1), F.S., related to missing child and missing adult reports. This may be a better location for lines 60-69; however, consideration should be given that subsection 3 will require all law enforcement agencies to establish public awareness campaigns.

Further clarification may also be needed for subsection 2, requiring policies related to emergency response teams. Emergency response team is not defined and is not a term that may be used the same by every law enforcement agency. FHP does not have an emergency response team but has a Mobile Field Force for crowd management control, Quick Reaction Force in emergency situations to civil disturbance or disasters; and the Special Response team when more specialized weapons and tactics training is needed. None of these teams seem appropriate to the designated training. Depending on the interpretation of the term and each law enforcement agency, the team may not be the most appropriate choice for who should receive this training or that may not be the team who is first going to encounter the missing child.

Comment 4:

Line 81

The bill is to take effect July 1, 2025. The bill requires the creation of training by FDLE as well as the establishment of policies and procedures. It takes time to develop training, policies, and procedures. Accordingly, the bill’s effective date be no earlier than January 1, 2026, to allow for development and implementation of training and policy. FDLE should be consulted on whether this is an adequate deadline for the training to be developed.

Comment 5:

The bill's inclusion of the Department of Lottery likely is to account for funding that will be needed for the bill, since it addresses child autism and the Lottery assists in funding child educational programs. However, that should be clarified, since Lottery is not generally involved with FDLE/CJSTC training, as noted in above comments.

LEGAL – OFFICE OF GENERAL COUNSEL COMMENTS

Issues/concerns/comments:	None.

2025 FDLE LEGISLATIVE BILL ANALYSIS

BILL INFORMATION	
BILL NUMBER:	SB 500
BILL TITLE:	Spectrum Alert
BILL SPONSOR:	Senator Avila
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) Senate Criminal Justice
2) Senate Appropriations Committee on Criminal and Civil Justice
3) Senate Fiscal Policy
4)
5)

CURRENT COMMITTEE
Senate Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	HB 711
SPONSOR:	Borrero

IDENTICAL BILLS	
BILL NUMBER:	HB 711
SPONSOR:	Rep. Borrero

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	February 20, 2025
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Heather Faulkner, Christina Hagenbeck, Linda Pollard, Kandace Zachary, Rachel Salus; Becky Bezemek
LEGAL ANALYST:	Rose Garrison, Jeff Dambly
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill mandates the establishment and implementation of the Spectrum Alert to address the unique challenges and safety risks faced by children with autism spectrum disorder (ASD), notably their propensity to wander. The bill directs the Florida Department of Law Enforcement (FDLE), in coordination with other state departments and local agencies, to develop and implement a training program and alert system specifically tailored for locating missing children with ASD. The bill requires the alert system to be compatible with existing alert systems. The bill requires the training program to include crisis intervention team training for law enforcement officers to help them recognize ASD characteristics, de-escalate crises, handle interactions with children having ASD, and respond effectively to missing child reports. The bill mandates the establishment of specific policies and procedures focusing on immediate dissemination of information and enhancing the emergency response for ASD-related incidents. The bill stipulates enhancement of public awareness and understanding of autism-related elopement and community support mechanisms for children with ASD. The bill grants FDLE the authority to adopt rules necessary to implement and administer these provisions. The bill provides an effective date of July 1, 2025

.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Currently, FDLE issues an Enhanced Missing Child Alert (EMCA) when:

- the child is under the age of 18,
- the child is in imminent danger of death or serious bodily injury,
- there is a detailed description or photograph of the child to broadcast to the public, and
- the local law enforcement agency of jurisdiction recommends activation.

This alert is often used for children with ASD, but its usage is not restricted solely to those children with ASD.

An EMCA includes:

- Statewide BOLO to law enforcement
- FDLE flyer distribution
- Media contact
- FDLE website posting
- Social media posting
- Dissemination to Department of Lottery
- Localized Wireless Emergency Alert (WEA) to cell phones
- Notification to public subscribers

Autism Awareness Telecommunicator Training is publicly available on FDLE's website. The training provides an overview of common behaviors and risk factors associated with ASD and discusses use of an EMCA for those with ASD. FDLE also offers publications (pamphlets) to law enforcement and the public regarding ASD and the use of EMCAs for those with ASD.

2. EFFECT OF THE BILL:

Section 1. The bill creates the "Spectrum Alert" and requires FDLE, in cooperation with other state departments and local agencies, to establish and implement the Spectrum Alert for children with ASD who go missing. The bill requires FDLE to develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the knowledge and skills to respond effectively to a reported missing child with ASD.

The bill requires FDLE to establish policies and procedures for responding to a reported missing child emergency when the child has ASD and provides for minimum requirements. The bill outlines law enforcement requirements when receiving a report of a missing child with ASD. The bill authorizes FDLE to adopt rules to implement the bill

Section 2. The bill takes effect July 1, 2025.

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:	Lines 58-69: Requires FDLE to establish policies and procedures for responding to a reported missing child emergency when the child has ASD. The policies and procedures must, at a minimum, provide for the following: • Immediate and widespread dissemination of critical information when a child with ASD is reported missing. • Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD. • Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD. Lines 79-80: Authorizes FDLE to adopt rules to implement and administer the Spectrum Alert.
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:	
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:	
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 requirements of this legislation is one month and will cost $13,000. FDLE will utilize existing resources to implement the bill.

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGECY 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 concerns.

ADDITIONAL COMMENTS

- Of the EMCAs issued during 2024, 88% were issued for children diagnosed with or suspected to have ASD.
  - The EMCAs issued included a statewide BOLO to law enforcement, FDLE flyer distribution, media contact, FDLE website posting, social media posting, dissemination to Department of Lottery, localized WEAs to cell phones, and notification to public subscribers.
  - The notification procedures for an EMCA appear to cover the requirements of a Spectrum Alert.

- The bill calls for widespread dissemination of information when a child with ASD goes missing.
  - The statewide BOLO ensures widespread dissemination to law enforcement.
  - Regarding public dissemination, an EMCA uses a localized WEA that usually expands five miles from the address they are missing from. A larger radius can be used if law enforcement deems it appropriate based on the circumstances. A targeted dissemination (rather than widespread) avoids the over-saturation of WEAs to the public. Public engagement is paramount to the proven effectiveness of alert programs. Increasing the radius of these alerts is likely to have a desensitizing effect on the public and may significantly decrease the perceived gravity and actual effectiveness of all alerts including emergency weather, AMBER, Silver, Purple, and Missing Child Alerts.

- Outside of crisis intervention team training, the resources FDLE currently provides on ASD and EMCAs cover the training requirements under this bill.

- Line 54: FDLE requests clarification on what constitutes "other mental illnesses."

- Lines 70-78: The bill calls for FDLE to require law enforcement agencies to complete specific notifications as part of a Spectrum Alert. It is unclear if FDLE has such authority to require other law enforcement agencies to complete these notifications.

SENATOR BRYAN AVILA
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

COMMITTEES:
COMMITTEES:
Finance and Tax, *Chair*
Transportation, Vice Chair
Appropriations Committee on Transportation, Tourism, and Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

February 25, 2025

Honorable Senator Jonathan Martin
Committee on Criminal Justice
404 South Monroe Street
610 Knott Building
Tallahassee, Florida 32399

Honorable Chair Martin:

I respectfully request SB 500 Spectrum Alert be placed on the next committee agenda.

SB 500 Spectrum Alert; Requires the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems, etc.

Sincerely,

Senator, District 39

CC: Amanda Stokes, Staff Director
Tori Denson, Administrative Assistant
Olivia Myers, Legislative Aide

The Florida Senate

APPEARANCE RECORD

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

March 25, 2025
Meeting Date

Criminal Justice
Committee

500
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 612
INTRODUCER:	Criminal Justice Committee and Senator Burgess
SUBJECT:	Murder
DATE:	March 26, 2025
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 612 amends s. 782.04(5), F.S., to create a new third degree murder, which is a second degree felony for individuals younger than 18 who unlawfully distribute a specified substance that is proven to have caused or proven to have been a substantial factor in producing the death of the user. Substances include:

- A Schedule I controlled substance;
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.[1]

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

[1] Section 782.04(l)(a)3.a.-j., F.S.

The bill takes effect on July 1, 2025.

II. Present Situation:

Nationwide, there has been an increase in young adults being charged as the result of distributing a substance that has caused death of another individual. In 2022, a California District Attorney's office charged a sixteen-year-old with murder for distributing Fentanyl that killed a pre-teen.[2] The San Bernardino County District Attorney's Office has utilized this charge twice to in recent years amid a spike in teenager overdose deaths in Southern California.[3]

Murder by Unlawful Distribution of Certain Controlled Substances

Section 782.04(1)(a)3., F.S., provides that first degree murder includes the unlawful killing of a human being which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or a mixture containing any of the following substances, when such substance or mixture is proven to be the *substantial factor* of the death of the user:

- A Schedule I controlled substance;[4]
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.

"Substantial factor" means that the use of a substance or mixture alone is sufficient to cause an overdose or serious bodily injury, regardless of whether any other substance or mixture used is also sufficient to cause an overdose or serious bodily injury.[5]

First degree murder is a capital felony,[6] punishable by death or life imprisonment.[7]

Third Degree Murder – Exclusion of Unlawful Distribution of Certain Controlled Substances

Section 782.04(4), F.S., provides that it is third degree murder, a second degree felony, when an unlawful killing of a human being, was perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate any felony *other than* any

[2] ABC News, *Mother reacts to murder charge against teen accused in her 12-year-old's fatal overdose*. available at https://abc7news.com/san-jose-teen-od-death-girl-drug-overdose-fentanyl/11509568/, (last visited March 18, 2025).
[3] Fox News, *California teen charged with murder for providing fentanyl to drug overdose victim*, available at https://www.foxnews.com/us/california-teen-charged-murder-providing-fentanyl-drug-overdose-victim?msockid=1aa65dbe159a63171107495a14b362c4, (last visited March 18, 2025).
[4] Section 893.03(1), F.S., provides a list of controlled substances.
[5] Section 782.04(5)(a), F.S.
[6] Section 782.04(1)(a)3., F.S.
[7] Section 782.082, F.S.

felony listed in subsection (4). This list of excluded felonies includes unlawful distribution by a person 18 years of age or older of any of the following substances when such substance is proven to be the *substantial cause* of the death of the user:

- A Schedule I controlled substance;
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.[8]

Currently, persons under 18 years of age are excluded from the capital crime of murder for the unlawful distribution of the above listed substances:

A person less than 18 years of age who distributes such substance and such distribution causes death may be charged with the second degree felony of third degree murder depending on the circumstances.

Capital Felonies

Under current Florida law, the term "capital felony" means a crime for which a person may be sentenced to death or life imprisonment.[9] Among these crimes are:

- The unlawful killing of a human being:
    - When perpetrated from a premeditated design to effect the death of the person killed or any human being;[10]
    - When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any specified offense;[11] or
    - Which resulted from the unlawful distribution by a person 18 years of age or older of any specified substances, or mixture containing any specified substance, when such substance or mixture is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user.
- Sexual battery, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age.[12]
- Trafficking in specified controlled substances.[13]

A person under the age of 18 at the time of the offense will receive a sentence of life in prison as specified in s. 775.082(1)(b)1., F.S. If after sentencing the court finds that life imprisonment is

[8] Section 782.04(4)(l), F.S.
[9] See Sections 921.141, 921.142, and 921.1425, F.S.
[10] Section 782.04(1)(a)1., F.S.
[11] Section 782.04(1)(a)2., F.S.
[12] Section 794.011(2), F.S.
[13] See s. 893.135, F.S.

not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years.[14]

III. Effect of Proposed Changes:

The bill amends s. 782.04(5), F.S., to create a new third degree murder, which is a second degree felony for individuals younger than 18 who unlawfully distribute a specified substance that is proven to have caused or proven to have been a substantial factor in producing the death of the user. Substances include:

- A Schedule I controlled substance;
- Cocaine;
- Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- Methadone;
- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- Methamphetamine; or
- A controlled substance analog of any of the above-listed controlled substances.[15]

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

[14] Section 775.082(1)(b)1., F.S.
[15] Section 782.04(l)(a)3.a.-j., F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

- Per the DOC, in FY 23-24, there were 19 new commitments to prison under s. 782.04(4), F.S. However, it is not known how many of these commitments were due to the unlawful distribution of specific controlled substances leading to the death of a user.[16]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

782.04
This bill substantially amends the following sections of the Florida Statutes: 782.04

IX. Additional Information:

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

CS by Criminal Justice on March 25, 2025:
The substitute amendment establishes third degree murder, classified as a second degree felony, for individuals under 18 who distribute a substance proven to have caused or significantly contributed to someone's death.

[16] Office of Economic and Demographic Research, *SB 612 - Murder,* (on file with the Senate Committee on Criminal Justice).

B. Amendments:

None.

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

479542

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) and subsection (4) of section 782.04, Florida Statutes, is amended to read

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;



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2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j. Aircraft piracy,

k. Unlawful throwing, placing, or discharging of a destructive device or bomb,

l. Carjacking,

m. Home-invasion robbery,

n. Aggravated stalking,

o. Murder of another human being,

p. Resisting an officer with violence to his or her person,

q. Aggravated fleeing or eluding with serious bodily injury or death,

r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or

s. Human trafficking; or

3. Which resulted from the unlawful distribution ~~by a person 18 years of age or older~~ of any of the following substances, or mixture containing any of the following substances, when such substance or mixture is proven to have

479542

caused, or is proven to have been a substantial factor in producing, the death of the user:

a. A substance controlled under s. 893.03(1);

b. Cocaine, as described in s. 893.03(2)(a)4.;

c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;

d. Methadone;

e. Alfentanil, as described in s. 893.03(2)(b)1.;

f. Carfentanil, as described in s. 893.03(2)(b)6.;

g. Fentanyl, as described in s. 893.03(2)(b)9.;

h. Sufentanil, as described in s. 893.03(2)(b)30.;

i. Methamphetamine, as described in s. 893.03(2)(c)5.; or

j. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-i.,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

479542

(i) Aggravated abuse of an elderly person or disabled adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Unlawful distribution of any substance listed in sub-subparagraphs (1)(a)3.a.-j. ~~by a person 18 years of age or older~~, when such substance is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user,

(m) Carjacking,

(n) Home-invasion robbery,

(o) Aggravated stalking,

(p) Murder of another human being,

(q) Aggravated fleeing or eluding with serious bodily injury or death,

(r) Resisting an officer with violence to his or her person, or

(s) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

And the title is amended as follows:

479542

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to murder; amending s. 782.04, F.S; revising the elements that constitute the felony offense of murder; providing an effective date.

146538

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Substitute for Amendment (479542) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 782.04, Florida Statutes, is renumbered as subsection (6), respectively, and subsection (5) is added to that section, to read:

782.04 Murder.—

(5) The unlawful killing of a human being, when perpetrated

146538

without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate the unlawful distribution of any substance listed in sub-subparagraphs (1)(a)3.a.-j. by a person less than 18 years of age, when such substance is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user, is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to murder; amending s. 782.04, F.S.; creating an offense of third degree murder; providing penalties; providing an effective date.

By Senator Burgess

23-00632-25 2025612__

A bill to be entitled

An act relating to murder; amending s. 782.04, F.S.; revising the elements that constitute the felony offense of murder in the third degree; providing an effective date.

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

Section 1. Subsection (4) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Unlawful distribution of any substance listed in sub-

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

23-00632-25 2025612__

subparagraphs (1)(a)3.a.-j. ~~by a person 18 years of age or older~~, when such substance is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user,

(m) Carjacking,

(n) Home-invasion robbery,

(o) Aggravated stalking,

(p) Murder of another human being,

(q) Aggravated fleeing or eluding with serious bodily injury or death,

(r) Resisting an officer with violence to his or her person, or

(s) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

HB 457 – Unlawful Distribution of Controlled Substances Resulting in Death (Identical SB 612)

This bill amends s. 782.04(4)(l), F.S., which describes in what instances murder in the third degree would apply, removing certain language from “unlawful distribution of any” controlled substance listed in the statute “when such substance is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user.” The amended language removes the statement that this would apply to “a person 18 years of age or older.” Therefore, this offense would also now apply to those under the age of 18 years old.

Per DOC, in FY 23-24, there were 19 new commitments to prison under s. 782.04(4), F.S. However, it is not known how many of these commitments were due to the unlawful distribution of specific controlled substances leading to the death of a user.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: February 26, 2025

I respectfully request that **Senate Bill #612**, relating to Murder, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Amanda Stokes, Staff Director
CC: Tori Denson, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

03/25/25
Meeting Date

SB 612
Bill Number or Topic

CRIMINAL JUSTICE
Committee

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

Amendment Barcode (if applicable)

Name COLONEL CHRIS RULE

Phone 813-247-8000

Address 2008 EAST 8TH AVE
Street

Email CRULE@TEAMHCSO.COM

TPA
City

FL
State

33619
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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3-25-15
Meeting Date

Criminal Justice
Committee

612
Bill Number or Topic

Amendment Barcode (if applicable)

Name Abdelilah Sakhir

Phone 786-363-1660

Address 4343 W Flagler St #400
Street

Email asakhir@aclufl.org

Miami FL 33134
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: ACLU of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/25/25
Meeting Date

Criminal Justice
Committee

SB 612
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aurelie Colon

Phone 9548818595

Address 403 Washington Ave
Street

Montgomery AL
City State Zip

Email aurelie.colon@splcenter.org

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
SPLC

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

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

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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

March 25, 2025
Meeting Date

Criminal Justice
Committee

612
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	SB 726
INTRODUCER:	Senator Ingoglia
SUBJECT:	False Reporting
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Favorable**
2.			RI	
3.			RC	

I. Summary:

SB 726 amends s. 365.172, F.S., to require any person who misuses the 911 system to be liable for the costs of prosecution and investigation. Current law provides that specified misuse of the 911 systems is a first degree misdemeanor for a first offense.

The bill amends s. 837.05, F.S., to require any person who knowingly gives false information to law enforcement authorities concerning the alleged commission of any crime to be liable for the costs of prosecution and investigation. Additionally, the bill requires a person to be liable for restitution if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

The bill takes effect on July 1, 2025.

II. Present Situation:

In the 2022-2023 school year, there were more than 446 false reports, or "swatting calls," of an active shooter within a school comprising 63.8% of all violent incidents, while 7.9% of all violent incidents were actual shootings at a school.[1] "Swatting" is false reporting an emergency to public safety by a person for the intent of getting a SWAT team response to a location where no emergency exists.[2]

Swatting is not the only improper use of 911, for example, just last month a woman was arrested in Florida for overusing the 911 system. Authorities allege the woman called the county's 911

[1] Educator's School Safety Network, *Swatting Incidents in American Schools 2022-2023*, available at: https://eschoolsafety.org/swatting (last visited March 24, 2025).
[2] 911.gov, *Public Safety Information on "Swatting,"* available at: https://www.911.gov/assets/National_911_Program_Public_Safety_Information_Swatting_2015.pdf (last visited March 24, 2025).

dispatch line well over 30 times last year alone. In the latest event, the woman called 911 for knee pain, stating her doctor wants her to get an x-ray. The defendant was aware that her pain did not constitute a medical emergency, but lacking the ability to get herself to the hospital, she called 911 for transport.[3]

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.[4] The Emergency Communications Act prohibits the misuse of the 911, E911,[5] and NG911[6] systems.

Section 365.172, F.S., provides it is a first degree misdemeanor[7] for a person to:

- Access 911 for the purpose of making a false alarm or complaint or reporting false information that could result in the emergency response of any public safety agency.
- Knowingly use or attempt to use such service for a purpose other than obtaining public safety assistance.
- Knowingly use or attempt to use such service in an effort to avoid any charge for service.[8]

If the value of the service or the service charge exceeds $100, the person commits a third degree felony.[9,10]

Additionally, a person commits a third degree felony if he or she continues to engage in the unauthorized use of service after being convicted of unauthorized use of such service four times.[11]

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[3] Law & Crime, *"My knee hurts,"* Colin Kalmbacher (January 15, 2025), available at: https://lawandcrime.com/crime/my-knee-hurts-florida-woman-arrested-after-allegedly-calling-911-over-30-times-in-a-single-year/ (last visited March 24, 2025).
[4] Section 365.172(2)(a)-(b), F.S.
[5] "Enhanced 911" or "E911" means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.
[6] "Next Generation 911" or "NG911" means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.
[7] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to $1,000. Sections 775.082 and 775.083, F.S.
[8] Section 365.172(14), F.S.
[9] *Id.*
[10] Punishable as provided in ss. 775.082, 775.083, or 775.084, F.S. A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000.
[11] Section 365.172(14), F.S.

False Reports to Law Enforcement

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.[12]

Pursuant to s. 837.05, F.S., it is a first degree misdemeanor for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.

It is a third degree felony if the person committing this offense has a previous conviction for such offense and the information given to the law enforcement officer was either communicated in writing, or communicated orally and the officer's account of that information is corroborated by:

- An audio recording or audio recording in a video of that information;
- A written or recorded statement made by the person who gave that information; or
- Another person who was present when that person gave that information to the officer and heard that information.

It is also a third degree felony for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony.[13]

FortifyFL

FortifyFL is a mobile suspicious activity reporting platform that allows school students and the community to anonymously relay information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.[14]

Section 943.082, F.S., provides that if, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the 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 the criminal penalties under s. 837.05, F.S., listed above.

In the 2024 Legislative Session, lawmakers passed HB 1473 to require that instruction on the use of FortifyFL is provided to students. The instruction is to be age and developmentally

[12] Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347 (last visited March 3, 2025).
[13] A capital felony most often refers to murder under s. 782.04, F.S., or sexual battery pursuant to s. 794.011, F.S., however there are several other offenses that may result in a capital felony such as drug trafficking offenses and offenses relating to weapons of mass destruction and destructive devices.
[14] Section 943.082(1), F.S.

appropriate and include the consequences for making a threat or false report as described in ss. 790.162[15] and 790.163, F.S.[16,17]

Federal Provisions

Under Title 18 U.S.C. 1038, also known as the false information and hoaxes law, it is illegal for a person to engage in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that it relates to certain criminal chapters of law such as crimes or threats involving biological or chemical weapons, crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.[18]

A person who commits an offense under this federal law shall:
- Be fined or imprisoned for not more than 5 years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

III. Effect of Proposed Changes:

The bill amends s. 365.172, F.S., to require any person who misuses the 911 system to be liable for the costs of prosecution and investigation. Current law provides that specified misuse of the 911 systems is a first degree misdemeanor for a first offense.

The bill amends s. 837.05, F.S., to require any person who knowingly gives false information to law enforcement authorities concerning the alleged commission of any crime to be liable for the costs of prosecution and investigation. Additionally, the bill requires a person to be liable for restitution if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

[15] Section 790.162, F.S. provides 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. The offense is a second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., generally not more than 15 years in state prison and a fine not exceeding $10,000.
[16] Section 790.163, F.S. provides 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. The offense is a second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., generally not more than 15 years in state prison and a fine not exceeding $10,000.
[17] Ch. 2024-155, L.o.F.
[18] 18 U.S.C.A. § 1038

The bill reenacts s. 943.082, F.S. to provide false tips made through FortifyFL may be subject to criminal penalties under s. 837.05, F.S., including the liability for the costs of prosecution and investigation stemming from such false tip.

The bill takes effect on July 1, 2025

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 365.172, 837.05, 943.082.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Ingoglia

11-00303-25 2025726__

A bill to be entitled

An act relating to false reporting; amending s. 365.172, F.S.; providing that a person who misuses emergency communication systems is liable for the costs of prosecution and investigation; amending s. 837.05, F.S.; providing that a person who makes a false report to law enforcement authorities is liable for the costs of prosecution and investigation; providing that such persons are also liable for restitution if the false report involves another person who sustained injuries or property damage as a result of the false report; reenacting s. 943.082(2)(c), F.S., relating to the School Safety Awareness Program, to incorporate the amendment made to s. 837.05, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (14) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications.—

(14) MISUSE OF 911, E911, OR NG911 SYSTEM; PENALTY.—911, E911, and NG911 service must be used solely for emergency communications by the public. Any person who accesses the number 911 for the purpose of making a false alarm or complaint or reporting false information that could result in the emergency response of any public safety agency; any person who knowingly uses or attempts to use such service for a purpose other than

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11-00303-25 2025726__

obtaining public safety assistance; or any person who knowingly uses or attempts to use such service in an effort to avoid any charge for service, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. After being convicted of unauthorized use of such service four times, a person who continues to engage in such unauthorized use commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates this subsection is liable for the costs of prosecution and investigation under s. 938.27. In addition, if the value of the service or the service charge obtained in a manner prohibited by this subsection exceeds $100, the person committing the offense commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Subsections (3) and (4) are added to section 837.05, Florida Statutes, to read:

837.05 False reports to law enforcement authorities.—

(3) A person who violates this section is liable for the costs of prosecution and investigation under s. 938.27.

(4) A person who violates this section is liable for restitution under s. 775.089 if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

Section 3. For the purpose of incorporating the amendment made by this act to section 837.05, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 943.082, Florida Statutes, is reenacted to read:

943.082 School Safety Awareness Program.—

(2) The reporting tool must notify the reporting party of

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the following information:

(c) That 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 under s. 837.05. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report will remain anonymous.

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

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

The Florida Senate

APPEARANCE RECORD

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

March 25, 2025
Meeting Date

Criminal Justice
Committee

728
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice Alliance

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	SB 814
INTRODUCER:	Senator Fine
SUBJECT:	Weapons or Firearms at School-sponsored Events or on School Property
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Unfavorable**
2.			ACJ	
3.			RC	

I. Summary:

SB 814 amends s. 790.115, F.S., to provide a person the ability to lawfully possess firearms and weapons on school property, a school bus, or school bus stop, in s. 790.115(2)(a), F.S. The bill specifies that a person may not store a firearm or weapon on such property.

A person may lawfully carry a firearm on the property of any college or university, including, but not limited to, any dormitory or residence hall owned or operated by a college or university, and in any other location he or she is legally authorized to do so.

The Florida Department of Law Enforcement (FDLE) may authorize a college or university while hosting or sponsoring a sporting or athletic event, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or concealed firearm is prohibited.

The FDLE suggests that the time the department will need to make any necessary programmatic changes will be approximately seven months and, utilizing existing staff resources, will cost approximately $111,000.[1] *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

The term "school" is defined in s. 790.115, F.S., as any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

[1] 2025 FDLE Legislative Bill Analysis, SB 814, March 17, 2025. (*On file with the Criminal Justice Committee).*

Possessing a firearm or weapon on the property of any school, school bus, or school bus stop, is prohibited except under limited circumstances. Section 790.115(2)(a), F.S., provides that a person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001, F.S., including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event, or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

- In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
- In a case to a career center having a firearms training range; or
- In a vehicle pursuant to s. 790.25(4), F.S.; except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.[2]

It is a third degree felony offense if a person willfully and knowingly possesses a firearm on school property[3]. It is also a third degree felony if a person willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon as defined in s. 790.001, F.S., including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, in violation of s. 790.115(2)(b), F.S.[4] Persons who have a concealed weapon or concealed firearm license[5] are subject to second degree misdemeanor penalties[6] if they willfully and knowingly violate paragraph (2)(b) or subparagraph (2)(c)1. of s. 790.115, F.S.

According to s. 790.06(12), F.S., a license to carry a concealed weapon or a concealed firearm[7] does not authorize a person to openly carry a handgun or carry a concealed weapon or concealed firearm into:

- Any school, college, or professional athletic event not related to firearms;
- Any elementary or secondary school facility or administration building;
- Any career center;
- Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- Any place where the carrying of firearms is prohibited by federal law.[8]

The Gun-Free School Zones Act of 1995 amended Section 922(q) of title 18, United States Code, providing that "[i]t shall be unlawful for any individual knowingly to possess a firearm

[2] Section 790.115(2)(a), F.S.
[3] Section 790.115(2)(c)1., F.S. A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. ss.775.082 and 775.083, F.S.
[4] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. ss.775.082 and 775.083, F.S.
[5] The misdemeanor penalties also apply to persons who do not have a concealed carry license but who do carry identification, and otherwise satisfy the criteria for receiving and maintaining such a license under ss.790.01(1)(b), and 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.
[6] A second degree misdemeanor is punishable by up to 60 days in the county jail and a $500 fine. ss.775.082 and 775.083, F.S.
[7] Sections 790.01(a) and (b), F.S.
[8] Section 790.06(12)(a), F.S.

that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.[9]"

III. Effect of Proposed Changes:

The bill amends s. 790.115 to provide a person, the ability to lawfully possess firearms and weapons on school property, a school bus, or school bus stop, in s. 790.115(2)(a), F.S., by deleting the word "possess," and specifying that a person may not "store" weapons in such a place.

A person may lawfully carry a firearm on the property of any college or university, including, but not limited to, any dormitory or residence hall owned or operated by a college or university, and in any other location he or she is legally authorized to do so.

The bill creates a new subsection (4) in s. 790.115, F.S., providing that the Florida Department of Law Enforcement (FDLE) may authorize a college or university, while hosting or sponsoring a sporting or athletic event, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited. The college or university must submit a security plan to the FDLE for approval. The FDLE shall create and make an electronic form publicly available on its website through which a college or university may submit a security plan.

The bill amends the definition of the term "school" to read "a *public* preschool or any elementary school, middle school, junior high school, secondary school, or career center, regardless of whether public or private.

The bill also amends s. 790.06(12)(a)13., F.S., which is the section of law specifying that a concealed carry license does not authorize any person to openly carry a handgun or carry a concealed weapon or concealed firearm into any college or university facility.

The bill provides that a person may not carry a concealed weapon or concealed firearm on any college or university facility or area the FDLE has authorized the college or university to designate as a sensitive location during an event.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

[9] Section 890, 104th Congress, First Session.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill states that the FDLE "may authorize" colleges and universities to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited while hosting or sponsoring a sporting or athletic event. The bill requires that to receive such authorization, the college or university must submit a security plan to the FDLE for approval. The FDLE shall create and make publicly available an electronic form on its website through which a college or university may submit a security plan pursuant to the bill. The form must include, at a minimum, the basic information regarding the sporting or athletic event the college or university is hosting or sponsoring and any information needed by the department to make its decision.

The FDLE suggests that the time the department will need to make any necessary programmatic changes will be approximately seven months and, utilizing existing staff resources, will cost approximately $111,000.[10] The FDLE also suggests an extended effective date.

VI. Technical Deficiencies:

None.

[10] 2025 FDLE Legislative Bill Analysis, SB 814, March 17, 2025. (*On file with the Criminal Justice Committee).*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 790.115, 790.06, 397.417, 420.6241, 435.04, 790.251, 921.0022, 943.051, 943.0585, 943.059, 985.11, 985.557.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Fine

19-00422-25 2025814__

A bill to be entitled

An act relating to weapons or firearms at school-sponsored events or on school property; amending s. 790.115, F.S.; prohibiting persons from storing, rather than possessing, firearms or weapons at a school-sponsored event or on the property of any school, school bus, or school bus stop; authorizing persons to carry firearms on the property of any college or university; revising the definition of the term "school"; providing that the Department of Law Enforcement may authorize a college or university, while hosting or sponsoring a sporting or athletic event, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited; requiring the college or university to submit a security plan to the department to receive such authorization; requiring the department to create and make publicly available a certain electronic form on its website; conforming provisions to changes made by the act; amending s. 790.06, F.S.; conforming a provision to changes made by the act; reenacting ss. 397.417(4)(e), 420.6241(4)(b), 435.04(2)(y), 790.251(7)(a), 921.0022(3)(d), 943.051(3)(b), 943.0585(1)(d), 943.059(1)(b), 985.11(1)(b), and 985.557(1)(a), F.S., relating to background screening for peer specialists, background screening for persons with lived experience, Level 2 screening standards, protection of the right to keep and bear arms in motor

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

19-00422-25 2025814__

vehicles for self-defense and other lawful purposes, level 4 of the offense severity ranking chart, fingerprinting of minors, court-ordered expunction of criminal history records, court-ordered sealing of criminal history records, fingerprinting and photographing of children, and discretionary direct filing of an information, respectively, to incorporate the amendment made to s. 790.115, F.S., in references thereto; providing an effective date.

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

Section 1. Section 790.115, Florida Statutes, is amended to read:

790.115 Exhibiting, storing, ~~Possessing~~ or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.—

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001, including a razor blade, box cutter, or common pocketknife, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third

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

degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person may ~~shall~~ not store ~~possess~~ any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001, including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm on the property of any college or university, including, but not limited to, any dormitory or residence hall owned or operated by a college or university, and in any other location he or she is legally authorized to do so~~:~~

~~1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;~~

~~2. In a case to a career center having a firearms training range; or~~

~~3. In a vehicle pursuant to s. 790.25(4); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges~~.

~~For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary~~

~~school, career center, or postsecondary school, whether public or nonpublic.~~

(b) Except as provided in paragraph (e), a person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon as defined in s. 790.001, including a razor blade or box cutter, except as authorized in paragraph (a) or in support of school-sanctioned activities, in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)1. Except as provided in paragraph (e), a person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a firearm-mounted push-button combination lock or a trigger lock; if the minor obtains the firearm as a result of an unlawful entry by any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

(d) A person who discharges any weapon or firearm while in

violation of paragraph (a), unless discharged for lawful defense of himself or herself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person who is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1) and who willfully and knowingly violates paragraph (b) or subparagraph (c)1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) As used in this section, the term "school" means a public preschool or any elementary school, middle school, junior high school, secondary school, or career center, regardless of whether public or private.

(4) The Department of Law Enforcement may authorize a college or university, while hosting or sponsoring a sporting or athletic event, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited. To receive such authorization, the college or university must submit a security plan to the Department of Law Enforcement for approval. The Department of Law Enforcement shall create and make publicly available an electronic form on its website through which a college or university may submit a security plan pursuant to this subsection. The form must include, at a minimum, the basic information regarding the sporting or athletic event the college or university is hosting or sponsoring and any information needed by the department to make its decision.

(5) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),

(8), (9), or (14).

Section 2. Paragraph (a) of subsection (12) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(12)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or concealed firearm into:

1. Any place of nuisance as defined in s. 823.05;

2. Any police, sheriff, or highway patrol station;

3. Any detention facility, prison, or jail;

4. Any courthouse;

5. Any courtroom, except that nothing in this section precludes a judge from carrying a concealed weapon or concealed firearm or determining who will carry a concealed weapon or concealed firearm in his or her courtroom;

6. Any polling place;

7. Any meeting of the governing body of a county, public school district, municipality, or special district;

8. Any meeting of the Legislature or a committee thereof;

9. Any school, college, or professional athletic event not related to firearms;

10. Any elementary or secondary school facility or administration building;

11. Any career center;

12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

13. Any college or university facility or area the Department of Law Enforcement has authorized the college or university to designate as a sensitive location while the college or university hosts or sponsors a sporting or athletic event ~~unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile~~;

14. The inside of the passenger terminal and sterile area of any airport, provided that no person is ~~shall be~~ prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

15. Any place where the carrying of firearms is prohibited by federal law.

Section 3. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (e) of subsection (4) of section 397.417, Florida Statutes, is reenacted to read:

397.417 Peer specialists.—

(4) BACKGROUND SCREENING.—

(e) The background screening conducted under this subsection must ensure that a peer specialist has not been arrested for and is awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws

of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.

4. Section 415.111, relating to abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

8. Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a

child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.

25. Chapter 800, relating to lewdness and indecent exposure.

26. Section 806.01, relating to arson.

27. Section 810.02, relating to burglary, if the offense was a felony of the first degree.

28. Section 810.14, relating to voyeurism, if the offense was a felony.

29. Section 810.145, relating to digital voyeurism, if the offense was a felony.

30. Section 812.13, relating to robbery.

31. Section 812.131, relating to robbery by sudden snatching.

32. Section 812.133, relating to carjacking.

33. Section 812.135, relating to home-invasion robbery.

34. Section 817.034, relating to communications fraud, if the offense was a felony of the first degree.

35. Section 817.234, relating to false and fraudulent insurance claims, if the offense was a felony of the first or second degree.

36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.

37. Section 817.505, relating to patient brokering.

38. Section 817.568, relating to fraudulent use of personal identification, if the offense was a felony of the first or second degree.

39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.

40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.

41. Section 825.103, relating to exploitation of an elderly

person or a disabled adult, if the offense was a felony.

42. Section 826.04, relating to incest.

43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

44. Section 827.04, relating to contributing to the delinquency or dependency of a child.

45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.

47. Section 831.30, relating to fraud in obtaining medicinal drugs.

48. Section 831.31, relating to the sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver of any counterfeit controlled substance, if the offense was a felony.

49. Section 843.01, relating to resisting arrest with violence.

50. Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.

51. Section 843.12, relating to aiding in an escape.

52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.

53. Chapter 847, relating to obscenity.

54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

55. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or

greater severity.

56. Section 895.03, relating to racketeering and collection of unlawful debts.

57. Section 896.101, relating to the Florida Money Laundering Act.

58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

60. Section 944.40, relating to escape.

61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

62. Section 944.47, relating to introduction of contraband into a correctional institution.

63. Section 985.701, relating to sexual misconduct in juvenile justice programs.

64. Section 985.711, relating to introduction of contraband into a detention facility.

Section 4. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 420.6241, Florida Statutes, is reenacted to read:

420.6241 Persons with lived experience.—

(4) BACKGROUND SCREENING.—

(b) The background screening conducted under this subsection must ensure that the qualified applicant has not been arrested for and is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or entered a

plea of nolo contendere or guilty to, or has not been adjudicated delinquent and the record has been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense is a felony of the first or second degree.

4. Section 415.111, relating to criminal penalties for abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence, as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

8. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or a disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing of an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense is a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.

25. Chapter 800, relating to lewdness and indecent exposure.

26. Section 806.01, relating to arson.

27. Section 810.02, relating to burglary, if the offense is a felony of the first degree.

28. Section 810.14, relating to voyeurism, if the offense is a felony.

29. Section 810.145, relating to video voyeurism, if the offense is a felony.

30. Section 812.13, relating to robbery.

31. Section 812.131, relating to robbery by sudden snatching.

32. Section 812.133, relating to carjacking.

33. Section 812.135, relating to home-invasion robbery.

34. Section 817.034, relating to communications fraud, if the offense is a felony of the first degree.

35. Section 817.234, relating to false and fraudulent insurance claims, if the offense is a felony of the first or second degree.

36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.

37. Section 817.505, relating to patient brokering.

38. Section 817.568, relating to fraudulent use of personal identification, if the offense is a felony of the first or second degree.

39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.

40. Section 825.1025, relating to lewd or lascivious

offenses committed upon or in the presence of an elderly person or a disabled person.

41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense is a felony.

42. Section 826.04, relating to incest.

43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

44. Section 827.04, relating to contributing to the delinquency or dependency of a child.

45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.

47. Section 831.30, relating to fraud in obtaining medicinal drugs.

48. Section 831.31, relating to the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense is a felony.

49. Section 843.01, relating to resisting arrest with violence.

50. Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.

51. Section 843.12, relating to aiding in an escape.

52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.

53. Chapter 847, relating to obscenity.

54. Section 874.05, relating to encouraging or recruiting

another to join a criminal gang.

55. Chapter 893, relating to drug abuse prevention and control, if the offense is a felony of the second degree or greater severity.

56. Section 895.03, relating to racketeering and collection of unlawful debts.

57. Section 896.101, relating to the Florida Money Laundering Act.

58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate, resulting in great bodily harm.

60. Section 944.40, relating to escape.

61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

62. Section 944.47, relating to introduction of contraband into a correctional institution.

63. Section 985.701, relating to sexual misconduct in juvenile justice programs.

64. Section 985.711, relating to introduction of contraband into a detention facility.

Section 5. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (y) of subsection (2) of section 435.04, Florida Statutes, is reenacted to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that persons subject to this section have

not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; or have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(y) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

Section 6. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (a) of subsection (7) of section 790.251, Florida Statutes, is reenacted to read:

790.251 Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.—

(7) EXCEPTIONS.—The prohibitions in subsection (4) do not apply to:

(a) Any school property as defined and regulated under s. 790.115.

Section 7. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or

		associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified

		official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid

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

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

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		demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.

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

812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

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

817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.

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

836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement,

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		correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.

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

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

944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

Section 8. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is reenacted to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted electronically to the department, unless the minor is issued a prearrest delinquency

citation pursuant to s. 985.12:

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014(3).

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided in s. 790.115.

Section 9. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 943.0585, Florida Statutes, is reenacted to read:

943.0585 Court-ordered expunction of criminal history records.—

(1) ELIGIBILITY.—A person is eligible to petition a court to expunge a criminal history record if:

(d) The person has never, as of the date the application

for a certificate of expunction is filed, been adjudicated guilty in this state of a criminal offense or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanors, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;

2. Battery, as defined in s. 784.03;

3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);

4. Carrying a concealed weapon, as defined in s. 790.01(2);

5. Open carrying of a weapon, as defined in s. 790.053;

6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;

7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);

8. Unlawful possession of a firearm, as defined in s. 790.22(5);

9. Exposure of sexual organs, as defined in s. 800.03;

10. Arson, as defined in s. 806.031(1);

11. Petit theft, as defined in s. 812.014(3);

12. Neglect of a child, as defined in s. 827.03(1)(e); or

13. Cruelty to animals, as defined in s. 828.12(1).

Section 10. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 943.059, Florida Statutes, is reenacted to read:

943.059 Court-ordered sealing of criminal history records.—

(1) ELIGIBILITY.—A person is eligible to petition a court

to seal a criminal history record when:

(b) The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty in this state of a criminal offense, or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanor offenses, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;

2. Battery, as defined in s. 784.03;

3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);

4. Carrying a concealed weapon, as defined in s. 790.01(2);

5. Open carrying of a weapon, as defined in s. 790.053;

6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;

7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);

8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);

9. Exposure of sexual organs, as defined in s. 800.03;

10. Arson, as defined in s. 806.031(1);

11. Petit theft, as defined in s. 812.014(3);

12. Neglect of a child, as defined in s. 827.03(1)(e); or

13. Cruelty to animals, as defined in s. 828.12(1).

Section 11. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section

985.11, Florida Statutes, is reenacted to read:

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a prearrest delinquency citation pursuant to s. 985.12, a child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014.

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

A law enforcement agency may fingerprint and photograph a child

taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 12. For the purpose of incorporating the amendment made by this act to section 790.115, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 985.557, Florida Statutes, is reenacted to read:

985.557 Direct filing of an information; discretionary criteria.—

(1) DISCRETIONARY DIRECT FILE.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in violation of s. 810.02(2)(a);

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony;

15. Grand theft in violation of s. 812.014(2)(a);

16. Possessing or discharging any weapon or firearm on

school property in violation of s. 790.115;

17. Home invasion robbery;

18. Carjacking; or

19. Grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or grand theft of a motor vehicle valued at $20,000 or more in violation of s. 812.014(2)(b) if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

Section 13. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Criminal Justice
Committee

814
Bill Number or Topic

Amendment Barcode (if applicable)

Name TERESA M. HODGE

Phone

Address 4120 SW 65th Ave
Street

Email VIHODGETM@ymail.com

Davie FL 33314
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/2025
Meeting Date

Criminal Justice Committee
Committee

SB 314
Bill Number or Topic

Amendment Barcode (if applicable)

Name Shania Brown

Phone 786 913 9517

Address 1911 Longview Drive
Street

Email Shania.sbrown23@gmail.com

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:

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

SB 814
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Yaneisy Padrino

Phone 813 520 0669

Address 10105 N. Brooks St.
Street

Email

Tampa FL 33612
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)

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 814.
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yareliz Mendez-Zamora

Phone 786-326-1023

Address 1571 SW 98th Ave
Street

Email ymendezzamora@gmail.com

Pembroke Pines FL 33025
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: American Friends Service Committee

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name KELBY SEANOR

Phone 703-254-7439

Address 11250 Waples Mill Rd.
Street

Email Kseanor@nrahq.org

Fairfax VA 22030
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
NATIONAL RIFLE ASSOCIATION (NRA)

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

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S-001 (08/10/2021)

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Echo Nova Phone

Address 1872 Vista Lakes Dr Email
Street

Fleming Island FL 32003
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Elysa Budkie

Phone 513-332-8454

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Email ebudkie@gmail.com

Tallahassee FL 32311
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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3-25-25
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Amy Adams

Phone

Address P.O. Box 13184
Street

Email

St. Pete FL 32733
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

3/25/25
Meeting Date

Crim Justice
Committee

The Florida Senate
APPEARANCE RECORD

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SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ant Avila Phone

Address P.O. Box 13184 Email
Street

St. Pete FL 33733
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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MARCH 25, 2025
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name A. JONES Phone

Address P.O. BOX 13184 Email
Street

ST PETE, FL
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

3/25/2025
Meeting Date

CRIMINAL JUSTICE
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name QUINN FERGUSON

Phone (850) 730 5735

Address 10228 FALCON PARC BLVD APT 307
Street

ORLANDO FL 32832
City 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:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/25/2025
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jessica Johnston-York Phone

Address P.O. Box 13184 Email
Street

St. Petersburg FL 33733
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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March 25, 2025
Meeting Date

Criminal Justice
Committee

814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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03/25/2025
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Caitlyn Brown

Phone

Address P.O. Box 13184
Street

Email

St. Petersburg FL 33733
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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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3.25.25
Meeting Date

Criminal Justice
Committee

814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Muah Bahn

Phone 772-418-6171

Address 3751 Iceni Court
Street

Email muah6846@gmail.com

Middleburg FL 32068
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

03/25/25
Meeting Date

Criminal Justice
Committee

The Florida Senate

APPEARANCE RECORD

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SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Matthew Grocholski Phone

Address 1702 Lee Rd Email
Street

Winter 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:

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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

03/25/25
Meeting Date

Criminal Justice
Committee

SB 814
Bill Number or Topic

Amendment Barcode (if applicable)

Name Leydi Amador

Phone 786 395 7449

Address 2765 w 54th
Street

Email leydi.flspn@floridarising.c

Hialeah FL 33016
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:
Florida student power

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)

District Office
1380 Sarno Road
Suite C
Melbourne, FL 32935
(321) 409-2025

District Aide
Nancy Bernier
Bernier.Nancy@flsenate.gov

Legislative Aide
Tommy Unger
Unger.Thomas@flsenate.gov

Randy Fine
Florida Senate
Senator, District 19

Tallahassee Office:
302 SOB
404 South Monroe Street
Tallahassee, FL 32399-1300
(850) 487-5019
Fine.Randy@flsenate.gov

Legislative Aide
Anna Budko
Budko.Anna@flsenate.gov

March 4, 2025

The Honorable Jonathan Martin
Chairman, Criminal Justice Committee
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1300

Dear Chairman Martin,

The following bill has been referred to your Rules Committee:

SB 814: Weapons or Firearms at School-sponsored Events or on School Property.

I respectfully request that this bill be placed on the committee's agenda at your earliest convenience.

I would greatly appreciate your consideration on this matter.

cc:
Staff Director Amanda Stokes
Administrative Assistant Tori Denson

Sincerely,

Randy Fine
State Senator, District 19

2025 FDLE LEGISLATIVE BILL ANALYSIS

BILL INFORMATION	
BILL NUMBER:	SB 814
BILL TITLE:	Weapons or Firearms at School-sponsored Events or on School Property
BILL SPONSOR:	Senator Fine
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) Senate Criminal Justice
2) Senate Appropriations Committee on Criminal and Civil Justice
3)
4)
5)

CURRENT COMMITTEE
Senate Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	March17, 2025
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Will Mickler; Becky Bezemek
LEGAL ANALYST:	Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill prohibits persons from storing, rather than possessing, firearms or weapons at a school-sponsored event or on the property of any school, school bus, or school bus stop. The bill authorizes persons to carry firearms on the property of any college or university. The Florida Department of Law Enforcement (FDLE) may authorize a college or university, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited while hosting or sponsoring a sporting or athletic event. The bill requires the college or university to submit a security plan to FDLE to receive such authorization. This bill takes effect July 1, 2025.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Section 790.115, F.S., prohibits the possession of a firearm, electric weapon or device, destructive device, or other weapon, except as authorized in support of school sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop.

2. **EFFECT OF THE BILL:**

   Section 1: The bill amends 790.115, F.S, to prohibit a person from exhibiting, storing, or discharging a weapon or firearm at a school-sponsored event or on the property of the school. FDLE may authorize a college or university, to designate a campus facility or area as a sensitive location in which the possession of a concealed weapon or a concealed firearm is prohibited while hosting or sponsoring a sporting or athletic event. Colleges or universities must submit a security plan to FDLE for authorization. FDLE shall create an electronic form on its public website through which a college or university may submit a security plan.

   Section 13: The bill takes effect July 1, 2025

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:	
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:	
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 7 months to complete utilizing existing staff resources. The estimated total cost is $111,000. It is recommended that the effective date of the bill be amended to January 1, 2026.

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGECY 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:	Lines 71-74 and lines 175-178 appear to conflict. Lines 71-74 amend s. 790.115, F.S., to allow "a person to carry a firearm on the property of any college or university…" However, lines 175-178 seems to implicitly limit the authorization in s. 790.115 by amending s. 790.06, F.S., to provide that "[a] license issued…does not authorize any person to openly carry a handgun or carry a concealed weapon or concealed firearm into…[a]ny college or university facility…" FDLE recommends qualifying lines 71-74 with a reference to the limitation found in lines 175-178.

ADDITIONAL COMMENTS

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 964
INTRODUCER:	Senator Bernard
SUBJECT:	Objective Parole Guidelines
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Favorable**
2.			ACJ	
3.			FP	

I. Summary:

SB 964 amends s. 947.165, F.S., to revise requirements for objective parole guidelines developed and established by the Florida Commission on Offender Review (FCOR or Commission).

The bill requires the objective parole guidelines to be based on the seriousness of offense and the likelihood of favorable parole outcome by identifying an inmate's use of vocational, education, and self-betterment programs and courses in the department.

The FCOR is required to review the objective parole guidelines annually, making any revisions considered necessary by virtue of statistical analysis of commission actions, and submit such statistical analysis to the President of the Senate and the Speaker of the House of Representatives upon completion.

The bill may have an indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

The FCOR makes a variety of determinations regarding parole and other releases, and reviews releasees' supervision status every two years. In both parole and conditional medical release hearings, testimony and pertinent information may be provided by a representative of an inmate, an inmate's family, by victims of the offense, and the victim's family. During hearings, the commission conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The commission makes final determinations with

regard to revocation of post release supervision, where a releasee may have violated conditions of their release.[1]

The FCOR consists of three commissioners[2] appointed by the Governor and Cabinet from a list of eligible applicants submitted by the parole qualifications committee. Each appointment must be certified to the Senate for confirmation. The membership of the commission must include representation from minority persons.[3,4] Commissioners serve a term of six years, and no person is eligible to be appointed for more than two consecutive six year terms.[5]

The FCOR has the powers and performs the duties of:[6]

- Determining what persons shall be placed on parole.
- Fixing the time and conditions of parole.
- Determining whether a person has violated parole and taking action with respect to such a violation.
- Making such investigations as may be necessary.
- Reporting to the Board of Executive Clemency the circumstances, the criminal records, and the social, physical, mental, and psychiatric conditions and histories of persons under consideration by the board for pardon, communication of sentence, or remission of fine, penalty, or forfeiture.
- Establishing the terms and conditions of persons released on conditional release and determining subsequent ineligibility for conditional release due to a violation and acting with respect to such violation.
- As the Control Release Authority, determining what persons will be released on control release, establishing the time and conditions of control release, if any, and determining whether a person has violated the conditions and acting with respect to such violation.
- Determining what persons will be released on conditional medical release, establishing conditions of release, and determining whether a person has violated the conditions, and acting with respect to such violation.

In 1978, the Legislature enacted the Objective Parole Guidelines Act. Pursuant to s. 947.165, F.S., the FCOR is required to develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. The guidelines are to be developed according to an acceptable research method and must be based the seriousness of offense and the likelihood

[1] Florida Commission on Offender Review, *Organization*, available at: https://www.fcor.state.fl.us/overview.shtml (last visited March 20, 2025).
[2] The Florida Commission on Offender Review was created to consist of six members who are residents of the state. Effective July 1, 1996, the membership of the commission shall consist of three members. Section 947.01, F.S.
[3] "Minority person" means a lawful, permanent resident of Florida who is: (a) an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; (b) a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; (c) an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asian, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; (d) a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; and (e) an American woman. Section 288.703(4), F.S.
[4] Section 947.02(1), F.S.
[5] Section 947.03, F.S.
[6] Section 947.13(1)(a)-(h), F.S.

of favorable parole outcome. The guidelines require the commission to aggravate[7] or aggregate[8] each consecutive sentence in establishing the presumptive parole release date.[9] Factors used in arriving at the salient factor[10] score and the severity of offense behavior[11] may not be applied as aggravating circumstances.

The FCOR is required to review the objective parole guidelines and make any revisions considered necessary by virtue of statistical analysis of commission actions, which analysis uses acceptable research and methodology.[12]

III. Effect of Proposed Changes:

The bill amends s. 947.165, F.S., to revise requirements for objective parole guidelines developed and established by the Commission.

The bill requires the objective parole guidelines to be based on the seriousness of offense and the likelihood of favorable parole outcome by identifying an inmate's use of vocational, education, and self-betterment programs and courses in the department.

The FCOR is required to review the objective parole guidelines annually, making any revisions considered necessary by virtue of statistical analysis of commission actions, and submit such statistical analysis to the President of the Senate and the Speaker of the House of Representatives upon completion.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

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[7] "Aggravated" means to add a number of months to established number of months selected from the matrix time range. Rule 23-21.002(1).
[8] "Aggregation" means a process to separate multiple criminal episodes and score each single episode by determining the salient factor score, severity of offense behavior, presence of aggravating or mitigating circumstances, and assess a number of months of incarceration for each scored episode. The total of months for each scored episode is then aggregated (added together) for the establishment of a presumptive parole release date. Rule 23-21.002(2).
[9] "Presumptive parole release date" means the tentative parole release date, when authorized by the Commission as set forth in s. 947.172, F.S. Rule 23-21.002(31).
[10] "Salient factors" are the indices of the offender's present and prior criminal behavior and related factors found by experience to be predictive in regard to parole outcome. Rule 23-21.002(43).
[11] "Severity of offense behavior" means the statutorily assigned degree of felony or misdemeanor for the present offense of conviction. Rule 23-21.002(45).
[12] Section 947.165(2), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FCOR's analysis of the bill indicates if applied retroactively, 3,000 inmates would require a new initial interview and the Commission would have to docket and vote on each of their cases. The exact fiscal impact is unknown but would be significant.[13]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 947.165.

IX. Additional Information:

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

None.

[13] Florida Commission on Offender Review, *SB 964 Agency Analysis*, On file with the Senate Committee on Criminal Justice.

B. Amendments:

None.

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

By Senator Bernard

24-01586-25 2025964__

A bill to be entitled

An act relating to objective parole guidelines; amending s. 947.165, F.S.; revising requirements for objective parole guidelines; requiring the Commission on Offender Review to submit a specified statistical analysis to the Legislature; providing an effective date.

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

Section 1. Section 947.165, Florida Statutes, is amended to read:

947.165 Objective parole guidelines.—

(1) The commission shall develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. The objective parole guidelines shall be developed according to an acceptable research method and shall be based on the seriousness of offense and the likelihood of favorable parole outcome by identifying an inmate's use of vocational, education, and self-betterment programs and courses in the department. The guidelines shall require the commission to aggravate or aggregate each consecutive sentence in establishing the presumptive parole release date. Factors used in arriving at the salient factor score and the severity of offense behavior category may ~~shall~~ not be applied as aggravating circumstances. If the sentencing judge files a written objection to the parole release of an inmate as provided for in s. 947.1745(6), such objection may be used by the commission as a basis to extend the presumptive parole release

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

24-01586-25 2025964__

date.

(2) At least once a year, the commission shall review the objective parole guidelines and make any revisions considered necessary by virtue of statistical analysis of commission actions, which analysis uses acceptable research and methodology. The statistical analysis shall be submitted to the President of the Senate and the Speaker of the House of Representatives upon completion.

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

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

2025 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: FLORIDA COMMISSION ON OFFENDER REVIEW

BILL INFORMATION	
BILL NUMBER:	SB 964
BILL TITLE:	Objective Parole Guidelines
BILL SPONSOR:	Senator Bernard
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) Senate Criminal Justice
2) Senate Appropriations Committee on Criminal and Civil Justice
3) Senate Fiscal Policy
4)
5)

CURRENT COMMITTEE
Senate Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	HB 181
SPONSOR:	Representative Hart

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:	March 5, 20225
LEAD AGENCY ANALYST:	Ryan Schenck
ADDITIONAL ANALYST(S):	Jeffrey Rigdon
LEGAL ANALYST:	Rana Wallace
FISCAL ANALYST:	Karen Carter

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill provides additional requirements for objective parole guidelines; requires specified statistical analysis to be provided to the Legislature.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

In 1978, the Legislature required the Commission to establish the objective parole guidelines to set certain objective criteria for parole decisions. The Legislature mandated the objective parole guidelines be based on the serious nature of the offense and the likelihood of a favorable parole outcome. The Legislature set out its intent that the "[o]bjective parole criteria will be designed to give primary weight to the seriousness of the offender's present criminal offense and the offender's past criminal record[,]" noting that "[i]n considering risk of recidivism, practice has shown that the best predictor is prior record." See s. 947.002(2), F.S.

The objective parole guidelines guide the Commission in certain functions, including the establishment of an inmate's presumptive parole release date ("PPRD"), the modification of an inmate's PPRD once it is set, and the authorizing for an inmate an effective parole release date ("EPRD"). In addition to the objective parole guidelines, which control the objective portion(s) of a parole decision, the Commission is authorized to make a subjective determination(s) relevant to each type of parole decision. At present, an inmate's program participation is considered at all stages of the parole process as part of the subjective determinations made by the Commission.

Annually, the Commission reviews its objective parole guidelines and makes any revisions considered necessary by virtue of statistical analysis of Commission actions.

2. EFFECT OF THE BILL:

This bill would require the Commission to analyze an inmate's use of vocation, education, and self-betterment programs and courses while in the Department of Corrections in an objective manner, and to make this objective analysis part of the objective parole guidelines and the sole element or factor by which the Commission can determine whether an inmate is a good candidate for parole. This bill would require the Commission to provide its annual review of the objective parole guidelines to the President of the Senate and the Speaker of the House.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y☐ N☒

If yes, explain:	The objective parole guidelines are set out in Chapter 23-21, and this bill would require significant rule amendments, and policy and procedure development and (or) amendment. While this bill does not specifically provide for rulemaking authority, the Commission otherwise is provided the same in ss. 947.07, 947.20, F.S.
Is the change consistent with the agency's core mission?	Y☒ N☐
Rule(s) impacted (provide references to F.A.C., etc.):	23-21.002, 23-21.006, 23-21.007, 23-21.010, 23-21.013, 23-21.015, 23-21.0155, 23-21.0161, F.A.C.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y☒ N☐

If yes, provide a description:	Pursuant to s. 947.165, F.S., the Commission currently performs an annual review of its objective parole guidelines to determine if changes should be made. This bill would require the Commission to provide that report to the President of the Senate and the Speaker of the House of Representatives.
Date Due:	Annually.
Bill Section Number(s):	Section 1.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y☐ N☒

Board:	
Board Purpose:	
Who Appoints:	
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, explain.	
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:	None.
Expenditures:	If the bill is applied retroactively, the exact fiscal impact is unknown but would be significant in that over 3000 inmates would require a new initial interview and the Commission would have to docket and vote each of their cases.
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☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL 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 BILL 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.	

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	L19-21 amendment. The L19-21 amendment is contrary to the legislative intent set out in s. 947.002(2), F.S., which states, in relevant part, that "[o]bjective parole criteria will be designed to give primary weight to the seriousness of the offender's present criminal offense and the offender's past criminal record" and that "[i]n considering the risk of recidivism, practice has shown that the best predictor is prior record." The Legislature specifically set out, too, that "it is the intent of the Legislature that the decision to parole an inmate is an act of grace of the state and shall not be considered a right." See s. 947.002, Fla. Stat. L19-21 amend the statute to say that the determination of the likelihood of a favorable parole outcome is made by "identifying an inmate's use of vocation, education, and self-betterment programs and course in the department." This plain language of this amendment strictly limits the Commission's consideration of an inmate's programming as the *sole element or factor* by which the Commission determines whether the inmate is a good candidate for parole, i.e., whether the Commission forecasts for the inmate a favorable parole outcome and so whether to authorize for the inmate an EPRD. This *directly contradicts* a number of other statutes, including: ➢ s. 947.002(2), F.S. [legislative intent, *supra*] ➢ s. 947.1745, F.S. [at hearing on the effective interview, an unsatisfactory institutional conduct record can be the sole reason the Commission does not authorize an EPRD] ➢ s. 947.1745(2), F.S. [at hearing on the effective interview, an unsatisfactory parole release plan can be the sole reason the Commission does not authorize an EPRD]

	➢ s. 947.1745(6), F.S. [at hearing on the effective interview, a judicial objection can be the sole reason the Commission does not authorize and EPRD] ➢ s. 947.18, F.S., which sets out the requirements for the Commission to finding an inmate either will or will not be paroled, including: ▪ No inmate "shall be placed on parole merely as a reward for good conduct or efficient performance of duties assigned in prison" ▪ No inmate "shall be placed on parole until and unless the commission finds that there is a reasonable probability that, if the person is placed on parole, he or she will live and conduct himself or herself as a respectable and law-abiding person and that the person's release will be compatible with his or her own welfare and the welfare of society." ▪ No inmate "shall be placed on parole unless and until the commission is satisfied that he or she will be suitably employed in self-sustaining employment or that he or she will not become a public charge." The L19-21 amendment would abrogate or invalidate and make null any and all considerations other than an inmate's program participation as a factor to be considered by the Commission in determining whether the inmate is a good candidate for parole. Arguably, the L19-21 amendment could be interpreted to mean that an inmate can earn parole by participating in "vocation, education, and self-betterment programs and courses." If the "likelihood of a favorable parole outcome" is determined solely by "identifying an inmate's use of vocation, education, and self-betterment programs and courses[,]" and all subjective analysis by the Commission is removed from this determination, the amendment could be interpreted as changing the character of parole from a grace to a statutory right. Currently, Florida has no statutory right to parole. See s. 947.002(5), F.S. If this amendment is interpreted as creating a statutory right to parole, the parole sentencing scheme and every judicial intent in imposing a parole eligible sentence—which only ever provided for the possibility of parole—may be abrogated by this amendment. The availability, type, nature, amount, location, and content of Department programming is a fact or factor not under the control or authority of the Commission or the inmate. Likewise, it is understood that not all Department programming is considered equal. To that end, it is unclear whether participation in Department programming could be analyzed in a strictly objective manner, which is what the objective parole guidelines require. Objective information is based on facts—it either is or is not, and there is no subjectiveness in an objective analysis. Because of the ever-changing type, nature, amount, location, and content of Department programming, no two inmates will likely ever have the same ability to participate in exactly the same programming. This goes against being able to make an objective, across the board and the same for every inmate, determination as to an inmate's participation in programming. If a baseline cannot established, there can be no objective determination. Likewise, the reality of the uncertainty and inconsistency of availability, type, nature, amount, location, and content of Department programming presents likely insurmountable difficulty in defining in rule "vocation, education, and self-betterment programs." L21-23 amendment.

	The effect of the L21-23 amendment is almost certainly to produce a result contrary to the s. 947.002(2), F.S. legislative intent—which sets out that the objective parole guidelines are "designed to give primary weight to the seriousness of the offender's present criminal offense" and that in "considering the risk of recidivism, practice has shown that the best predictor is prior record." ➢ Currently, in a PPRD establishment, only the most serious offense in an inmate's Rule 23-21.002(36), F.A.C., present offense(s) of conviction is considered the scored offense. See Rule 23-21.008, F.A.C. ➢ It is not uncommon for an inmate to have multiple offenses in one present offense of conviction, e.g., murder, kidnapping, and sexual battery or murder and robbery with a firearm, etc. ➢ The purpose of assessing aggravators is to reflect the circumstances of the present offense of conviction. Faucett v. Fla. Parole & Prob. Comm'n, 419 So. 2d 765, 766 (Fla. 1st DCA 1982); Calloway v. Fla. Parole & Prob. Comm'n, 431 So. 2d 300, 301 (Fla. 1st DCA 1983). In other words, aggravators allow the Commission to reflect that there is a difference in circumstances of the case of an inmate whose present offense of conviction includes, for example, only a robbery with a firearm and an inmate whose present offense of conviction includes a murder, a kidnapping, and a sexual battery. ➢ If this amendment is held to be substantive in nature as opposed to procedural and so required to be applied retroactively, an inmate who is very close to his EPRD and has been receiving favorable parole decisions based in whole or part on reasons other than program participation would have those parole decisions vacated by a retroactive application of this amendment, requiring him or her to begin the parole process anew with a recalculation of his PPRD. A retroactive application of this amendment would impact +/- 3000 inmates.

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 6, 2025

I respectfully request that **Senate Bill #964**, relating to Objective Parole Guidelines, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Mack Bernard

Senator Mack Bernard
Florida Senate, District 24

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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March 25, 2025
Meeting Date

Criminal Justice
Committee

SB 964
Bill Number or Topic

Amendment Barcode (if applicable)

Name Keith R. Harris

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Winter Park, Florida 32793
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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3-25-25
Meeting Date

964
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kim White

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

PLEASE CHECK ONE OF THE FOLLOWING:

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Committee

964
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sharee Brooks Cooper

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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S-001 (08/10/2021)

3/25/25
Meeting Date

Committee

The Florida Senate

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SB 964
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brigid Ann Forman

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Jequesta FL 33469
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Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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2/25/25
Meeting Date

Senate Criminal Justice
Committee

5694
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laurette Philipsen with Florida Cares Phone 561-855-0833

Address PO Box 211174 Email laurette@floridacarescharity.org
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West Palm Beach FL 32421
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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3-25-25
Meeting Date

Senate Criminal Justice
Committee

SB 964
Bill Number or Topic

Amendment Barcode (if applicable)

Name TRACI DAVIS

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

3/25/25 Senate Criminal Justice
Committee

SB964
Bill Number or Topic

Amendment Barcode (if applicable)

Name PEDRO RUIZ

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Ocala FL 34473
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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Meeting Date

Senate Criminal Justice
Committee

SB964
Bill Number or Topic

Amendment Barcode (if applicable)

Name Marlen Ruiz

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14910 SW 35th Av Rd Ocala 34473
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)

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March 25, 2025
Meeting Date

Criminal Justice
Committee

964
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

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Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

3/25/25
Meeting Date

CJ
Committee

The Florida Senate

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964
Bill Number or Topic

Amendment Barcode (if applicable)

Name PAUL FIGUEROA
FL ASSN OF CRIM DEF LAWYERS

Phone

Address
Street

Email

TAMPA 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:

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 1136
INTRODUCER:	Criminal Justice Committee and Senator Collins
SUBJECT:	Age as an Element of a Criminal Offense
DATE:	March 26, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1136 creates s. 787.001, F.S. to specify that ignorance or misrepresentation of a victim's age is not a defense to certain offenses, when the criminality of conduct depends upon the victim being below a certain age. A bona fide belief that a victim is over a specified age is also not a defense.

The bill prohibits such defenses from being raised in a prosecution for any offense related to kidnapping, false imprisonment, luring or enticing a child, interference with custody, removing minors from the state or concealing minors contrary to state agency order or court order, human trafficking, or human smuggling. However, the bill provides an exception for s. 787.30, F.S., relating to the employment of persons in adult entertainment establishments.

The bill amends s. 787.025, F.S., to increase the penalties for specified offenses involving luring or enticing a child. Additionally, the bill increases the age of such child from 12 to 16 years of age.

The bill amends s. 921.022, F.S., to rank offenses of luring or enticing a child on the offense severity ranking chart of the Criminal Punishment Code as a Level 7.

The bill may have an indeterminate fiscal impact on the Department of Correction. *See Section V. Fiscal Impact Statement.*

The bill takes effect October 1, 2025.

II. Present Situation:

Luring or Enticing a Minor

It is a first degree misdemeanor[1] for a person over the age of 18 to intentionally lure or entice, or attempt to lure or entice, a child under the age of 12 into a structure,[2] dwelling,[3] or conveyance[4] for other than a lawful purpose.[5] A second or subsequent offense is a third degree felony.[6,7]

It is a third degree felony if the offender being charged with luring or enticing a minor, has previously been convicted of a violation of:
- Chapter 794, F.S., relating to sexual battery;
- Section 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Section 847.0135(5), F.S., relating to prohibited computer transmissions;[8] or
- A similar law of another jurisdiction.

Section 787.025(3), F.S., provides the following affirmative defenses:
- The person reasonably believed that his or her action was necessary to prevent the child from being seriously injured.
- The person lured or enticed, or attempted to lure or entice, the child under the age of 12 into a structure, dwelling, or conveyance for a lawful purpose.
- The person's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the child.

[1] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to $1,000. Section 775.082 and 775.083, F.S.
[2] "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. Section 787.025(1)(a), F.S.
[3] "Dwelling" means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging together therein at night, together with the curtilage thereof. Section 787.025(1)(b), F.S.
[4] "Conveyance" means any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car. Section 787.025(1)(c), F.S.
[5] Section 787.025(2)(a), F.S.
[6] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Section 775.082 and 775.083, F.S.
[7] Section 787.025(2)(b), F.S.
[8] A person who intentionally masturbates; intentionally exposes the genitals in a lewd or lascivious manner; or intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity live over a computer online service, internet service, or local bulletin board service and who knows or should know or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age, commits lewd or lascivious exhibition. Section 847.0135(5), F.S.

Kidnapping

Under s. 787.01(1), F.S., "kidnapping" means forcibly, secretly, or by threat confining,[9] abducting, or imprisoning another person against his or her will and without lawful authority, with intent to:

- Hold the victim for ransom or reward or as a shield or hostage.
- Commit or facilitate the commission of any felony.
- Inflict bodily harm upon or to terrorize the victim or another person.
- Interfere with the performance of any governmental or political function.

A person who kidnaps another person is guilty of a first degree felony,[10] punishable by imprisonment for a term of years not exceeding life.[11]

A person who kidnaps a child under the age of 13 and who, in the course of committing the kidnapping, also commits one or more of the following, is guilty of a life felony:[12, 13]

- Aggravated child abuse.[14]
- Sexual battery against the child.[15]
- Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.[16]
- A violation relating to prostitution of the child.[17]
- Exploitation of the child or allowing the child to be exploited.[18]
- A violation relating to human trafficking.[19]

False Imprisonment

Section 787.02(2), F.S., prohibits a person from falsely imprisoning[20] another person as a third degree felony.

[9] Confinement of a child under the age of 13 is against his or her will if such confinement is without the consent of his or her parent or legal guardian. Section 787.01(1)(b), F.S.
[10] A first-degree felony is otherwise punishable by up to 30 years' imprisonment and a fine of $10,000. ss. 775.082, 775.083, and 775.084, F.S.
[11] Section 787.01(2), F.S.
[12] Section 787.01(3)(a), F.S.; The offense is ranked as a Level 10 offense on the offense severity ranking chart (OSRC). Section 921.0022, F.S.
[13] A life felony is punishable for a term of imprisonment up to life and a $15,000 fine. ss. 775.082, 775.083, and 775.084, F.S.
[14] Section 827.03, F.S.
[15] Chapter 794, F.S.
[16] Sections 800.04, F.S., and 847.0135(5), F.S.
[17] Former s. 796.03, F.S., and former s. 796.04, F.S.
[18] Section 450.151, F.S.
[19] Section 787.06(3)(g), F.S.
[20] "False imprisonment" means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against his or her will. Confinement of a child under the age of 13 is against his or her will if such confinement is without the consent of his or her parent or legal guardian. Section 787.02(1), F.S.

A person who falsely imprisons a child under the age of 13 and who, in the course of falsely imprisoning the child, commits any of the following offenses, is guilty of a first degree felony, punishable by imprisonment for a term not exceeding life:[21]

- Aggravated child abuse.[22]
- Sexual battery against the child.[23]
- Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.[24]
- A violation relating to prostitution of the child.[25]
- Exploitation of the child or allowing the child to be exploited.[26]
- A violation relating to human trafficking.[27]

Interference with Custody

Section 787.03(1), F.S., prohibits a person from knowingly or recklessly taking or enticing, or aiding, abetting, hiring, or otherwise procuring another to take or entice, any minor or any incompetent person from the custody of the minor's or incompetent person's parent, his or her guardian, a public agency having the lawful charge of the minor or incompetent person, or any other lawful custodian without lawful authority. A violation of this prohibition is a third degree felony.[28]

Additionally, in the absence of a court order determining rights to custody or visitation with any minor or with any incompetent person, any parent of the minor or incompetent person, whether natural or adoptive, stepparent, legal guardian, or relative of the minor or incompetent person who has custody thereof and who takes, detains, conceals, or entices away that minor or incompetent person within or without the state with malicious intent to deprive another person of his or her right to custody of the minor or incompetent person commits a third degree felony.[29]

In a prosecution for a violation of s. 787.03, F.S., proof that a person has not attained the age of 18 years creates the presumption that the defendant knew the minor's age or acted in reckless disregard thereof.[30]

Removing Minors from the State or Concealing Minors Contrary to State Agency Order or Court Order

Section 787.04, F.S., prohibits a person from leading, taking, enticing, or removing a minor beyond the limits of this state, or concealing the location of a minor:

- In violation of a court order that he or she has personal knowledge of.[31]

[21] Section 787.02(3)(a), F.S.; The offense is ranked as a Level 9 offense on the OSRC.
[22] Section 827.03, F.S.
[23] Chapter 794, F.S.
[24] Sections 800.04, and 847.0135(5), F.S.
[25] Former s. 796.03, F.S., and former s. 796.04, F.S.
[26] Section 450.151, F.S.
[27] Section 787.06(3)(g), F.S.
[28] The offense is ranked as a Level 4 offense on the OSRC.
[29] Section 787.03(2), F.S.
[30] Section 787.03(5), F.S.
[31] Section 787.04(1), F.S.; The offense is ranked as a Level 2 offense on the OSRC.

- With criminal intent, during the pendency of any action or proceeding affecting custody of the minor, after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.[32]
- Knowingly and willfully, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received actual or constructive notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.[33]

Additionally, a person, who has carried beyond the limits of this state any minor whose custody is involved in any action or proceeding pending in this state pursuant to the order of the court in which the action or proceeding is pending or pursuant to the permission of the court, is prohibited from thereafter failing to produce the minor in the court or deliver the minor to the person designated by the court.[34]

Any violation of the foregoing provisions in s. 787.04, F.S., is a third degree felony.

Human Trafficking

A person may not knowingly, or in reckless disregard of the facts, engage in human trafficking,[35] attempt to engage in human trafficking, or benefit financially by receiving anything of value from participating in a venture that has subjected a person to human trafficking for commercial sexual activity, labor, or services:

- By using coercion;[36]
- With or of a child or person believed to be a child younger than 18;[37] or
- If for commercial sexual activity, with a mentally defective[38] or mentally incapacitated[39] person.[40]

Any human trafficking offense committed upon a child younger than 18 years of age or an adult believed by the defendant to be a child younger than 18 years of age for labor or services is punishable as a first degree felony.[41] However, if a child younger than 18 years of age or an adult

[32] Section 787.04(2), F.S.; The offense is ranked as a Level 4 offense on the OSRC.
[33] Section 787.04(3), F.S.; The offense is ranked as a Level 4 offense on the OSRC.
[34] Section 787.04(4), F.S.
[35] "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining of another person for the purpose of exploiting that person. S. 787.06(2)(d), F.S.
[36] Sectionsections787.06(3)(a)2., (b), (c)2., (d), (e)2., and (f)2., F.S.
[37] Sections 787.06,(3)(a)1., 787.06(3)(c)1., 787.06(3)(e)1., 787.06(3)(f)1., F.S., the offense is ranked as a Level 9 offense on the OSRC; and s. 787.06(3)(g), F.S.
[38] "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. Section 794.011(1)(c), F.S.
[39] "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. Section 794.011(1)(d), F.S.
[40] Section 787.06(3)(g), F.S.
[41] Section 787.06(3)(a)1., F.S., the offense is ranked as a Level 8 offense on the OSRC.; s. 787.06(3)(c)1., F.S., the offense is ranked as a Level 9 offense on the OSRC; and s. 787.06(3)(e)1., F.S., the offense is ranked as a Level 8 on the OSRC.

believed by the defendant to be a child younger than 18 years of age, or a person who is mentally defective or mentally incapacitated, is involved in human trafficking for the purposes of commercial sexual activity, the defendant commits a life felony.[42]

A defendant's ignorance of the victim's age, the victim's misrepresentation of his or her age, or a defendant's bona fide belief of the victim's age cannot be raised as a defense in a prosecution for a human trafficking offense.[43]

Human Smuggling

Section 787.07, F.S.,[44] prohibits a person from knowingly and willfully transporting an individual into this state who the person knows, or reasonably should know, has entered the United States illegally from another country. A violation of this prohibition is a third degree felony.[45] However, a person who transports a minor into this state in violation of this prohibition commits a second degree felony.[46, 47]

Employing Persons Under the Age of 21 Years in Adult Entertainment Establishments

Section 787.30(2)(a), F.S., prohibits an owner, manager, employee, or contractor of an adult entertainment establishment[48] from knowingly employing, contracting with, contracting with another person to employ, or otherwise permitting a person under the age of 21 years to perform or work in an adult entertainment establishment. A violation of this prohibition is a first degree misdemeanor.

This section also prohibits an owner, manager, employee, or contractor of an adult entertainment establishment from knowingly employing, contracting with, contracting with another person to employ, or otherwise permitting a person under the age of 21 years to perform or work while nude in an adult entertainment establishment. A violation of this prohibition is a second degree felony.[49]

Any owner, manager, employee, or contractor of an adult entertainment establishment who employs a person to perform as an entertainer or work in any capacity in an adult entertainment establishment is required to carefully check a driver license, identification card, passport, or United States Uniformed Services identification card presented by the person and to act in good

[42] Section 787.06(3)(g), F.S.; The offense is ranked as a Level 10 offense on the OSRC.
[43] Section 787.06(9), F.S.
[44] Section 787.07, F.S., has been preliminarily enjoined by the United States District Court for the Southern District of Florida, based on field and conflict preemption. *Farmworker Ass'n of Fla., Inc. v. Moody*, 734 F. Supp. 3d 1311 (S.D. Fla. 2024).
[45] Section 787.07(1), F.S.
[46] Section 787.07(3), F.S.
[47] A second-degree felony is punishable by up to fifteen years' imprisonment and a fine of $10,000. Sections. 775.082, 775.083, and 775.084, F.S.
[48] "Adult entertainment establishment" includes adult bookstores, adult theaters, special cabaret, and unlicensed massage establishments. Section 847.001(2), F.S.
[49] Section 787.30(2)(b), F.S.

faith and reliance upon such a representation and the appearance of the person in determining that he or she is 21 years of age or older.[50]

A person prosecuted for violating a prohibition related to employing a person under 21 years of age in an adult entertainment establishment may not raise ignorance of another person's age or a person's misrepresentation of his or her age as a defense.[51]

Prohibited Computer Usage

Under s. 847.0135(3), F.S., a person commits a third degree felony if he or she knowingly uses a computer online service, internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child[52] or another person believed by the offender to be a child, to commit any illegal act described in ch. 794, F.S., relating to sexual battery, ch. 800, F.S., relating to lewdness and indecent exposure, or ch. 827, F.S., relating to abuse of children, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the offender to be a child; or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed by the offender to be the same, to consent to such child's participation in any act described in ch. 794, F.S., ch. 800, F.S., or ch. 827, F.S., or to otherwise engage in any sexual conduct.[53]

Criminal Punishment Code

The Criminal Punishment Code[54] (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).[55] The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.[56]

[50] Section 787.30(3), F.S.
[51] Section 787.30(4), F.S.
[52] "Child" means any person, whose identity is known or unknown, younger than 18 years of age. Section 847.001(10), F.S.
[53] The offense is ranked as a Level 7 offense on the OSRC.
[54] Sections 921.002-921.0027, F.S. *See* chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.
[55] Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.
[56] Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.083, F.S., provides the following maximum fines; $500 for a second degree misdemeanor; $1,000 for a first degree misdemeanor; $5,000 for a third degree felony; and $10,000 for a second degree felony and a first degree felony.

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.[57] Absent mitigation,[58] the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.[59]

Relevant Caselaw

While the general rule is that every crime must include a specific intent, or a mens rea, the Legislature and courts recognize an exception where the state has a compelling interest in protecting underage persons from being sexually abused or exploited. In cases relating to sex offenses or abuse involving minors, a persons ignorance of the age of the victim is not a defense, nor is the misrepresentation of age or a defendant's bona fide[60] belief that such victim is over the specified age.[61,62]

[57] Section 921.0024, F.S., Unless otherwise noted, information on the Code is from this source.
[58] The court may "mitigate" or "depart downward" from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.
[59] If the scored lowest permissible sentence exceeds the maximum penalty in s.775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.
[60] "Bona fide" means being real or genuine, in Latin the word literally means "in good faith." Merriam-Webster, *Law Dictionary*, available at: https://www.merriam-webster.com/dictionary/bona%20fide#legalDictionary (last visited March 21, 2025).
[61] *State v. Sorakrai*, 543 So. 2d 294 (Fla. 2d DCA 1989)
[62] *Grady v. State*, 701 So. 2d 1181 (Fla. 5th DCA 1997)

III. Effect of Proposed Changes:

The bill creates s. 787.001, F.S., to specify that ignorance or misrepresentation of a victim's age is not a defense to certain offenses, when the criminality of conduct depends upon the victim being below a certain age. A bona fide belief that a victim is over a specified age is also not a defense. The bill provides an exception for s. 787.30, F.S., relating to the employment of persons in adult entertainment establishments.

The bill amends s. 787.025, F.S., to increase the age for a child being lured or enticed, and to increase penalties, for a person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 16 into a structure, dwelling, conveyance for other than a lawful purpose, in the following manner:

- The offense is increased from a first degree misdemeanor to a third degree felony.
- The offense is increased from a third degree felony to a second degree felony, for a second or subsequent offense.
- If the offender has been previously convicted of a violation of ch.794, F.S., ss. 800.04, or 847.0135(5), F.S., or a violation of a similar law of another jurisdiction, the offense is increased from a third degree felony to a second degree felony.

The bill amends s. 921.022, F.S., to rank the specified offenses on the offense severity ranking chart of the Criminal Punishment Code as a level 7.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the Department of Corrections due to the enhanced penalties under the bill and the possibility of offenders receiving prison sentences.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 787.025 and 921.0022 of the Florida Statutes.
This bill creates section 787.001 of the Florida Statutes.

IX. Additional Information:

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

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

- Increases the age of a child being enticed or lured into a structure from 12 to 16.
- Revises the affirmative defense provided to incorporate the increase in age for a child.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 26 - 49
and insert:
Section 2. Subsection (2) and paragraph (b) of subsection (3) of section 787.025, Florida Statutes, is amended to read
787.025 Luring or enticing a child.—
(2)(a) A person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 16 ~~12~~ into a structure, dwelling, or conveyance for

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other than a lawful purpose commits a felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) A person 18 years of age or older who, having been previously convicted of a violation of paragraph (a), intentionally lures or entices, or attempts to lure or entice, a child under the age of 16 ~~12~~ into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person 18 years of age or older who, having been previously convicted of a violation of chapter 794, s. 800.04, or s. 847.0135(5), or a violation of a similar law of another jurisdiction, intentionally lures or entices, or attempts to lure or entice, a child under the age of 16 ~~12~~ into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) It is an affirmative defense to a prosecution under this section that:

(b) The person lured or enticed, or attempted to lure or entice, the child under the age of 16 ~~12~~ into a structure, dwelling, or conveyance for a lawful purpose.

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

And the title is amended as follows:

Delete lines 9 - 10

and insert:

revising the age requirements of the minor; revising

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the classification of specified offenses involving luring or enticing a child; providing an affirmative defense for a lawful purpose; amending s.

By Senator Collins

14-00659B-25 20251136__

A bill to be entitled

An act relating to age as an element of a criminal offense; creating s. 787.001, F.S.; providing that ignorance of a victim's age, misrepresentation of a victim's age, and a bona fide belief concerning a victim's age are not defenses to certain offenses in which the victim's age is an element of the offense; providing an exception; amending s. 787.025, F.S.; revising the classification of specified offenses involving luring or enticing a child; amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Section 787.001, Florida Statutes, is created to read:

787.001 Victim's age; ignorance and misrepresentation not defenses.—When, in this chapter, the criminality of conduct depends upon the victim being below a certain age, ignorance of the victim's age is not a defense. Misrepresentation of a victim's age by any person or a bona fide belief that a victim is over a specified age is also not a defense. This section does not apply to s. 787.30.

Section 2. Subsection (2) of section 787.025, Florida Statutes, is amended to read:

787.025 Luring or enticing a child.—

(2)(a) A person 18 years of age or older who intentionally

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14-00659B-25 20251136__

lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) A person 18 years of age or older who, having been previously convicted of a violation of paragraph (a), intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person 18 years of age or older who, having been previously convicted of a violation of chapter 794, s. 800.04, or s. 847.0135(5), or a violation of a similar law of another jurisdiction, intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description

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316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920	2nd	Medicaid provider fraud; more

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(2)(b)1.b.		than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.

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

464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of

		chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where

		children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.

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784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(a)	3rd	Luring or enticing a child.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

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790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian,

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		or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

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806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.

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812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.

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817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.

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817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material,

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		motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver

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		cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135	1st	Trafficking in hydrocodone, 50

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	(1)(c)2.b.		grams or more, less than 100 grams.
171			
	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
172			
	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
173			
	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
174			
	893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
175			
	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
176			
	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
177			
	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14

			grams.
178			
	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
179			
	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
180			
	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
181			
	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
182			
	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
183			
	893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
184			
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing

		of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or

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		conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a

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		digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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

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The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 5, 2025

I respectfully request that **Senate Bill #1136**, relating to Age as an Element of a Criminal Offense, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Criminal Justice
Committee

SB1136
Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Rossen

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Street

Email Adam@rosslawfirm.com

Fort Lauderdale FL 33309
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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03/25/2025
Meeting Date

Criminal Justice
Committee

SB1136
Bill Number or Topic

Amendment Barcode (if applicable)

Name Danielle Cruzes

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Sen. CJ
Committee

1136
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

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Street

Email amcnair@flsheriffs.org

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Sheriffs Association

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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March 25 2025
Meeting Date

Criminal Justice
Committee

SB 1136
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

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City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Police Chiefs Association

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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March 25, 2025
Meeting Date

Criminal Justice
Committee

1138
Bill Number or Topic

Amendment Barcode (if applicable)

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Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice Alliance

☐ 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)

3/25/25

Meeting Date

Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 1136

Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 1180
INTRODUCER:	Criminal Justice Committee and Senator Gaetz
SUBJECT:	Sexual Images
DATE:	March 26, 2025
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 1180 provides guidance on proving actual or lewd exhibition and prohibits generation or possession of certain images.

The bill amends s. 827.071, F.S., to define the terms "anus," and "male genitals."

The bill expands the definition of the term "sexual conduct" to include the actual or simulated lewd exhibition of the anus; masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.

The bill provides that the term "actual or simulated lewd exhibition of the genitals or anus" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor's genitalia or anus;
- The setting of the image is sexually suggestive or in a place or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

Altered sexual depiction

The bill amends s. 836.13, F.S., to define the term "Generate," and "Possess."

A person who willfully and maliciously generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who willfully and maliciously possesses any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief.
- Monetary damages to include $10,000 or actual damages incurred.
- Reasonable attorney fees and costs.

The bill amends s. 921.0022, F.S., to rank the following offenses:

- Generating an altered sexual depiction of an identifiable person without consent as a Level 3 on the Offense Severity Ranking Chart (OSRC).
- Possessing an altered sexual depiction of an identifiable person without consent as a Level 3 on the OSRC.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Altered Sexual Depictions

Nonconsensual altered sexual depictions are distinguishable from consensual pornography as the person being depicted has not given his or her consent and did not actually engage in the sexual behavior he or she is depicted as doing. Such depictions may exploit the depicted person for other's gratification and may cause emotional and reputational harm stemming from subsequent uses of the depiction and society's response to the person depicted.[1]

[1] Mathew B. Kugler and Carly Pace, *Deepfake Privacy: Attitudes and Regulation*, *Northwestern University Law Review*, 2021 Vol 116:611, p. 624-25, https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1476&context=nulr (last visited March 19, 2025).

Section 836.13, F.S., defines "Altered sexual depiction" to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:[2]

- With the nude body parts of another person as the nude body parts of the identifiable person;
- With computer-generated nude body parts as the nude body parts of the identifiable person; or
- Engaging in sexual conduct as defined in s. 847.001, F.S.,[3] in which the identifiable person did not engage.

A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.[4]

The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.[5]

A person who is portrayed in such an altered sexual depiction without his or her consent may initiate a civil cause of action against a person who willfully and maliciously promoted such depiction and may obtain appropriate relief to prevent or remedy the promotion, including:

- Injunctive relief.
- Monetary damages to include $10,000 or actual damages incurred.
- Reasonable attorney fees and costs.[6]

Child Pornography

The law prohibits any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute material that appears to depict minors engaged in sexually explicit conduct and is deemed obscene.[7]

Miller v. California established the test for determining obscenity, now known as the *Miller*[8] test, which outlines three criteria for material to be considered obscene. The three-prong test requires the trier of fact to consider the following factors to determine if something is obscene:

---

[2] Section 836.13(1)(b), F.S., defines "Identifiable person" to mean a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.
[3] Section 847.001(19), F.S., defines "Sexual conduct" to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."
[4] A third degree felony is punishable by a term of imprisonment up to 5 years and a $5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.
[5] Section 836.13(4), F.S.
[6] Section 836.13(5), F.S.
[7] 18 U.S.C.A. s. 1466A. (2003).
[8] *Miller v. California*, 413 U.S. 15, 24 (1973).

- Whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest;
- Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.[9]

The test for determining whether matter involving minors is obscene is a slightly lower threshold than the Miller test. Material involving minors can be considered obscene if:

- It depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse; and
- The image lacks serious literary, artistic, political, or scientific value.[10]

The Court tends to grant greater protections to minors, routinely upholding state statutes that penalize those who possess or disseminate obscene material relating to minors. In *New York v. Ferber*, the defendant was convicted for distributing material that depicted a sexual performance by a minor under the age of 16 in violation of a state law that prohibited persons from knowingly promoting material that depicted such a performance.[11] In *Ferber*, the Court held that the statute at issue did not violate the First Amendment, explaining that the states have a compelling interest, and thus are granted more leeway, in regulating pornographic depictions of children.[12] The Court reasoned that such material bears so heavily on the welfare of children engaged in its production that a balance of compelling interests are struck and, therefore, these materials are not afforded the protections of the First Amendment.[13]

Present law defines child pornography to mean:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.[14]

Sexual performance means, a person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this offense commits a second degree felony.[15,16]

[9] *Id*.
[10] *Id*.
[11] *New York v. Ferber*, 458 U.S. 747 (1982).
[12] *Ferber*, 458 U.S. at 756.
[13] *Id*. at 747-48.
[14] Section 827.071(1)(b), F.S.
[15] Section 827.071(2), F.S.
[16] A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to $10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child.[17] A person who violates this offense commits a second degree felony.

It is unlawful for any person to possess with the intent to promote[18] any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this offense commits a second degree felony.

This provision does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

Courts have determined what criteria may be used in determining what is lewd exhibition of the genitals. In *State v. Hubbs*,[19] the critical issue for the court to determine was whether the state proved the defendant knew photographs taken of a 14 year old girl included "actual lewd exhibition of the genitals" by a child and were "lewd" in nature. To prove an "actual lewd exhibition of the genitals" by a child, the State will be required to prove the defendant knew the photographs of the child were "lewd" in nature.[20] The Second District has specifically held that "the lewdness requirement may be satisfied by the intent of the person promoting the performance which included sexual conduct by the child."[21] The *Brabson* court also noted that lewdness may be evaluated based on the test in United States v. Dost. The court held that a trier of fact should consider the *Dost* factors in making a determination whether he exhibition of the child's genitals in the photographs was lewd in nature.[22]

In *U.S. v. Dost*,[23] the court opined that a determination of whether there was lascivious exhibition should be made on a case-by-case basis using general principles as a guide for analysis.

The court held that a trier of fact should look at the following factors, among any others that may be relevant in a particular case, when determining whether a visual depiction of a minor constitutes lascivious exhibition of the genitals or pubic area:

- Whether the focal point of the visual depiction is on the child's genitalia or pubic area;
- Whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;
- Whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;
- Whether the child is fully or partially clothed or nude;

[17] Section 827.071(3), F.S.
[18] Section 836.13(4), F.S., defines "Promote" to mean to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.
[19] *State v. Hubbs*, 377 So.3d 1162 (Fla. 4th DCA 2023).
[20] Section § 827.071(1)(h), (5)(a), Fla. Stat. (2019).
[21] *State v. Brabson*, 7 So.3d 1119, 1122 (Fla. 2d DCA 2008).
[22] *Hubbs*, at 1168.
[23] *U.S. v. Dost*, 636 F. Supp. 828 (S.D. California 1986).

- Whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;
- Whether the visual depiction is intended or designed to elicit a sexual response in the viewer.

The court asserted that a visual depiction need not involve all of the above-listed factors to constitute lascivious exhibition of the genitals or pubic area, but rather that, a determination should be made based on the overall content of the visual depiction, taking into account the age of the minor.[24]

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code[25] are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.[26,27]

A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.[28]

III. Effect of Proposed Changes:

The bill amends s. 827.071, F.S., to define:

- "Anus" to mean the end of the gastrointestinal tract and the opening of the rectum to the outside of the body.
- "Male genitals" to include the penis and the scrotum.
- "Sexual conduct" to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals or *anus*; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct." *The term includes masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.*

The bill provides that the term "actual or simulated lewd exhibition of the genitals or anus" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

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[24] *Dost*, 636 F. Supp. At 832.
[25] All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.
[26] Section 921.0022, F.S.
[27] Section 921.0022(2), F.S.
[28] Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.

- The focal point of the image is on the minor's genitals or anus;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

Altered sexual depiction

The bill amends s. 836.13, F.S., to define the terms:
- "Generate" to mean to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.
- "Possess" to mean to knowingly or intentionally keep control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person without the consent of the identifiable person.

A person who willfully and maliciously generates any altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who willfully and maliciously possesses any altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

The bill provides that an act done for a bona fide medical, literary, academic, or scientific purpose is not a violation of this offense.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:
- Injunctive relief.
- Monetary damages to include $10,000 or actual damages incurred.
- Reasonable attorney fees and costs.

The bill amends s. 921.0022, F.S., to rank the following offenses:
- Generating an altered sexual depiction of an identifiable person without consent is ranked a Level 3 on the OSRC.
- Possessing an altered sexual depiction of an identifiable person without consent is ranked a Level 3 on the OSRC.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None. The First Amendment of the U.S. Constitution states that, "Congress shall make no law … abridging the freedom of speech…" This language prohibits the government from having the ability to constrain the speech of citizens. However, materials that constitute child pornography, obscenity, or material harmful to minors may be restricted. Child pornography, obscenity, and material harmful to minors have been defined in ch. 847, F.S., and are consistent with federal law and the United States Supreme Court holdings regarding such laws. The bill makes the simple creation or possession of an altered sexual depiction a crime. This may be subject to challenges under the First Amendment.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill. The bill expands materials that constitute child pornography, obscenity, and materials harmful to minors. The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill could potentially criminalize a parent for possessing a nude photo of their child taken without a prurient intent or prurient curiosity.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 827.071, 836.13, 921.0022.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Removes language expanding the definition of "child pornography."
- Provides definitions for "anus," "male genitals," "generate," and "possess."
- Revises the term "sexual conduct" to include masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.
- Provides criminal penalties for willfully and maliciously generating or possessing any altered sexual depiction with the consent of an identifiable person. Each violation is a separate offense that is a third degree felony, ranked a Level 3 in the OSRC.
- Provides an exception for medical, literary, academic or scientific purposes, for crimes related to Altered Sexual Depiction.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (3) of section 827.071, Florida Statutes, are amended, and subsections (4), (5), and (6) of that section are republished, to read:

827.071 Sexual performance by a child; child pornography; penalties.—

(1) As used in this section, the term ~~following definitions~~

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~~shall apply~~:

(a) "Anus" means the end of the gastrointestinal tract and the opening of the rectum to the outside of the body.

(b) "Child" or "minor" means any person, whose identity is known or unknown, younger than 18 years of age.

(c) ~~(b)~~ "Child pornography" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(d) ~~(c)~~ "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(e) ~~(d)~~ "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(f) ~~(e)~~ "Identifiable minor" means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

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

(g) ~~(f)~~ "Intentionally view" means to deliberately,

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purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

(h) "Male genitals" includes the penis and the scrotum.

(i) ~~(g)~~ "Performance" means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(j) ~~(h)~~ "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(k) ~~(i)~~ "Sadomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(l) ~~(j)~~ "Sexual battery" means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object. The term~~; however, "sexual battery"~~ does not include an act done for a bona fide medical purpose.

(m) ~~(k)~~ "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or female genitals of the other.

(n)1. ~~(l)~~ "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd

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exhibition of the genitals or anus; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute ~~"~~sexual conduct.~~"~~ The term includes masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.

2. As used in subparagraph 1., the term "actual or simulated lewd exhibition of the genitals or anus" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

a. The focal point of the image is on the minor's genitals or anus;

b. The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

c. The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;

d. The image suggests sexual coyness or a willingness to engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual response in the viewer.

(o) ~~(m)~~ "Sexual performance" means any performance or part thereof which includes sexual conduct by a child.

(p) ~~(n)~~ "Simulated" means the explicit depiction of conduct set forth in paragraph (n) ~~(l)~~ which creates the appearance of



such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person commits ~~is guilty of~~ the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person commits ~~is guilty of~~ promoting a sexual performance by a child if ~~when~~, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture,

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exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 2. Section 836.13, Florida Statutes, is amended to read:

836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~; prohibited acts; penalties; applicability.—

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

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(a) "Altered sexual depiction" means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

1. With the nude body parts of another person as the nude body parts of the identifiable person;

2. With computer-generated nude body parts as the nude body parts of the identifiable person; or

3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

(b) "Generate" means to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

(c) ~~(b)~~ "Identifiable person" means a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

(d) ~~(c)~~ "Nude body parts" means the human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. The term does not under any circumstances include a mother breastfeeding her baby.

(e) "Possess" means to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person without the consent of the identifiable person.


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(f) ~~(d)~~ "Promote" means to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(g) ~~(e)~~ "Visual depiction" includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.

(2) A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. An act done for a bona fide medical, literary, academic, or scientific purpose is not a violation of this subsection.

(3) A person who willfully and maliciously generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. An act done for a bona fide medical, literary, academic, or scientific purpose is not a violation of this subsection.

(4) A person who willfully and maliciously possesses any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.


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An act done for a bona fide medical, literary, academic, or scientific purpose is not a violation of this subsection.

(5)~~(3)~~ Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(6)~~(4)~~ The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the generation, possession, ~~creation~~ or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.

(7)~~(5)~~ An aggrieved person may initiate a civil action against a person who violates subsection (2) or subsection (3) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2) or subsection (3), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of subsection (2) or subsection (3), whichever is greater.

(c) Reasonable attorney fees and costs.

(8)~~(6)~~ The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others;

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another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in ~~that promotes an altered sexual depiction in connection with~~ the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity; or

(d) A person participating in a hearing, trial, or other legal proceeding.

(9)~~(7)~~ A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(10)~~(8)~~ Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

Section 3. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description



119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on



		stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed,



			transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
283			
	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.
284			
	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
285			
	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
286			
	400.9935(4)(e)	3rd	Filing a false license application or other



			required information or failing to report information.
287			
	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
288			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
289			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
290			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
291			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
292			
	697.08	3rd	Equity skimming.

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790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.



812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234	3rd	Unlawful solicitation of



	(8)(b) & (c)		persons involved in motor vehicle accidents.
307			
	817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
308			
	817.236	3rd	Filing a false motor vehicle insurance application.
309			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
310			
	817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
311			
	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
312			
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to

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		defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Promoting ~~Person who promotes~~ an altered sexual depiction of an identifiable person without consent.
836.13(3)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
836.13(4)	3rd	Possessing an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
847.01385	3rd	Harmful communication to a minor.

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860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6.,



			(2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)		3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)		3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.		3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.		3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.		3rd	Affix false or forged label to package of



			controlled substance.
330			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
331			
	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.
332			
	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.
333			
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a



			fictitious person.
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
	918.13(1)	3rd	Tampering with or fabricating physical evidence.
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to sexual images; amending s. 827.071, F.S.; defining terms and revising definitions; making technical changes; amending s. 836.13, F.S.; defining terms; providing criminal penalties for persons who willfully and maliciously generate or possess an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing exceptions; specifying what is not considered a defense to the offenses; authorizing an aggrieved person to initiate a civil action against persons who violate specified provisions; revising applicability; amending s. 921.0022, F.S.; ranking offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

By Senator Gaetz

1-01171A-25 20251180__

A bill to be entitled

An act relating to sexual images; amending s. 827.071, F.S.; revising definitions; prohibiting lewd imagery or depictions involving a child; prohibiting the creation of such depictions; providing criminal penalties; amending s. 836.13, F.S.; defining the term "generate"; prohibiting the generation of nude photos involving identifiable persons; providing criminal penalties; authorizing civil actions for violations of such prohibition; amending s. 921.0022, F.S.; ranking an offense created by the act on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Paragraphs (b) and (l) of subsection (1) of section 827.071, Florida Statutes, are amended, and subsections (2) through (5) of that section are republished, to read:

827.071 Sexual performance by a child; child pornography; penalties.—

(1) As used in this section, the following definitions shall apply:

(b) "Child pornography" means:

1. Any image depicting a minor engaged in sexual conduct; ~~or~~

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct; or

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1-01171A-25 20251180__

3. Any image depicting a minor with actual or simulated exhibition of the genitals.

(l)1. "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

2. As used in subparagraph 1., the term "actual or lewd exhibition of the genitals" may be evidenced by the overall content of the visual depiction, taking into account the age of the minor and, including, but not limited to, whether:

a. The focal point of the visual depiction is on the child's genitalia or pubic area;

b. The setting of the visual depiction is sexually suggestive or in a place or pose generally associated with sexual activity;

c. The child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;

d. The visual depiction suggests sexual coyness or a willingness to engage in sexual activity; or

e. The visual depiction is intended or designed to elicit a sexual response in the viewer.

(2) A person is guilty of the use of a child in a sexual

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performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction,

representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

Section 2. Present paragraphs (b) through (e) of subsection (1) of section 836.13, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, a new paragraph (b) is added to that subsection, present subsections (3) through (8) of that section are renumbered as subsections (4) through (9), respectively, present subsection (5) is amended, and a new subsection (3) is added to that section, to read:

836.13 ~~Promotion of an~~ Altered sexual depiction; prohibited acts; penalties; applicability.—

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

(b) "Generate" means to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

(3) A person who willfully generates or possesses any altered sexual depiction of an identifiable person, without the

consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)~~(5)~~ An aggrieved person may initiate a civil action against a person who violates subsection (2) or subsection (3) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2) or subsection (3), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include $10,000 or actual damages incurred as a result of a violation of subsection (2) or subsection (3), whichever is greater.

(c) Reasonable attorney fees and costs.

Section 3. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or using

(3)(b)-(d)		confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or

		fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
379.2431	3rd	Soliciting to commit or

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(1)(e)7.		conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than

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		$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

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810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.

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836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
836.13(3)	3rd	Person who generates or possesses an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
847.01385	3rd	Harmful communication to a minor.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.,

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		(2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for

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		a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in

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		obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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

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The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #1180**, relating to Sexual Images, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

03/25/2025
Meeting Date

Criminal Justice
Committee

SB1180 - "Sexual Images"
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lucy Adams Stevenson

Phone 8505721963

Address 2400 Hallmark Dr.
Street

Email estevenson@fasigbrooks.com

Pensacola FL 32503
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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March 25, 2025
Meeting Date

Criminal Justice
Committee

1180
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Criminal Justice
Committee

1180
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ryan Kennedy

Phone 239-671-5733

Address 5572 Cobalto way
Street

Email ryan@gofla.org

Ave Maria FL 34142
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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

SB: 1180
Bill Number or Topic

Amendment Barcode (if applicable)

Name Carrie Stevenson

Phone 850-572-1883

Address 2400 Hallmark Drive
Street

Email carrietstevenson@bellsouth.net

Pensacola FL 32503
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

SB: 1180
Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric Stevenson

Phone 850-572-1963

Address 2400 Hallmark Drive
Street

Email eric.stevenson@klotz.com

Pensacola FL 32503
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

3/25/25
Meeting Date

Sen. CJ
Committee

The Florida Senate

APPEARANCE RECORD

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1180
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

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Street

Email amcnair@flsheriffs.org

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Sheriffs Association

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

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

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 1344
INTRODUCER:	Criminal Justice Committee and Senator Simon
SUBJECT:	Juvenile Justice
DATE:	March 27, 2025
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 1344 makes multiple amendments to ch. 984, F.S., concerning ungovernable, runaway and truant youth and prevention services. The bill makes revisions to clarify the process for voluntary and court ordered intervention services and aligns the language with current practices within the Department of Juvenile Justice (DJJ).

The bill renames ch. 984, F.S., the Children and Families in Need of Services; Prevention and Intervention for school Truancy and Ungovernable and Runaway Children. Revisions are made to the purpose and intent of this chapter, to include, in part, that the purpose is to provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm. Additionally, it is the purpose of this chapter to provide a court process for the limited purpose of early truancy intervention. Legislative intent further revised to ensure that the child and family receive appropriate services and have access to representation by a trained advocate during court proceedings. The bill provides when a family is eligible for voluntary services, what services may be included, and the role of a case staffing committee and child study teams.

The bill provides that the circuit court has exclusive jurisdiction over judicial proceedings involving early truancy intervention, the court processes, and guidelines for the relinquishment of such jurisdiction. A child must be represented by counsel if a petition is filed alleging that he

or she is in need of services, or if he or she is subject to contempt proceedings. Guidelines for appointing counsel for an indigent child, waiving counsel, or enforcing the nonindigent parents or legal guardian of an indigent child to employ counsel are provided.

Additionally, the use of detention care or a secure detention facility intended for juvenile delinquents, or the use of a jail or similar facility, is prohibited, for a child under the jurisdiction of the court solely under ch. 984, F.S. Such child who is held in direct or indirect contempt must be placed in shelter, and the bill provides guidance on the release of a child who has been taken into custody. The bill provides that a child taken into custody may be delivered to a hospital or public receiving facility, when the child is suffering from a serious physical condition, mental illness crisis or intoxication that threatens the safety of the child or others.

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

The bill takes effect July 1, 2025.

II. Present Situation:

Status Offenders

A status offense is a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. Offenses typically include truancy, running away from home, violating curfew, underage use of alcohol, and ungovernability.[1] Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary intervention services, through court order.

Voluntary Family Services

Voluntary Family services provide that services to families in need must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order.[2]

Family in Need of Services

A family in need of services means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently

[1] *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status_offenders.pdf (last visited March 21, 2025).
[2] *A Guide for Parents in Need*, Florida Network of youth and family services, available at https://floridanetwork.org/wp-content/uploads/2024/12/FN_Brochure_ENG_WITH-UPDATES_12.2.2023.pdf (last visited March 21, 2025).

under supervision by the DJJ or the Department of Children and Families (DCF) due to an adjudication of dependency or delinquency.[3]

Child in Need of Services

Means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the DJJ or the DCF for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

- To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF;[4]
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the DJJ or the DCF;[5] or
- To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.[6]

Custody

A child may be taken in to custody by a law enforcement officer who reasonably believes that:

- The child has run away from his or her parent, guardian, or other legal custodian.
- The child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child without unreasonable delay to the appropriate school system site.[7]

A child may also be taken in to custody pursuant to a circuit court order or when the child voluntarily agrees to or requests services or placement in a shelter.

Shelter Placement

A child may be placed in a secure facility as punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has failed to comply with an alternative sanction. A delinquent child who has been held in contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility. Similarly, a child in need of services may be placed in a staff-

[3] Section 984.03(25), F.S.
[4] Section 984.03(9)(a), F.S.
[5] Section 984.03(9)(b), F.S.
[6] Section 984.03(9)(c), F.S.
[7] Section 984.13, F.S.

secure shelter or staff-secure residential facility solely for children in need of services if placement is available. If placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.[8]

Truancy

Children 6 to 16 years of age are required to regularly attend school. A delinquent child that attains the age of 16 is no longer subject to compulsory school attendance if the child files a formal declaration of intent to terminate school enrollment with the district school board.

A student who is subject to compulsory school attendance and has 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period the child is referred to the child study team to determine if early patterns of truancy are developing and intervene.[9]

When a designated school representative finds a truant student, the representative must "return the student to the parent, to the principal or teacher in charge of the school, to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school."[10]

If a school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.[11]

The petition must be filed in the circuit court in which the student is enrolled in school[12] and, once filed, must be heard by the court within 30 days.[13] The student and the student's parent or guardian must attend the hearing.[14]

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:[15]

- The student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months;

[8] Section 984.09, F.S.
[9] Florida Department of Education, *Attendance & Enrollment Frequently Asked Questions*, available at https://www.fldoe.org/how-do-i/attendance-enrollment.stml (last visited on March 22, 2025).
[10] Section 1003.26(3), F.S.
[11] Section 984.151, F.S.
[12] Section 984.151(2), F.S.
[13] Section 984.151(5), F.S.
[14] Section 984.151(6), F.S.
[15] Section 984.151(7), F.S.

- The student and the student's parent or guardian to participate in homemaker or parent aide services;
- The student or the student's parent or guardian to participate in intensive crisis counseling;
- The student or the student's parent or guardian to participate in community mental health services if available and applicable;
- The student and the student's parent or guardian to participate in service provided by voluntary or community agencies as available; and
- The student or the student's parent or guardian to participate in vocational, job training, or employment services.

Detention Intake

When a child is taken into custody by law enforcement under ch. 985, F.S., the DJJ must conduct a risk assessment to determine if the child should be placed in detention care. If the final score of the risk assessment indicates that detention care is not appropriate, the child may be released. If the final score indicates that detention care is appropriate, but the DJJ otherwise determines the child should be released, the DJJ must contact the state attorney who may authorize release.[16]

"Intake" means the initial acceptance and screening by the DJJ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:[17]

- The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.[18]
- The referral of the child to another public or private agency when appropriate.[19]
- The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.[20]

Canadian Prescription Drug Importation Program

In 2019, the Canadian Prescription Drug Importation Program was established within the Agency for Healthcare Administration to supply the state with quality prescription drugs at a lower cost than what may be available in the US market.[21]

Eligible importers include pharmacists or wholesalers employed by or under contract with:

- AHCA's central pharmacy, for distribution to county health departments or free clinics.
- A Medicaid pharmacy for dispensing to the pharmacy's Medicaid recipients.
- The Department of Corrections for dispensing to inmates in the custody of the department.
- A developmental disability center for dispensing to clients treated in the center.

[16] Section 985.25(1), F.S.
[17] Section 984.03(28), F.S.
[18] Section 984.03(28)(a), F.S.
[19] Section 984.03(28)(b), F.S.
[20] Section 984.03(28)(c), F.S.
[21] Section 381.02035, F.S.

- A treatment facility under s. 394.455, F.S., for dispensing to patients treated in the center.
- A forensic facility managed by the Agency for Persons with Disabilities for dispensing to clients in the facility.

III. Effect of Proposed Changes:

The bill makes several amendments to ch. 984, F.S., concerning ungovernable, runaway, and truant youth and prevention services. This bill makes revisions to clarify the process for voluntary and court ordered intervention services, and to align the language with current practices within the DJJ.

Truancy

Section 1

Chapter 984, Florida Statutes is renamed "Children and Families in Need of Services; Prevention and intervention for School Truancy and Ungovernable and Runaway Children."

Section 2 – Purpose and intent

The bill amends s. 984.01, F.S., to provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm, and to ensure due process through which children and other interested parties are assured fair hearings by a respectful and respected court and the recognition, protection, and enforcement of their constitutional and other legal rights.

Section 3 – Prevention and intervention

The bill amends s. 984.02, F.S., to revise the legislative intent for prevention and intervention to provide the children of this State with the following protections:

- Effective services or treatment to address physical, social, and emotional needs.
- Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities.
- Access to preventative services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior.
- Court intervention only when necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior.
- Access to representation by a trained advocate when court proceedings are initiated.
- Supervision and services by skilled staff when temporary out of home placement is necessary.

Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian, or custodian and child.

The bill permits the DJJ to develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of a child, which place the child at risk of harm, and to allow for intervention before the child engages in a delinquent act.

Parents, custodians, and guardians are deemed by the state to be responsible for ensuring their children attend school and engage in education to prepare their children for their future.

The bill provides that it is the state's responsibility to make appropriate recommendations to address impediments of caretakers to fulfill their responsibilities through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services.

Section 5 - Early Truancy intervention; families in need of services and children in need of services

The bill amends s. 984.04, F.S., to provide that the DJJ shall be responsible for all nonjudicial proceedings involving family services for a family identified as a family in need of services. The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151, F.S., is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21, F.S.

Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under ss. 984.15 or 984.151, F.S., when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

Section 6 – Oaths, records and confidential information

The bill amends s. 984.06, F.S., to expand the court's record retention policy to apply to any proceeding under ch. 984, F.S., instead of just children in need of services, and provides that information obtained by the district superintendent, school board employees, and school employees are included under the protection of confidentiality.

Section 7 – Right to counsel

Amends s. 984.07, F.S., to provide that when a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

A child in proceedings under s. 984.151, F.S., may have counsel appointed by the court if the court determines it is in the best interest of the child.

If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511, F.S., to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082, F.S. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.

A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082, F.S., if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082, F.S.

If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child's behavior, but despite their good faith efforts, the child's truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511, F.S.

If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need of services proceeding, such compensation may not exceed $1,000 at the trial level and $2,500 at the appellate level.

This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent and legal guardian.

The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082, F.S. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246, F.S.

Section 8 – Resources and information

The bill amends s. 984.071, F.S., to remove the DCF and the DOE from the requirements of developing an informative publication about children and families in need of services. The bill provides that the information guide shall be published in a written format for distribution and shall also be published on the DJJ'S website. The DOE and the DCF must each post the department's information guide on their respective websites.

Section 10 – Prohibited use of detention

The bill creates s. 984.0861, F.S., to provide that a child under the jurisdiction of the court pursuant to this chapter may not be placed in:

- Any form of detention care intended for the use of alleged juvenile delinquents as authorized under ch.985, F.S., for any purpose.
- A secure detention facility authorized for use under ch. 986, F.S., for any purpose.

- Any jail or other similar facility used for the purpose of detention or confinement of adults, for any purpose.

Section 11 – Punishment for contempt of court

The bill amends s. 984.09, F.S., to provide that it is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and detention facilities as set forth in s. 984.0861, F.S.[22]

A child adjudicated as a child in need of services may be placed solely in a shelter for purposes of punishment for contempt of court only if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. Such shelter must be operated by or contracted with the DJJ.

A child subject to proceedings under s. 984.151, F.S., who has been held in direct contempt or indirect contempt may only be placed, for five days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or under contract with the DJJ for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed with placement in a secure facility. If the court orders shelter placement of a child in need of services, the court shall review the matter every 72 hours to determine whether it is appropriate for the child to remain in the facility.

Section 12 – Intake

The bill amends s. 984.10, F.S., to provide that a case manager be assigned by the designated provider at intake and requires the case manager to request consent for services and interagency information sharing from the parent, legal guardian, or custodian.

Section 13- Services to families

The bill amends s. 984.11, F.S., to provide that the DJJ or its designated service provider shall provide an array of voluntary family services aimed toward remediating school truancy, homelessness, and runaway and ungovernable behavior by children. The bill provides that the parent is responsible for using health care insurance to the extent it is available for the provision of health services.

A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under court-ordered supervision by the DJJ Nfor delinquency under ch. 985, F.S., or by the DCF due to a finding of dependency under ch. 39, F.S. A child who has received a prearrest

[22] Section 984.0861, F.S.

delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

The bill provides that if there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the DCF agrees to the provision of services and makes a referral.

Section 14 – Case staffing; services and treatment related to a family in need of services

The bill amends s. 984.12, F.S., to provide that the DJJ shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services require the child and parent, legal guardian or custodian be invited to attend. A case staffing committee meeting must be convened within 30 days after the case is referred by the court.

The case staffing committee shall:
- Identify the family's concerns and contributing factors.
- Request the family and child to identify their needs and concerns.
- Seek input from the school district and other persons in attendance with knowledge of the family or child's situation and concerns.
- Consider the voluntary family services or other community services that have been offered and the results of those services.
- Identify whether truancy is a concern and the efforts made by the child study team to remedy the truancy.
- Reach a timely decision to provide the child or family with services and recommend any appropriate treatment through the development of a plan for services.

A broad permission is given to any member of the case staffing committee to convene a meeting is clarified to include when the services in the plan are rejected or there is no progress. The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15 – Taking a child into custody

The bill amends s. 984.13, F.S., to provide that a child may be taken into custody:
- By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or custodian.
- By designated school representative or a law enforcement officer when the officer has reasonable grounds to believe the child is absent from school without authorization.
    - The person taking the child into custody shall make a full written report to the family in need services intake office within three days, or;
    - Deliver the child to a shelter designated to the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child be delivered to a shelter:
        - Pursuant to a court order that the child has been found guilty of contempt under this chapter;

- Pursuant to a court order for shelter placement subsequent to adjudication as a child in need of services;
- Because the child has requested voluntary family services and shelter placement; or
- Because the child and parent, legal guardian, or custodian voluntarily agree that the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.
- Deliver the child to a department-approved shelter or physically secure shelter pursuant to a court order issued under this chapter.
- Deliver the child to a hospital for necessary evaluation and treatment if the child is believed to be suffering from a serious physical condition which requires either promote diagnosis or treatment.
- Deliver the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S., if the child is believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1), F.S.
- Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

Section 16 – Voluntary shelter services

The bill amends s. 984.14, F.S., to provide that the department shall provide temporary voluntary shelter services for the purpose of offering a safe environment that provides 24-hour care and supervision, referrals for services as needed, education at the center or off site, and counseling services for children.

If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the DJJ's designated shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine if the child can safely return home, or determine if the family is seeking temporary voluntary shelter services until the family can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the DCF shall be contacted to assume custody of the child.

Section 17 – Petition for a child in need of services

The bill amends s. 984.15, F.S., to provide that courts must check for both withholds of adjudication and adjudication of dependency or delinquency in its determination for legal sufficiency of a petition for a child in need of services. Provides that the DJJ must file the petition for a child in need of services as soon as practicable, removing the deadline of 45 days.

Section 18 – Early truancy intervention

The bill amends s. 984.151, F.S., to provide that if the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, with a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-day calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-day calendar period,

the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention. If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender, shall order the student to attend school, and shall order the parent, legal guardian, or custodian to ensure that the student attends school. The court include, in part, the following services:

- The student to participate in attendance at alternative classes;
- The student or the student's parent, legal or guardian or custodian to participate in substance abuse treatment services if available and applicable;
- The student and the student's parent, legal or guardian, or custodian to participate in services provided by state or community agencies, if appropriate, including services for families in need of services as provided in s. 984.11, F.S.;
- The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;
- The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or
- The student or the student's parent, legal or guardian, or custodian to participate in vocational or, job training.
- If the student does not substantially comply with compulsory school attendance and court-ordered services required and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's designated service provider for review by the case staffing committee under s. 984.12, F.S., with a recommendation to file a petition for child in need of services s. 984.15, F.S. The court shall review the case not less than every 45 days to determine if the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee in accord with this subsection.
- If the student substantially complies with compulsory school attendance, the court shall close the truancy case.
- If the child is adjudicated a child in need of services pursuant to s. 984.21, F.S., the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04, F.S.
- The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of 1933 services under this chapter until the child is no longer subject to compulsory education under s. 1003.21, F.S., or jurisdiction lapses in accord with s. 984.04, F.S., whichever occurs first.
- The court may not order a child placed in shelter pursuant to this section unless the court finds the child in contempt for violation of a court order under s. 984.09, F.S.
- The court may not order a child to be placed in detention care or any detention facility pursuant to this section.
- Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09, F.S., two or more times shall be referred to the case staffing committee under s. 984.12, F.S., with a recommendation that the committee file a petition for a child in need of services.

- The clerk of the circuit court shall serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's designated child in need of services provider.

The court's power is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance.

Section 19 – Process and service for child in need of services petitions

The bill amends s. 984.16, F.S., providing that if a court takes action that directly involves a student's school, including but not limited to, an order that a student attend school, attend school with his or her parent, or an order that the parent participate in meetings, including parent-teacher conferences, Sections 504 plan meetings, or individualized education plan meetings to address the student's disability, the office of the clerk of the circuit court shall provide notice to the school of the court's action.

Section 20 – Response to petition and representation of parties

The bill amends s. 984.17, F.S., specifying when a guardian ad litem may be appointed for a child; revising provisions concerning representation of the department in which a child is alleged to be in need of services.

Section 22 – Medical screening and treatment of child

The bill amends s. 984.19, F.S., to provide that an authorized agent of the DJJ may have a medical screening provided for a child placed in shelter care; revising provisions concerning consent for medical care for a child in the care of the department.

Section 23 – Hearings

Amends s. 984.20, F.S., to provide that the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filling of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07, F.S.

Arraignment Hearing

- The court may grant a continuance of the arraignment hearing if the child or the parent, legal guardian, or custodian request a continuance to obtain an attorney and legal counsel requests a continuance. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation.
- Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition. The document containing the notice to respond or appear must contain, in type as large as the balance of the document.
- If a person appears for arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and if applicable, the instructions for appearance through audio-video communication technology, of the

adjudicatory hearing, then that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to a child in need of services adjudication.
- If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

Disposition Hearing

At the disposition hearing the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider. After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Review Hearing

The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work towards compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings.

The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The DJJ shall appear at the review hearing. If the child or parent, legal guardian, or custodian does not appear at a review hearing, the court may proceed with the hearing and enter orders that affect the child and family accordingly. The child's presence may be waived by the court if the court finds good cause to do so. The court shall consider the departments' judicial review summary. Upon request of the petitioner, the court may close the case and relinquish jurisdiction.

At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including but not limited to ordering the child placed in shelter.

Section 24 – Orders of Adjudication

The bill amends s. 984.21, F.S., to provide that an order of adjudication by a court that a child is in need of services is a civil adjudication and not a conviction.

Section 25 – Powers of disposition

The bill amends s. 984.22, F.S., to provide that the disposition order may order the child to be placed in shelter or physically secure shelter. The bill repeals a provision that allows the DJJ to collect fees.

Section 26

The bill amends s. 984.225, F.S., to provide that the court may order that a child adjudicated as a child in need of services be placed in shelter for the purpose of enforcement of the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the court shall receive education

commensurate with his or her grade level and educational ability. The DJJ, or the department's authorized services provider, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized representative verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed.

The court shall order the parent, legal guardian, or custodian to cooperate with efforts to reunite the child with the family and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

- The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.
- After other alternative, less restrictive remedies have been exhausted, the child may be placed in shelter for up to 90 days if:
  - The child's parent, legal guardian, or custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or custodian;
  - The child refuses to remain under the reasonable care and custody of the parent, legal guardian, or custodian, as evidenced by repeatedly running away from failing to comply with a court order; or
  - The child has failed to successfully complete an alternative treatment program or to comply with court-ordered services and the child has been placed in a shelter on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services.

The court shall review the child's 90-day shelter placement not less than every 45 days to determine if continued shelter is deemed necessary. The court also shall determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the DCF, and the child's care shall be governed under the relevant provisions of ch. 39, F.S. The department shall notify and coordinate with the DCF for the transfer of jurisdiction. The clerk of the circuit court shall serve the DCF with any court order of referral.

Section 27 – Physically secure setting

The bill amends s. 984.226, F.S., to:

- Authorize the DJJ to contract for physically secure settings.
- Require exhaustion of less restrictive placements before a child may be placed in a physically secure shelter.
- Provide time limits on secure shelter orders.
- Revise provisions concerning review of secure shelter placements. It is the intent of the legislature that physically secure shelter placement be used only when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements. The court shall review the child's placement once within every 45 days to determine if the child can be returned home with the provision of ongoing services.
- Provide for the transfer to other shelter placements. The court may order that the child be transitioned from a physically secure shelter setting to a shelter placement as provided in s. 984.225, F.S., upon a finding that the physically secure setting is no longer necessary to ensure the child's safety and provide needed services.
- Require a child to be transferred to the DCF in certain circumstances. The department shall notify and coordinate with the DCF to ensure provision of services to the child. The clerk of the circuit court shall serve the DCF with any court order of referral.
- Provide for the transfer of a child to the Agency for Persons with Disabilities in certain circumstances. If the child requires long-term residential mental health or residential care for a developmental disability, the court shall transfer custody of the child to the DCF or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of the circuit court shall serve the DCF or Agency for Person with Disabilities with any court order of referral.

Section 30 – Use of detention

Amends s. 985.24, F.S., to prohibit placement of a child subject to certain proceedings into secure detention care. A child who is alleged to be dependent under ch. 39, F.S., or any child subject to proceedings under ch. 984, F.S., who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31 – Enforcement of school attendance

Amends s. 1003.26, F.S., to:

- Provide that the child study team may allow the parent to attend the child study team meeting virtually or by telephone if the parent is unable to attend the meeting in person.
- Provide that if the parent, legal guardian, or custodian or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy, based upon the information available to the school. The recommendations shall be provided to the parent within seven days after the child study team meeting. If the initial meeting does not resolve the problem, the child study team shall take further specified action including:
  - Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if bullying is an issue of concern.
- Revise provisions concerning required notice of a child's enrollment or attendance issues. Under the direction of the district school superintendent, a designated school representative

must provide written notice in person or by return-receipt mail to the parent, legal guardian, or custodian, requiring the child's enrollment or attendance within three days after the date of the notice, when no valid reason is found for a student's nonenrolment in school if the child is under compulsory education requirements, and is not exempt.

- Revising provisions concerning the return of a student to a parent or other party in certain circumstances where the parent, legal guardian, or custodian cannot be located or is unavailable, the child must be referred to the DJJ designated shelter services provider.
- Provides that if a student is subject to compulsory school attendance is responsive to the interventions described above and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

Section 32 – Court procedures and penalties

Amends s. 1003.27, F.S., to:

- Revise reporting requirements for reports by school principals to school boards concerning minor students who accumulate 15 unexcused absences in a period of 90 calendar days.
- Require school board action and provide for remedial actions for failure to comply.
    - Reports shall be made to the district school board at the end of each quarter. The school board shall verify the school's reporting of more than 15 absences within a 90-day period. The district school board shall verify the school has complied with the requirement of remediating truancy at the school level or pursuing appropriate court interventions. Any school not meeting the requirements shall provide a remedial action plan to the school board within 90 days after noncompliance to confirm all truancy cases have been address through either remedial efforts that achieved the child's enrollment and regular attendance or referring the case to the appropriate court or agency for court intervention.
- Revise provisions concerning habitual truancy cases, cooperative agreements, and habitually truant students.
- Revise who may begin certain proceedings and prosecutions.

Section 33 – Canadian Prescription Drug Importation Program

Amends s. 381.02035, F.S., to authorize pharmacists employed by the DJJ to import drugs from Canada under specified programs.

Section 34 – Use of BB guns, air or gas-operated guns or electric weapons or devices by minor under 16

Amends s. 790.22, F.S., to revise provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication occurred or was withheld, for purposes of determining whether a prior offense was committed.

Section 35 – Prearrest delinquency citation programs

Amends s. 985.12, F.S., removing the provision that the DJJ annually develop and produce best practice models for prearrest delinquency citation programs.

Section 36 – Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record

Amends s. 985.126, F.S., to revise the requirements for a quarterly report on prearrest citation programs.

Section 37 – Detention Intake

Amends s. 985.25, F.S., to provide for supervised release or detention of a child despite the child's risk assessment score in certain circumstances. The bill also limits the number of categories that a child may be moved. A child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Section 38 – Disposition hearings in delinquency cases

Amends s. 985.433, F.S., to require that a child be placed on conditional release rather than probation following discharge from commitment.

Section 40 – Quality improvement and cost-effectiveness

Amends s. 985.632, F.S. to remove provision for development of cost-effectiveness model and application of the model to each commitment program.

Sections 9, 21, 28 and 39

The bill repeals the following statutes:

- Section 984.08, F.S., relating to families in need of services and children in need of services.
- Section 984.085, F.S., relating to sheltering unmarried minors; aiding unmarried minor runaways.
- Section 9847.18, F.S., relating to referral of child-in-need services cases to mediation.
- Section 985.731, F.S., is transferred and renumbered as s. 787.035, F.S.
- Section 985.625, F.S, relating to literacy programs for juvenile offenders.

Sections 41-46

The bill provides provides conforming changes to ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S.

Sections 4 and 29- Definitions

The bill amends s. 984.03, F.S., to revise the following definitions:

- "Abandoned" or "abandonment" to have the same meaning as in s. 39.01(1), F.S.[23]
- "Abuse" to have the same meaning as in s. 39.01(2), F.S.[24]

[23] Section 39.01, F.S., defines "Abandoned" or "abandonment" to mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

[24] Section 39.01(2), F.S., defines "Abuse" to mean any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the

- "Adjudicatory hearing" to mean a hearing for the court to determine whether or not the facts support the allegations stated in the petition as provided for under s. 984.20(2), F.S., in child in need of services cases.
- "Authorized agent" or "designee" of the department to mean a person or agency assigned or designated by the DJJ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services and managing cases of children in need of services.
- "Child" or "juvenile" or "youth" to mean any unmarried person under the age of 18 who has not been emancipated by order of the court.
- "Child in need of services" to mean a child for whom there is no pending petition filed with the court alleging the child is delinquent under ch. 985, F.S., or the DCF for dependency under ch. 39, F.S. The child must also, pursuant to this chapter, be found by the court:
  - To have persistently run away from the child's parents or legal guardians, or custodians despite reasonable efforts of the parents, legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include participation by the child's parents, or legal guardian or custodians and the child in voluntary services, and treatment offered by the department or through its designated service provider.
  - To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and services offered by the department or its authorized agent or designated service provider; or
  - To be ungovernable by having persistently disobeyed the reasonable and lawful rules and demands of the child's parents, legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services.
- "Custodian" to mean any adult person exercising actual physical custody of the child and who is providing food, clothing, and care for the child in the absence of a parent or legal guardian.
- "Disposition hearing" to mean a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), F.S., in child in need of services cases.
- "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26, F.S., to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, F.S., and may include judicial action pursuant to ss. 984.151 or 1003.27, F.S.

children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

- "Family" to mean a collective body of persons, consisting of a child and a parent, legal guardian, adult custodian, or adult relative, in which:
  - The persons reside in the same house or living unit; or
  - The parent, legal guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.
- "Family in need of services" to mean a family that has a child who is running away; who is ungovernable an persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the DCF due to a finding of dependency under ch. 39, F.S.
- "Intake" to mean the initial acceptance and screening by the DJJ or its designated service provider of a referral from early truancy intervention court, a school board, or school requesting services; a request for assistance from a parent or child; or a compliant, law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family to determine the most appropriate course of action in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:
  - The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.
  - The referral of the child to another public or private agency when appropriate.
  - the recommendation by the assigned intake case manager of judicial handing when appropriate and warranted.
- "Habitual truant" has the shame meaning as in s. 1003.01(12), F.S.[25]
- "Licenses child-caring agency" to mean a person, society, association, or agency licenses by the DCF to care for, receive, and board children, and includes shelters under this chapter.
- "Neglect" to mean the same meaning as in s. 39.01(53), F.S.[26]
- "Needs assessment" to mean the gathering of information for the evaluation of a child's physical, psychological, educational, vocational, and social condition and family

[25] "Habitual truant" means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent, is subject to compulsory school attendance under s. 1003.211003.21(1) and (2)(a), F.S., and is not exempt under s. 1003.21(3) or s. 1003.24, F.S., or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), F.S., without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of ch. 984, F.S.

[26] Section 39.01(53), F.S., defines "Neglect" to occur when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

environment related to the child's need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, educational services, and other specialized services, as appropriate.

- "Neglect" has the same meaning as in s. 39.01(53), F.S.[27]
- "Party" to mean the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest, or the child has failed to appear for a proceeding after having been noticed.
- "Physically secure shelter" to mean a locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226, F.S. A physically secure shelter unit shall provide supervision by shelter staff who are awake 24 hours a day.
- "Preventive services" to mean social services and other supportive and evaluation and intervention services provided to the child or the parent, legal guardian or custodian of the child for purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision or into the delinquency system. Social services and other supportive services may include the provision of assessment and screening services; individual group, or family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street.
- "Reunification services" to mean social services and other supportive services provided to the child and the parent of the child, legal guardian of the child, or the custodian of the child, whichever is applicable, for the purpose of assisting a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective time based on the presenting concerns at intake. Social services and other supportive services shall be consistent with the child's need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.
- "Secure detention center or facility" to mean a physically restricting facility for the temporary care of children, pending adjudication of delinquency or disposition. A child subject to proceedings under this chapter or who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent actor or violation of law, may not under any circumstances, be placed into a secure detention center or facility.

[27] "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:
(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or
(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.
Neglect of a child includes acts or omissions.

- "Shelter" to mean a department-approved shelter facility for the temporary care of runaway children placed for voluntary shelter respite upon request of the child or the child's parent, legal guardian, or custodian or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09, F.S. Shelters must provide 24-hour continual supervision and must be licensed child care facilities.
- "Truancy petition" to mean a petition filed by the superintendent of schools under s. 984.151, F.S., for the purpose of early truancy intervention, alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period.
- "Truant status offender" to mean a child subject to the jurisdiction of the court under s. 957.151, F.S., who has been found by the court to be truant while subject to compulsory education. The court's jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act.
  "Voluntary family services" to mean voluntary services provided by the department or an agency designated by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the DJJ or an agency designated by the department to provide voluntary services to families and children.

The bill amends s. 985.03, F.S, to revise the definition of the term "child who has been found to have committed a delinquent act" to mean a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a proceeding under ch. 984, F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on state government expenditures to the extent it redirects additional status offenders to CINS/FINS programs. The DJJ has indicated the bill may increase CINS/FINS utilization and associated workload for circuit courts.[28]

Courts and CINS/FINS programs already provide such services to referred youth. The DCF has indicated that any impact on administrative workload of the department or to CINS program services delivered by Community Based Care Lead agencies can be absorbed within existing resources. Any initial impacts to the DJJ or the courts as a result of the bill can likely also be absorbed within existing resources, and potential future needs could be addressed through the Agency Legislative Budget Request process.

The bill would ensure federal compliance to the deinstitutionalization of status offenders requirement set forth in the Juvenile Justice and Delinquency Prevention Act. While there have been only isolated cases of a judge ordering detention for contempt of court in status offense proceedings, the prohibition on detention for status offenses the bill places throughout ch. 984, F.S., would make it explicitly clear.[29]

VI. Technical Deficiencies:

None.

[28] Department of Juvenile Justice, Agency Analysis of 2025, p. 19-20 (on file with the Senate Committee on Criminal Justice).
[29] *Id*. at p. 20-21 (on file with the Senate Committee on Criminal Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.01, 984.02, 984.03, 984.04, 984.06, 984.07, 984.071, 984.09, 984.10, 984.11, 984.12, 984.13, 984.14, 984.15, 984.151, 984.16, 984.17, 984.19, 984.20, 984.21, 984.22, 984.225, 984.226, 985.731, 787.035, 985.03, 985.24, 1003.26, 1003.27, 381.02035, 790.22, 985.12, 985.126, 985.25, 985.433, 985.632, 95.11, 409.2564, 419.001, 744.309, 784.075, 985.618
This bill creates section 984.0861 of the Florida Statutes.
This bill repeals the following sections of the Florida Statutes: 984.08, 984.085, 984.18, 985.625

IX. Additional Information:

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

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

- Incorporates technical and clarifying changes.
- Clarifies provisions related to appointment of counsel and the indigent status of the child.
- Provides that a family is not eligible for voluntary family services if at the time of the referral the child is under court-ordered supervision.
- Provides that a child may be eligible for voluntary services if there is a pending DCF investigation.
- Requires a written report within 3 days of a child's release from custody to a parent, legal guardian or custodian.
- Provides when a child may be delivered to a shelter designated by the department.
- Provides that a child may be delivered to a hospital for evaluation and treatment if it is reasonably believed that the child is suffering from a physical condition requiring a need for treatment, is intoxicated, or in need of treatment for suicide prevention.
- Removes provision limiting the court's power to enter orders to require a student to attend school as a form of early truancy intervention.
- Provides that a student may not be determined to be habitually truant if the student has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Chapter 984, Florida Statutes, entitled "Children and Families in Need of Services," is renamed "Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children."

Section 2. Section 984.01, Florida Statutes, is amended to

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read:

984.01 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) To provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm; and to ensure ~~assure~~ due process through which children and other interested parties are assured fair hearings by a respectful and respected court ~~or other tribunal~~ and the recognition, protection, and enforcement of their constitutional and other legal rights~~, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected~~.

(b) To provide for the care, safety, and protection of children in an environment that cultivates ~~fosters~~ healthy social, emotional, intellectual, and physical development; to ensure the safety of children ~~secure and safe custody~~; and to promote the education, health, and well-being of all children under the state's care.

(c) To provide ~~ensure the protection of society, by providing~~ for a needs ~~comprehensive standardized~~ assessment of the child's needs, strengths, and family dynamics so that the most appropriate services ~~control, discipline, punishment, and treatment~~ can be provided in the most appropriate environment ~~administered~~ consistent with the ~~seriousness of the act committed, the~~ community's long-term need for public safety and



the safety of the individual child, with consideration given to the education and overall well-being~~, the prior record of the child, and the specific rehabilitation needs~~ of the child~~, while also providing restitution, whenever possible, to the victim of the offense~~.

(d) To preserve and strengthen the child's family ties whenever possible; provide for temporary shelter placement of the child only when necessary for the child's education, safety, and welfare and when other less restrictive alternatives have been exhausted; provide~~, by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure~~ custody, care, and education; encourage self-discipline; and increase protective factors when the child is in temporary shelter placement ~~discipline for the child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court~~.

(e)~~1.~~ To ensure ~~assure~~ that the adjudication and disposition of a child alleged or found to be a child in need of services ~~have committed a violation of Florida law~~ be exercised with appropriate discretion and in keeping with the seriousness of the misconduct ~~offense~~ and the need for ~~treatment~~ services, and that all findings made under this chapter be based upon

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facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

(f) To provide a court process through which school boards are able to access the court for the limited purpose of early truancy intervention for children, subject to compulsory education, who are not engaging in regular school attendance, and encourage school attendance by educating children and their families on the importance of regular school attendance and provide services to families to prevent the child's pattern of truancy from becoming habitual ~~children committed to the Department of Juvenile Justice with training in life skills, including career education~~.

(2) The department ~~of Juvenile Justice or the Department of Children and Families, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) If the department contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of



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good moral character. The ~~Each contract entered into by either~~ department and any agency providing services for the department must require that each contract entered into for services delivered on an appointment or intermittent basis by a provider that does or does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character and must meet level 2 screening requirements as described in s. 435.04. A volunteer who assists on an intermittent basis for less than 10 hours per month need not be screened if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

~~(b) The department of Juvenile Justice and the Department of Children and Families shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.~~

(b) ~~(c)~~ The department ~~of Juvenile Justice or the Department of Children and Families~~ may grant exemptions from disqualification from working with children as provided in s. 435.07.

(c) Any shelter used for the placement of children under this chapter must be licensed by the Department of Children and Families.

(3) ~~It is the intent of the Legislature that~~ This chapter is to be liberally interpreted and construed in conformity with its declared purposes.

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Section 3. Section 984.02, Florida Statutes, is amended to read:

984.02 Legislative intent for prevention and intervention under chapter 984 ~~the juvenile justice system~~.—

(1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective services or treatment to address physical, social, and emotional needs~~, regardless of geographical location~~.

(f) Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior.

(h) Court ~~An independent, trained advocate when~~ intervention only when ~~is~~ necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior.

(i) Access to representation by a trained advocate when court proceedings are initiated under this chapter.

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(j) Supervision and services by skilled staff when temporary out of home placement is necessary ~~and a skilled guardian or caretaker in a safe environment when alternative placement is necessary~~.

(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's juvenile justice and intervention ~~dependency and delinquency~~ systems need appropriate health care services and~~,~~ that the impact of substance abuse on health requires ~~indicates~~ the need for health care services to include substance abuse services when ~~where~~ appropriate.~~, and that~~ It is in the state's best interest that ~~such~~ children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's juvenile justice and intervention ~~dependency and delinquency~~ systems must have the ability to identify and make referrals to experts capable of providing ~~provide appropriate~~ intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the juvenile justice and intervention ~~dependency and delinquency~~ systems, subject to legislative appropriation, which will be fully implemented and utilized as resources permit. This section does not prevent agencies from referring children and families to privately operated community service providers to the extent the families have funding or insurance to provide care.

(3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~

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~~PREVENTION~~.—It is the policy of the state regarding ~~with respect to~~ juvenile justice and intervention ~~delinquency prevention~~ to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family ~~as a whole~~ so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services for ~~in the field of~~ juvenile delinquency prevention.

(e) Develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of children which places the child at risk of harm, and allow for intervention before the child engages in a delinquent act.

The Legislature intends that temporary shelter ~~detention~~ care, in addition to providing safe care ~~secure and safe custody~~, will promote the health and well-being of the children placed therein ~~committed thereto~~ and provide an environment that fosters their

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social, emotional, intellectual, and physical development.

(4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts, and ensure their children attend school and engage in education to prepare their child for their future. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified and appropriate recommendations are provided to address those impediments through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services court processes ~~delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding~~.

(5) PROVISION OF SERVICES.-Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian, or custodian and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through individual and family services after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to

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distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this distinction, it is the policy of the state to develop short-term services using the least restrictive method for children and families, early truancy intervention, and children in need of services.

Section 4. Section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(1) "Abandoned" or "abandonment" have the same meaning as in s. 39.01(1) ~~means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment~~.



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(2) "Abuse" has the same meaning as in s. 39.01(2) ~~means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01.~~

~~(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397~~.

(3)~~(4)~~ "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child in need of services ~~child-in-need-of-services~~ cases.

(4)~~(5)~~ "Adult" means any natural person other than a child.

(5)~~(6)~~ "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice ~~or the Department of Children and Families, as appropriate,~~ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services ~~to~~ and managing cases of children in need of services ~~and families in need of services~~.

~~(7) "Caretaker/homemaker" means an authorized agent of the Department of Children and Families who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

(6)~~(8)~~ "Child" or "juvenile" or "youth" means any unmarried



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person under the age of 18 who has not been emancipated by order of the court a~~nd who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years~~.

(7)~~(9)~~ "Child in need of services" means a child for whom there is no pending petition filed with the court ~~investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral~~ alleging the child is delinquent~~,~~ or no current court ordered supervision by the department for delinquency under chapter 985 ~~of Juvenile Justice~~ or the Department of Children and Families for ~~an adjudication of~~ dependency under chapter 39 ~~or delinquency~~. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents, ~~or~~ legal guardians, or custodians despite reasonable efforts of ~~the child~~, the parents, ~~or~~ legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include ~~voluntary~~ participation by the child's parents ~~or~~ legal guardian, or custodians and the child in ~~family mediation,~~ voluntary services, and treatment offered by the department or through its authorized agent ~~of Juvenile Justice or the Department of Children and Families~~;

(b) To be a habitual ~~habitually~~ truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27 and ~~through voluntary participation by the child's~~

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~~parents or legal custodians and by the child in family mediation,~~ services~~, and treatment~~ offered by the department or its authorized agent ~~of Juvenile Justice or the Department of Children and Families~~; or

(c) To be ungovernable by having ~~have~~ persistently disobeyed the reasonable and lawful rules and demands of the child's parents, ~~or~~ legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, ~~or~~ legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services ~~counseling~~.

~~(10) "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.~~

~~(11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.~~

~~(12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:~~

~~(a) To have been abandoned, abused, or neglected by the~~

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~~child's parents or other custodians.~~

~~(b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Families, or a licensed child-placing agency for purpose of adoption.~~

~~(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Families, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.~~

~~(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.~~

~~(e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.~~

~~(f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.~~

(8)~~(13)~~ "Circuit" means any of the ~~20~~ judicial circuits as set forth in s. 26.021.

~~(14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services,~~

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~~medical services, family services, and other specialized services, as appropriate.~~

(9)~~(15)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(10) "Custodian" means any adult person who is exercising actual physical custody of the child and is providing food, clothing, and care for the child in the absence of a parent or legal guardian.

~~(16) "Delinquency program" means any intake, community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to chapter 985.~~

(11)~~(17)~~ "Department" means the Department of Juvenile Justice.

~~(18) "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:~~

~~(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.~~

~~(b) "Nonsecure detention" means temporary custody of the~~

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~~child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.~~

~~(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.~~

~~(19) "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.~~

~~(20) "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under s. 39.402, in dependency cases.~~

~~(21) "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency as defined in this section that is a party to a case plan.~~

~~(22) "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be~~



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~~initiated as soon as the agency is made aware of the existence of such parent, prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

(12)~~(23)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), in child in need of services ~~child-in-need-of-services~~ cases.

(13) "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26 to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, and may include judicial action pursuant to s. 984.151 or s. 1003.27.

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(14)~~(24)~~ "Family" means a collective body of persons, consisting of a child and a parent, legal guardian, ~~adult~~ custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, legal guardian, ~~adult~~ custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(15)~~(25)~~ "Family in need of services" means a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is a habitual ~~habitually~~ truant ~~from school~~ or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the department ~~of Juvenile Justice~~, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, ~~there is an open investigation into an allegation of abuse, neglect, or abandonment or if~~ the child is currently under court-ordered supervision by the department for delinquency under chapter 985 ~~of Juvenile Justice~~ or the Department of Children and Families due to a finding of dependency under chapter 39 ~~an adjudication of dependency or delinquency~~.

~~(26) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.~~



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(16)~~(27)~~ "Habitual ~~Habitually~~ truant" has the same meaning as in s. 1003.01(12). ~~means that:~~

~~(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3), s. 1003.24, or any other exemptions specified by law or the rules of the State Board of Education.~~

~~(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 and 1003.27(3), have been completed.~~

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27(3) and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant~~

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~~behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 1003.26 and 1003.27(3) shall be handled as prescribed in s. 1003.27.~~

(17)~~(28)~~ "Intake" means the initial acceptance and screening by the department or its authorized agent of a referral from an early truancy intervention court, a school board, or a school requesting services; a request for assistance from a parent or child; or a complaint, ~~of Juvenile Justice of a complaint or a~~ law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family ~~delinquency, family in need of services~~, or child ~~in need of services~~ to determine the most appropriate course of action ~~recommendation to be taken~~ in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the assigned intake case manager ~~juvenile probation officer~~ of judicial handling when appropriate and warranted.

(18)~~(29)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

~~(30) "Juvenile justice continuum" includes, but is not~~

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~~limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by criminal gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; conditional release; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.~~

~~(31) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.~~

(19)~~(32)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(20)~~(33)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of

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Children and Families to care for, receive, and board children, and includes shelters under this chapter.

(21) ~~(34)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, and exploring settlement alternatives.~~

(22) ~~(36)~~ "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(23) "Needs assessment" means the gathering of information for the evaluation of a child's physical, psychological, educational, vocational, and social condition and family environment related to the child's need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, education services, and other specialized services, as appropriate.

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(24) ~~(37)~~ "Neglect" has the same meaning as in s. 39.01(53). ~~occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:~~

~~(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or~~

~~(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.~~

~~(38) "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or~~

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~~first cousin.~~

(25)~~(39)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

(26)~~(40)~~ "Participant," for purposes of a ~~shelter~~ proceeding under this chapter, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(27)~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding under this chapter, means the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest or the child has failed to appear for a proceeding after having been noticed. ~~Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.~~

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(28) "Physically secure shelter" means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226. A physically secure shelter unit shall provide 24-hour, continuous supervision.

~~(42) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.~~

(29)~~(43)~~ "Preventive services" means social services and other supportive and evaluation and intervention ~~rehabilitative~~ services provided to the child or the parent, ~~of the child, the~~ legal guardian ~~of the child,~~ or ~~the~~ custodian of the child ~~and to the child~~ for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision ~~into foster care~~ or into the delinquency system ~~or that will or could result in the child living on the street~~. Social services and other supportive ~~and rehabilitative~~ services may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street; ~~independent living services to assist adolescents in achieving a successful transition to adulthood;~~

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and other specialized services.

~~(44) "Protective supervision" means a legal status in child-in-need-of-services cases or family-in-need-of-services cases which permits the child to remain in his or her own home or other placement under the supervision of an agent of the Department of Juvenile Justice or the Department of Children and Families, subject to being returned to the court during the period of supervision.~~

(30) ~~(45)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(31) ~~(46)~~ "Reunification services" means social services and other supportive ~~and rehabilitative~~ services provided to the child and the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable, ~~; the child; and, where appropriate, the foster parents of the child~~ for the purpose of assisting ~~enabling~~ a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective ~~earliest possible~~ time based on the presenting concerns at intake. Social services and other supportive ~~and rehabilitative~~ services shall be consistent with the child's need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.

(32) ~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement under

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chapter 985.

(33) ~~(48)~~ "Shelter" means a department-approved shelter facility for the temporary care of runaway children; children placed for voluntary shelter respite upon request of the child or the child's parent, legal guardian, or custodian; or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09. Shelters must provide 24-hour continual supervision ~~a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14~~.

~~(49) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.~~

~~(50) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Families is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

(34) ~~(51)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in

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dysfunctional social behavior.

(35)~~(52)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, shelter ~~detention~~, placement, or other disposition as authorized by law.

(36)~~(53)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(37)~~(54)~~ "Truancy petition" means a petition filed by the superintendent of schools under s. 984.151 for the purpose of early truancy intervention alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. ~~A truancy petition is filed and processed under s. 984.151.~~

(38) "Truant status offender" means a child subject to the jurisdiction of the court under s. 984.151 who has been found by

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the court to be truant while subject to compulsory education. The court's jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act solely due to failure to attend school.

(39)~~(55)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(40) "Voluntary family services" means voluntary services provided by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian; or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the Department of Juvenile Justice or an agency designated by the department to provide voluntary services to families and children.

Section 5. Section 984.04, Florida Statutes, is amended to read:

984.04 Early truancy intervention; families in need of services and children in need of services; procedures and jurisdiction.—



~~(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.~~

(1)~~(2)~~ The department ~~of Juvenile Justice~~ shall be responsible for all nonjudicial proceedings involving voluntary ~~a~~ family ~~in need of~~ services for a family identified as a family in need of services.

~~(3) All nonjudicial procedures in family-in-need-of-services cases shall be~~ according to rules established by the department ~~of Juvenile Justice~~ under chapter 120.

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(2) ~~(4)~~ The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151 is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21 ~~continued placement of a child from a family in need of services in shelter~~.

(3) ~~(5)~~ The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be a child in need of services. When the jurisdiction of any child who has been found to be a child in need of services or the parent, custodian, or legal guardian of such a child is obtained, the court shall retain jurisdiction, unless relinquished by its order or unless the department withdraws its petition because the child no longer meets the definition of a child in need of services as defined in s. 984.03, until the child reaches 18 years of age. This subsection does ~~shall~~ not ~~be construed to~~ prevent the exercise of jurisdiction by any other court having jurisdiction of the child ~~if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment~~.

(4) Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15 or under

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s. 984.151 when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

(5) ~~(6)~~ All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in proceedings under this chapter ~~family-in-need-of-services cases and child-in-need-of-services cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

~~(7) The department may contract with a provider to provide services and programs for families in need of services and children in need of services.~~

Section 6. Subsections (2) and (4) of section 984.06, Florida Statutes, are amended to read:

984.06 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records ~~pertaining to a child in need of services~~ until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(4) Except as provided in subsection (3), all information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the department, school employee, district superintendent, school board employee, or law enforcement agent is confidential and may

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not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, school or school board personnel, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

Section 7. Section 984.07, Florida Statutes, is amended to read:

984.07 Right to counsel; waiver; appointed counsel; compensation.—

(1) When a petition is filed alleging that a child is a child in need of services or if the child is subject to contempt proceedings under s. 984.09, the child must be represented by counsel at each court appearance. The court must appoint counsel unless the child is not indigent and has counsel present to represent the child or the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

(2) A child in proceedings under s. 984.151 may have counsel appointed by the court if the court determines it is in the best interest of the child.

(3) If the court appoints counsel for a child, and if the child and his or her parents or legal guardians are indigent and unable to employ counsel, the court must appoint an attorney to represent the child under s. 27.511. Determination of indigence

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and costs of representation shall be as provided by s. 57.082. Legal counsel representing a child who exercises the right to counsel may provide advice and counsel to the child at any time after appointment.

(4) If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511 to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.

(a) A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

(b) An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082 if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082.

(5) If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child's behavior, but despite their good faith efforts, the child's truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511.

(6) If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need

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of services proceeding, such compensation may not exceed $1,000 at the trial level and $2,500 at the appellate level.

(7) This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent or legal guardian.

(8) The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel is entitled to receive compensation for representation pursuant to court appointment in a child-in-need-of-services proceeding, such compensation shall not exceed $1,000 at the trial level and $2,500 at the appellate level~~.

Section 8. Subsection (1) of section 984.071, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

984.071 Resources and information.—

(1) The department ~~of Juvenile Justice, in collaboration with the Department of Children and Families and the Department of Education,~~ shall develop and publish an information guide ~~packet~~ that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents ~~of troubled or runaway children~~. The information guide shall be published in a written format for distribution and shall also be published on the department's website. ~~In preparing the information packet, the Department of Juvenile Justice shall work with school district~~

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~~superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed.~~ Each information guide ~~packet~~ shall be reviewed annually and updated as appropriate. The school district shall distribute this information guide ~~packet~~ to parents of truant children, and to other parents upon request or as deemed appropriate by the school district. In addition, the department ~~of Juvenile Justice~~ shall distribute the information guide ~~packet~~ to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home, who is ungovernable, or who runs away from home shall make the information guide available to the parent.

(3) The Department of Education and the Department of Children and Families must each post the department's information guide on their respective websites.

Section 9. Sections 984.08 and 984.085, Florida Statutes, are repealed.

Section 10. Section 984.0861, Florida Statutes, is created to read:

984.0861 Prohibited use of detention.—A child under the jurisdiction of the court solely pursuant to this chapter may not be placed in:

(1) Any form of detention care intended for the use of alleged juvenile delinquents as authorized under chapter 985 for any purpose.

(2) A secure detention facility authorized for use under

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chapter 985 for any purpose.

(3) Any jail or other similar facility used for the purpose of detention or confinement of adults for any purpose.

Section 11. Section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and secure detention facilities as provided in s. 984.0861 ~~with respect to commitment of a child to a secure facility~~. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a shelter ~~secure~~ facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child adjudicated as a child in need of services may only be placed in a shelter ~~secure facility~~ for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

~~(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment~~

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~~facility.~~

(a) ~~(b)~~ A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a ~~staff-secure~~ shelter operated by or contracted with the department to provide such services ~~or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment~~. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure shelter ~~setting~~ as provided under s. 984.226 if conditions of eligibility are met.

(b) A child subject to proceedings under s. 984.151 who has been held in direct contempt or indirect contempt may only be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or contracted with the department for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

(c) Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

(3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the~~

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~~chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~ Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service ~~manual labor~~ or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department ~~of Juvenile Justice~~ to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the ~~manual~~ labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child subject to proceedings under this chapter is charged with direct contempt of court, ~~including traffic court,~~ the court may impose an authorized sanction immediately.

(b) If a child subject to proceedings under this chapter is charged with indirect contempt of court, the court must issue an order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~ to determine whether the child committed indirect contempt of a

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valid court order. The child must be served with the order to show cause and notice of hearing. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~s. 985.033~~.

4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent, legal ~~or~~ guardian, or custodian may address the court regarding the due process rights of the child. If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed under subsection (2). If the court orders shelter placement of a child found in contempt of court, the court shall review the matter ~~placement of the child~~ every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a shelter ~~secure~~ facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative

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sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a shelter ~~secure~~ facility as punishment for contempt of court.

~~(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver license or driving privilege. The court may order that a child's driver license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.~~

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the

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position of alternative sanctions coordinator within each judicial circuit~~, pursuant to subsection (3)~~. Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including ~~nonsecure detention programs,~~ community service projects~~, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c)~~.

Section 12. Section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(1) Intake shall be performed by the department or the department's authorized agent. A report ~~or complaint~~ alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent, ~~or~~ legal guardian, or custodian, the local school district, a law enforcement agency, or the Department of Children and Families, having knowledge of the facts may make a report ~~or complaint~~.

(2) A representative of the department shall make a preliminary determination as to whether the report ~~or complaint~~ is complete. The criteria for the completeness of a report ~~or complaint~~ with respect to a child alleged to be from a family in

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need of services while subject to compulsory school attendance shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in which the representative of the department finds that the report ~~or complaint~~ is incomplete, the representative of the department shall return the report ~~or complaint~~ without delay to the person or agency originating the report ~~or complaint~~ or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report ~~or complaint~~.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents, ~~or~~ legal guardians, or custodians, the department's ~~departmental~~ representative may refer the family or child to an appropriate service ~~and treatment~~ provider. As part of the intake procedure, the department's ~~departmental~~ representative shall inform the parent, ~~or~~ legal ~~custodian~~ guardian, or custodian, in writing, of the services currently ~~and treatment~~ available to the child and family by department providers and other ~~or~~ community agencies in the county in which the family is located, and the rights and responsibilities of the parent, ~~or~~ legal guardian, or custodian under this chapter. Upon admission, and depending on services, a staff member may be assigned to the family as deemed appropriate.

(4) If the department reasonably believes ~~has reasonable grounds to believe~~ that the child has been abandoned, abused, or neglected, it shall proceed pursuant to ~~the provisions of~~ chapter 39 and report immediately to the central abuse hotline.



Section 13. Section 984.11, Florida Statutes, is amended to read:

984.11 Services to families ~~in need of services~~.—

(1) The department or its authorized agent shall provide an array of voluntary family services aimed at remediating school truancy, homelessness, and runaway and ungovernable behavior by children. Services ~~and treatment~~ to families in need of services shall be by voluntary agreement of the parent, ~~or~~ legal guardian, or custodian and the child ~~or as directed by a court order pursuant to s. 984.22~~.

(2) A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under court-ordered supervision by the department for delinquency under chapter 985 or by the Department of Children and Families due to a finding of dependency under chapter 39. A child who has received a prearrest delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

(3) If there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the Department of Children and Families agrees to the provision of services and makes a referral. An interagency agreement between the department and the Department of Children and Families shall govern this referral process, which is contingent on available funding. The department must notify the Department of Children and Families if a referral is declined.

(4) ~~(2)~~ These services may include, but need not be limited to:

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(a) ~~Homemaker or~~ Parent aide services.
(b) Intensive crisis counseling.
(c) Parent training.
(d) Individual, group, or family counseling.
(e) Referral to community mental health services.
(f) Prevention and diversion services.
(g) Services provided by voluntary or community agencies.
(h) Runaway center services.
(i) Runaway shelter ~~Housekeeper~~ services.
(j) Referral for special educational, tutorial, or remedial services.
(k) Referral to vocational, career development ~~job training~~, or employment services.
(l) Recreational services.
(m) Assessment.
(n) Case management.
(o) Referral for or provision of substance abuse assessment or treatment.

(5)~~(3)~~ The department shall advise the parents, ~~or~~ legal guardian, or custodian that they are responsible for contributing to the cost of the ~~child or family~~ services ~~and treatment~~ to the extent of their ability to pay. The parent is responsible for using health care insurance to the extent it is available for the provision of health services ~~The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The~~



~~department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected~~.

~~(4) The department may file a petition with the circuit court to enforce the collection of fees for services and treatment rendered to the child or the parent and other legal custodians.~~

Section 14. Section 984.12, Florida Statutes, is amended to read:

984.12 Case staffing; services and treatment related to a family in need of services.—

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services ~~or treatment~~ if:

(a) The family or child is not in agreement with the services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the department ~~of Juvenile Justice~~, and may include the department's authorized agent and a supervisor of the department's contracted provider; a representative from the

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area of health, mental health, substance abuse, or social~~, or educational~~ services; a representative of the state attorney; a representative of law enforcement ~~the alternative sanctions coordinator~~; and any person recommended by the child, family, or department. The child and the child's parent, legal guardian, or custodian must be invited to attend the committee meeting.

(3) The case staffing committee shall:

(a) Identify the family's concerns and contributing factors.

(b) Request the family and child to identify their needs and concerns.

(c) Seek input from the school district and any other persons in attendance with knowledge of the family or child's situation and concerns.

(d) Consider the voluntary family services or other community services that have been offered and the results of those services.

(e) Identify whether truancy is a concern and evaluate compliance with the remedial strategies provided pursuant to s. 1003.26.

(f) Reach a timely decision to provide the child or family with ~~needed~~ services and recommend any appropriate ~~and~~ treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

(a) Statement of the concerns ~~problems~~.

(b) Needs of the child.

(c) Needs of the parents, legal guardian, or ~~legal~~ custodian.

(d) Measurable objectives that address the identified

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problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) The assigned case manager shall have responsibility ~~A case manager shall be designated by the case staffing committee to be responsible~~ for implementing the plan. The department's authorized agent ~~case manager~~ shall periodically review the progress towards achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan; ~~or~~

(b) Recommend a child in need of services petition be filed by the department; or

(c) ~~(b)~~ Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, legal guardian, or ~~legal~~ custodian may convene a meeting of the case staffing committee~~, and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child~~. A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days,

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excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Any other member of the committee may convene a meeting if voluntary family services have been offered and the services have been rejected by the child or family, or the child has not made measurable progress toward achieving the service plan goals, and the member finds that doing so is in the best interest of the family or child.

(9) A case staffing committee meeting must be convened within 30 days after the date the case is referred by the court pursuant to s. 984.151.

(10) ~~(8)~~ Within 7 days after meeting, the case staffing committee shall provide the parent, legal guardian, or ~~legal~~ custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15. Section 984.13, Florida Statutes, is amended to read:

984.13 Taking a child into custody ~~a child alleged to be from a family in need of services or to be a child in need of services~~.—

(1) A child may be taken into custody:

(a) By a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child has run away from his or her parents, legal guardian, or ~~other legal~~ custodian.



(b) By a designated school representative pursuant to s. 1003.26(3) or a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent, ~~or~~ legal guardian, or custodian, for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer or designated school representative pursuant to s. 1003.26(3) shall deliver the child to the parent, ~~or~~ legal guardian, or custodian, to a location determined by the parent, legal ~~or~~ guardian, or custodian, or to a designated truancy interdiction site until the parent or guardian can be located.

(c) Pursuant to an order of the circuit court based upon sworn testimony ~~before or~~ after a child in need of services petition is filed under s. 984.15.

(d) Pursuant to an order of the circuit court based upon a finding of contempt under this chapter for the purpose of delivering the child to a designated shelter facility.

(e) ~~(d)~~ By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this chapter or placement in a shelter.

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(2) The person taking the child into custody shall:

(a) Release the child to a parent, legal guardian, ~~legal~~ custodian, or responsible adult relative and make a full written report to the department's authorized agent for families in need of services within 3 days after release ~~or to a department-approved family-in-need-of-services and child-in-need-of-services provider~~ if the person taking the child into custody reasonably believes ~~has reasonable grounds to believe~~ the child has run away from a parent, legal guardian, or ~~legal~~ custodian; is truant; or is ungovernable and beyond the control of the parent, guardian, or legal custodian~~; following such release, the person taking the child into custody shall make a full written report to the intake office of the department within 3 days~~; or

(b) Deliver the child to a shelter when: ~~the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is from a family in need of services.~~

1. The parent, legal guardian, or custodian is unavailable to take immediate custody of the child;

2. The child requested voluntary family services and shelter placement;

3. A court order under this chapter for shelter placement has been issued; or

4. The child and the parent, legal guardian, or custodian voluntarily agree the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.

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(c) Deliver the child to a hospital for necessary evaluation and treatment if the child is reasonably believed to be suffering from a serious physical condition which requires either prompt diagnosis or treatment.

(d) Deliver the child to a designated public receiving facility as defined in s. 394.455 for examination under s. 394.463 if the child is reasonably believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1).

(e) Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child is reasonably believed to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

(3) If the child is taken into custody and ~~by, or~~ is delivered to a shelter~~, the department~~, the department's authorized agent ~~appropriate representative of the department~~ shall review the facts and make such further inquiry as necessary to determine whether the child shall remain in shelter, receive voluntary family services that would allow the child alleged to be from a family in need of services to remain at home, ~~custody~~ or be released. ~~Unless shelter is required as provided in s. 984.14(1), the department shall:~~

~~(a) Release the child to his or her parent, guardian, or legal custodian, to a responsible adult relative, to a responsible adult approved by the department, or to a department-approved family-in-need-of-services and child-in-need-of-services provider; or~~

~~(b) Authorize temporary services and treatment that would~~

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~~allow the child alleged to be from a family in need of services to remain at home.~~

Section 16. Section 984.14, Florida Statutes, is amended to read:

984.14 Voluntary shelter services ~~placement; hearing~~.—

(1) Temporary voluntary shelter services provided by the department shall provide a safe environment with 24-hour care and supervision, referrals for services as needed, and education at the center or offsite and counseling services for children. ~~Unless ordered by the court pursuant to the provisions of this chapter, or upon voluntary consent to placement by the child and the child's parent, legal guardian, or custodian, a child taken into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required:~~

~~(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; or~~

~~(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.~~

(2) If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine whether the child can safely return home, or determine whether the family is seeking temporary voluntary



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shelter services until they can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the Department of Children and Families shall be contacted to assume custody of the child ~~If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody~~.

~~(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

~~(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

~~(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

~~(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of~~



~~such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

~~(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.~~

~~(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.~~

Section 17. Section 984.15, Florida Statutes, is amended to read:

984.15 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.~~

(2)(a) The department shall file a petition for a child in need of services if the child meets the definition of a child in

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need of services, and the case ~~manager or~~ staffing committee recommends ~~requests~~ that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in voluntary family services ~~and treatment~~.

(b) Once the requirements in paragraph (a) have been met, the department shall file a petition for a child in need of services as soon as practicable ~~within 45 days~~.

(c) The petition shall be in writing, shall state the specific grounds ~~under s. 984.03(9)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, legal guardian, or ~~legal~~ custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, legal guardian, or ~~legal~~ custodian.

3. The parent, legal guardian, or ~~legal~~ custodian does not

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agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(10) ~~s. 984.12(8)~~.

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

(4)~~(d)~~ The petition must be signed by the petitioner under oath.

(5)~~(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

(a)~~1.~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;



(b)~~2.~~ The subject of a pending petition ~~referral~~ alleging that the child is delinquent; or

(c)~~3.~~ Under the current supervision of the department or the Department of Children and Families for an adjudication or withholding of adjudication of delinquency or dependency.

(6)~~(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

(7)~~(5)~~ The petitioner ~~department or the parent, guardian, or legal custodian~~ may withdraw a petition at any time before ~~prior to~~ the child is ~~being~~ adjudicated a child in need of services.

Section 18. Section 984.151, Florida Statutes, is amended to read:

984.151 Early truancy intervention; truancy petition; judgment ~~prosecution; disposition~~.—

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a

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general or special magistrate ~~master~~ pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, legal guardian, or ~~legal~~ custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school in compliance with s. 1003.26; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender and the court shall order the student to attend school and order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power under this subsection is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance. The court~~, and~~ may order any of the following services:

(a) The student to participate in ~~alternative sanctions to~~



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~~include mandatory~~ attendance at alternative classes; ~~to be followed by mandatory community services hours for a period up to 6 months; the student and~~

(b) The student's parent, legal ~~or~~ guardian, or custodian to participate in parenting classes ~~homemaker or parent aide services~~;

(c) The student or the student's parent, legal ~~or~~ guardian or custodian to participate in individual, group, or family ~~intensive crisis~~ counseling;

(d) The student or the student's parent, legal ~~or~~ guardian or custodian to participate in community mental health services or substance abuse treatment services if available and applicable;

(e) The student and the student's parent, legal ~~or~~ guardian, or custodian to participate in services ~~service~~ provided by state or community ~~voluntary or community~~ agencies, if appropriate ~~as available~~, including services for families in need of services as provided in s. 984.11;

(f) The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;

(g) The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or

(h) ~~and~~ The student or the student's parent, legal ~~or~~

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guardian, or custodian to participate in vocational or~~,~~ job training~~, or employment services~~.

(8) If the student does not substantially comply with compulsory school attendance and court-ordered services required under ~~successfully complete the sanctions ordered in~~ subsection (7), and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's authorized agent for review by the case staffing committee under s. 984.12 with a recommendation to file a petition for child in need of services ~~child-in-need-of-services petition~~ under s. 984.15. The court shall review the case not less than every 45 days to determine whether the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee in accord with this subsection.

(9) If the student substantially complies with compulsory school attendance the court shall close the truancy case.

(10) If the child is adjudicated a child in need of services pursuant to s. 984.21, the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04.

(12) The court may not order a child placed in shelter pursuant to this section unless the court has found the child to be in contempt for violation of a court order under s. 984.09.

(13)~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and

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the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

(14) Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09 two or more times shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a petition for a child in need of services.

(15) The clerk of court must serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's authorized agent.

Section 19. Subsections (3) and (5) of section 984.16, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

984.16 Process and service for child in need of services petitions.—

(3) The summons shall require the person on whom it is served to appear for a hearing at a time, ~~and~~ place, and manner specified. ~~Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons.~~ The summons must ~~may~~ require the custodian to bring the child to court ~~if the court determines that the child's presence is necessary~~. A copy of the petition shall be attached to the summons.

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian~~, or legal guardian~~

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of the child and the case when the summons is served upon the child or a parent, ~~or~~ legal guardian, or ~~actual~~ custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a student attend school, attend school with his or her parent, requiring the parent to participate in meetings, including parent-teacher conferences, Section 504 plan meetings or individualized education plan meetings to address the student's disability, the office of the clerk of the court shall provide notice to the school of the court's order.

Section 20. Section 984.17, Florida Statutes, is amended to read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.



(3) When a petition for a child in need of services has been filed and the parents, legal guardian, or ~~legal~~ custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

(4) An attorney representing the department shall represent the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies the allegations of the petition and contests the adjudication~~.

Section 21. Section 984.18, Florida Statutes, is repealed.

Section 22. Section 984.19, Florida Statutes, is amended to read:

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department or its authorized agent may ~~is authorized to~~ have a medical screening provided for ~~performed on~~ the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided ~~performed~~ by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

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(2) When ~~the department has performed~~ the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

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(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in

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s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ eliminate the right of a parent, legal ~~a~~ guardian, or custodian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ alter the provisions of s. 743.064.

(8) A court may order ~~shall not be precluded from ordering~~ services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) ~~Nothing in~~ This section does not ~~shall be construed to~~ authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child ~~alleged to be or found to be a child from a family in need of services or a child in need of services~~ shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found



to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the legal guardian, or custodian did not consent to the medical treatment. After a hearing, the court may order the parents, legal ~~or~~ guardian, or custodian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) A judge may order a child under its jurisdiction to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706 ~~Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and of whom the department has become the legal custodian~~.

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 23. Section 984.20, Florida Statutes, is amended to read:

984.20 Hearings for child in need of services ~~child-in-need-of-services~~ cases.—



(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent, legal guardian, or custodian to admit, deny, or consent to findings that a child is in need of services as alleged in the petition. If the child and the parent, legal guardian, or custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing ~~7 days after the date of the arraignment hearing~~.

(b) The court may grant a continuance of the arraignment hearing ~~When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition.~~ if the child or ~~and~~ the parent, legal guardian, or custodian request a continuance to obtain an attorney. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation ~~admit or consent to an adjudication, the court~~

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~~shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing~~.

(c) If at the arraignment hearing the child and the parent, legal guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~, the court shall proceed to hold a disposition hearing at the earliest practicable time that will allow for the completion of a predisposition study.

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the adjudication of the child as a child in need of services. The document containing the notice to respond or appear must contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the



date, time, place, and, if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to adjudication of the child as a child in need of services.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. ~~If the child is in custody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In an adjudicatory ~~a~~ hearing ~~on a petition in which it is alleged that the child is a child in need of services~~, a preponderance of evidence shall be required to establish that the child is in need of services. If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is

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best served by so doing. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, legal guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing,~~ the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.

~~(a)~~ The predisposition study shall cover:

1. All treatment and services that the parent, legal guardian, or custodian and child received.

2. The love, affection, and other emotional ties existing between the family ~~parents~~ and the child.

3. The capacity and disposition of the parents, legal guardian, or custodian to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

5. The permanence, as a family unit, of the existing or proposed custodial home.

6. The moral fitness of the parents, legal guardian, or custodian.

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7. The mental and physical health of the family.

8. The home, school, and community record of the child.

9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention, services, and treatment for the parent, legal guardian, custodian, and child to prevent the removal of the child from the home or to reunify the child with the parent, legal guardian, or custodian after removal or to reconcile the problems between the family ~~parent, guardian, or custodian~~ and the child.~~;~~

2. The inappropriateness of other prevention, treatment, and services that were available.~~;~~

3. The efforts by the department to prevent shelter ~~out-of-home~~ placement of the child or, when applicable, to reunify the parent, legal guardian, or custodian if appropriate services were available.~~;~~

4. Whether voluntary family ~~the~~ services were provided.~~;~~

5. If the voluntary family services and treatment were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.~~;~~

6. If the voluntary family services and treatment were not provided, the reasons for such lack of provision.~~; and~~

7. The need for, or appropriateness of, continuing such

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treatment and services if the child remains in the custody of the parent, legal guardian, or custodian or if the child is placed outside the home.

(c) If placement of the child with anyone other than the child's parent, guardian, or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent, guardian, or custodian shall be reconsidered.

(d) A copy of this predisposition study shall be furnished to the person having custody of the child at the time such person is notified of the disposition hearing.

(e) After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), ~~nothing in~~ this section does not ~~shall~~ prohibit the publication of proceedings in a hearing.

(4) REVIEW HEARINGS.—

(a) The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be

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held as necessary, allowing sufficient time for the child and family to work toward compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings ~~but no less than 45 days after the date of the last review hearing~~.

(b) The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The department must appear at the review hearing. If the parent, legal guardian, or custodian does not appear at a review hearing, or if the court finds good cause to waive the child's presence, the court may proceed with the hearing and enter orders that affect the child and family accordingly.

(c)~~(b)~~ At the review hearings, the court shall consider the department's judicial review summary. The court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter~~, but no less than 45 days after the date of the last review hearing~~.

Section 24. Section 984.21, Florida Statutes, is amended to read:

984.21 Orders of adjudication.—

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(2)~~(1)~~ If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismiss ~~dismissing~~ the case.

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2),~~ it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(1)~~(4)~~ An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil

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disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 25. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, legal guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, legal guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, legal guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's authorized agent ~~contracted~~ provider of programs and services for children in need of services and families in need of services. The term "supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency

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willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, legal guardian, or custodian of the child, to render community service in a public service program.

(e) Order the child placed in shelter pursuant to s. 984.225 or s. 984.226.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, or a licensed child-caring agency, ~~the Department of Juvenile Justice, or the Department of Children and Families,~~ the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the department ~~of Juvenile Justice~~, or the Department of Children and Families. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency to receive, collect, and manage ~~for the purpose of receiving, collecting, and managing~~ the payment of unpaid and delinquent fees. The collection agency must be registered and in good



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standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

~~(4) All payments of fees made to the department under this chapter, or child support payments made to the department pursuant to subsection (3), shall be deposited in the General Revenue Fund.~~

(4)~~(5)~~ In carrying out the provisions of this chapter, the court shall order the child, family, parent, legal guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

(5)~~(6)~~ The participation and cooperation of the family, parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its orders ~~order~~.

Section 26. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a ~~staff-secure~~ shelter.—

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service



plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. ~~for up to 90 days in a staff-secure shelter if:~~

(2) The court shall order the parent, legal guardian, or custodian to cooperate with reunification efforts and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(a) The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive, remedies have been exhausted, the child may be placed in shelter for up to 90 days if:

1.~~(a)~~ The child's parent, legal guardian, or ~~legal~~



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custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or ~~legal~~ custodian;

2.~~(b)~~ The child refuses to remain under the reasonable care and custody of the ~~his or her~~ parent, legal guardian, or ~~legal~~ custodian, as evidenced by repeatedly running away and failing to comply with a court order; or

3.~~(c)~~ The child has failed to successfully complete an alternative treatment program or to comply with ~~a~~ court-ordered services ~~sanction~~ and the child has been placed in a shelter ~~residential program~~ on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services ~~under this chapter~~.

(4) The court shall review the child's 90-day shelter placement within 45 days after the child's placement and determine whether continued shelter is deemed necessary. The court shall also determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program, and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families,



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and the child's care shall be governed under the relevant provisions of chapter 39. The department shall notify and coordinate with the Department of Children and Families for the transfer of jurisdiction. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(2) This section applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.~~

~~(3) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.~~

~~(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level~~

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~~and educational ability.~~

(5) If a child has not been reunited with his or her parent, legal guardian, or ~~legal~~ custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the ~~staff-secure~~ shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(6)~~ The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the 90-day shelter ~~commitment~~ period, the parent, legal guardian, or ~~legal~~ custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the 90-day shelter ~~commitment~~ period, the child is not reunited with his or her parent, legal guardian, or custodian due solely to the continued refusal of the parent, legal guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall~~

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~~determine whether the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

(6)~~(8)~~ If the child requires residential mental health treatment or residential care for a developmental disability, the court shall order ~~refer~~ the child transferred to the custody of the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

Section 27. Section 984.226, Florida Statutes, is amended to read:

984.226 Physically secure shelter ~~setting~~.—

(1) Subject to specific legislative appropriation, the department ~~of Juvenile Justice~~ shall establish or contract for physically secure shelters ~~settings designated exclusively~~ for the placement of children in need of services who meet the criteria provided in this section.

~~(2) When a petition is filed alleging that a child is a child in need of services, the child must be represented by~~

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~~counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.033. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

(2)~~(3)~~ When a child is adjudicated as a child in need of services by a court and all other less restrictive placements have been exhausted, the court may order the child to be placed in a physically secure shelter ~~setting authorized in this section~~ if the child has:

(a) Failed to appear for placement in a ~~staff-secure~~ shelter for up to 90 days as ordered under s. 984.225, or failed to comply with any other provision of a valid court order relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a 90-day ~~staff-secure~~ shelter following placement under s. 984.225 ~~or s. 984.09~~.

The department or an authorized agent ~~representative~~ of the department must verify to the court that a bed is available for the child in a physically secure shelter. If a bed is not available in a physically secure shelter, the court must stay the placement until such a bed is available, and the department

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must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure shelter. Physically secure shelter placement may only be used when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements ~~setting~~.

(3)~~(4)~~ A child may be placed in a physically secure shelter ~~setting~~ for up to 90 days by order of the court. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure shelter ~~setting,~~ the court may order that the child remain in the physically secure shelter ~~setting~~ for an additional 30 days if the court finds that reunification could be achieved within that period.

(4)~~(5)~~(a) The court shall review the child's placement once within every 45 days to determine whether the child can be returned home with the provision of ongoing services ~~as provided in s. 984.20~~.

(b) At any time during the placement of a child in need of services in a physically secure shelter ~~setting~~, the department or an authorized agent ~~representative~~ of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure shelter ~~setting~~ and is ready for reunification with a parent or guardian; or

2. That the child is unlikely to benefit from continued placement in the physically secure shelter ~~setting~~ and is more likely to have his or her needs met in a different type of



placement. The court may order that the child be transitioned from a physically secure shelter to a shelter placement as provided in s. 984.225 upon a finding that the physically secure shelter is no longer necessary for the child's safety and to provide needed services.

(c) The court shall determine if the parent, legal guardian, or custodian has reasonably participated in and has ~~financially~~ contributed to or participated in the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the placement, the court shall direct that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed by chapter 39. The department shall notify and coordinate with the Department of Children and Families for provision of services to the child. The clerk of court shall serve the Department of Children and Families with any court order of referral.

(e) If the child requires long-term residential mental health treatment or residential care for a developmental disability, the court shall transfer custody of ~~refer~~ the child to the Department of Children and Families or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

(5)~~(6)~~ Prior to being ordered to a physically secure shelter ~~setting~~, the child must be afforded all rights of due

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process required under s. 984.07 ~~985.037~~.

(6) While in the physically secure shelter ~~setting~~, the child shall receive appropriate assessment, intervention, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with individual and family counseling and other support services necessary for reunification.

(7) The court shall order the parent, legal guardian, or ~~legal~~ custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the child's insurance and the family's ability to pay as determined by the court. Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or ~~legal~~ custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

Section 28. Section 985.731, Florida Statutes, is transferred and renumbered as section 787.035, Florida Statutes.

Section 29. Subsection (9) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—As used in this chapter, the term:

(9) "Child who has been found to have committed a delinquent act" means a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of

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court arising out of a ~~dependency~~ proceeding under chapter 39 or chapter 984 ~~or a proceeding concerning a child or family in need of services~~.

Section 30. Subsection (4) of section 985.24, Florida Statutes, is amended to read:

985.24 Use of detention; prohibitions.—

(4) A child who is alleged to be dependent under chapter 39, or any child subject to proceedings under chapter 984, ~~but~~ who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31. Section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school

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board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school is required to ~~shall~~ implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee must ~~shall~~ contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher must ~~shall~~ report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. ~~The principal shall,~~ Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to

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the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal must ~~shall~~ notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance. The child study team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend the meeting in person.

(c) If the parent or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy based upon the information available to the school. The recommendations shall be provided to the parent within 7 days after the child study team meeting. If the ~~an~~ initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.

2. Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if the learning environment is an issue of concern.

3.~~2.~~ Evaluation for alternative education programs.

4.~~3.~~ Attendance contracts.

The child study team may, but is not required to, implement

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other interventions, including referral to the Department of Juvenile Justice's designated provider for voluntary family services, or to other agencies for family services or recommend ~~recommendation for~~ filing a truancy petition pursuant to s. 984.151.

(d) The child study team must ~~shall~~ be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all

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home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days after ~~of~~ the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of the term "regular school attendance" under s. 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s.

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1002.41(1)(e).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee must ~~shall~~ refer the case to the Department of Juvenile Justice's authorized agent, which shall then offer voluntary family services, and schedule a meeting of the case staffing committee pursuant to s. 984.12 if the services do not remediate the child's truancy, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(h) If a student subject to compulsory school attendance is responsive to the interventions described in this section and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative must provide ~~shall give~~ written notice in person or by return-receipt mail to the parent, requiring the child's ~~that requires~~ enrollment or attendance within 3 days after the date of notice, ~~in person or by return-receipt mail, to the parent~~ when no valid reason is found for a student's nonenrollment in school if the child is under compulsory education requirements, and is not exempt. If the child is not enrolled or in attendance in school within 3 days after the notice being provided ~~and requirement are ignored~~, the designated school representative must ~~shall~~ report

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the case to the district school superintendent, who must ~~may~~ refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies. In addition, the designated school representative may refer the case to the Department of Juvenile Justice's authorized agent for families in need of services ~~or to the case staffing committee, established pursuant to s. 984.12~~. The child study team must ~~shall~~ diligently facilitate intervention services and ~~shall~~ report the case back to the district school superintendent within 15 days after referral of the case if ~~only when all~~ reasonable efforts to resolve the nonenrollment behavior have been made and the child is still not attending school ~~are exhausted~~. If the parent ~~still~~ refuses to cooperate or enroll the child in school within 15 days after referral of the case to the child study team, the district school superintendent must make a report to law enforcement and refer the case to the Office of the State Attorney ~~shall take such steps as are necessary~~ to bring criminal prosecution against the parent.

(b) Subsequent to referring the case to the Office of the State Attorney ~~the activities required under subsection (1)~~, the district school superintendent or his or her designee must ~~shall~~ give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN STUDENT TO PARENT.— A designated school representative may visit the home or place of residence of a

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student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent. If the parent cannot be located or is unavailable to take custody of the child, and the child is not to be presented to the child's school or tutor, the youth shall be referred to the Department of Juvenile Justice's shelter, to another facility, ~~or to the juvenile assessment center~~ or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO APPROPRIATE AUTHORITY.—A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 32. Subsections (2), (3), (4), (6), and (7) of section 1003.27, Florida Statutes, are amended to read:

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1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) ~~In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found,~~ The district school superintendent shall institute a criminal prosecution against the student's parent, in each case of nonenrollment or of nonattendance of a student who is required to attend school, when no valid reason for the nonenrollment or nonattendance is found. ~~However,~~ Criminal prosecution may not be instituted against the student's parent until the school and school district have complied with s. 1003.26.

(b) Each public school principal or the principal's designee must ~~shall~~ notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Reports shall be made to the district school board at the end of each school quarter. The calculation of 15 absences within 90 days are determined based on calendar days and are not limited to the span of one school quarter during which the nonattendance begins or ends. The district school board shall verify the schools reporting 15 or more unexcused absences within a 90-day period have complied with the requirements of remediating truancy at the school level or pursuing appropriate court intervention as provided in this section. Any school not meeting the

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requirements in this paragraph shall provide a remedial action plan to the school board within 30 days, and follow up within 90 days to confirm all truancy cases have been addressed either through the child's enrollment and regular attendance or referral of the case to the appropriate court or agency to pursue court intervention.

(c) The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant ~~to the provisions of~~ s. 322.091.

(d) ~~(c)~~ Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program or personalized education program may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student pursuant to s. 322.091.

(3) HABITUAL TRUANCY CASES.— The district school

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superintendent may ~~is authorized to~~ file a truancy petition seeking early truancy intervention, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent chooses not to file a truancy petition, the case must be referred to the Department of Juvenile Justice's authorized agent for families in need of services. The procedures for filing a child in need of services ~~child-in-need-of-services~~ petition must ~~shall~~ be commenced pursuant to this subsection and chapter 984 if voluntary family services do not remediate the child's truancy. The~~. In accordance with procedures established by the district school board, the~~ designated school representative must ~~shall~~ refer a student who is a habitual ~~habitually~~ truant and the student's family to the Department of Juvenile Justice's designated children in need of services provider for provision of voluntary services, and may refer the case to ~~children-in-need-of-services and families-in-need-of-services provider or~~ the case staffing committee, established pursuant to s. 984.12, following the referral process established by the cooperative interagency agreement ~~as determined by the cooperative agreement required in this section~~. The case staffing committee may request the Department of Juvenile Justice or its designee to file a petition for child in need of services ~~child-in-need-of-services petition~~ based upon the report and efforts of the district school board or other community agency, and early truancy intervention by the circuit court, after review and an initial meeting, or may seek to resolve the truant behavior through the school or community-based organizations or other state or local agencies. Prior to ~~and subsequent to~~ the filing of a ~~child-in-need-of-services~~

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petition for a child in need of services due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and ss. 984.11 and ~~s.~~ 1003.26 to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. 1003.26, and those efforts must have been unsuccessful.

(4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~ Department of Juvenile Justice's authorized agent ~~Justice~~ or his or her designee, ~~the circuit manager's designee, the district administrator of the Department of Children and Families or the district administrator's designee,~~ and the district school superintendent or his or her ~~the superintendent's~~ designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility, and function in working with ~~habitual~~ truants and their families.

(b) Identifies and implements measures to quickly resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the Department of Juvenile Justice or its authorized agent ~~circuit juvenile justice manager or the circuit manager's designee~~ and the district school superintendent or the superintendent's designee to the

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Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under this chapter may be commenced by the district school superintendent or his or her designee, ~~by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or~~ by a duly authorized agent of the Department of Education or the Department of Juvenile Justice, by a parent, or in the case of a criminal prosecution, by the Office of the State Attorney. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate services or sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

(7) PENALTIES.—The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) *The parent.*—

1. A parent who refuses or fails to have a minor student who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. The continued or habitual absence of a minor student

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without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other sanctions authorized under s. 984.151 ~~punishment~~, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship or is prohibited by rules or policy of the school board, perform community service hours ~~at the school~~, or participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) *The principal or teacher.*—A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) *The employer.*—

1. An employer who fails to notify the district school

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superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) *The student.*—

~~1.~~ In addition to any other sanctions authorized under s. 984.151 ~~sanctions~~, the court shall order a student found to be ~~a habitual~~ truant to make up all school work missed and attend school daily with no unexcused absences or tardiness, and may order the child to ~~and may order the student to pay a civil penalty of up to $2, based on the student's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or~~ participate in counseling or other services, as appropriate.

~~2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to $5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate~~.

Section 33. Paragraph (g) is added to subsection (7) of section 381.02035, Florida Statutes, to read:

381.02035 Canadian Prescription Drug Importation Program.—

(7) ELIGIBLE IMPORTERS.—The following entities may import

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prescription drugs from an eligible Canadian supplier under the program:

(g) A pharmacist or wholesaler employed by or under contract with the Department of Juvenile Justice, for dispensing to juveniles in the custody of the Department of Juvenile Justice.

Section 34. Paragraph (a) of subsection (5) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(5)(a) A minor who violates subsection (3):

1. For a first offense, commits a misdemeanor of the first degree; shall serve a period of detention of up to 5 days in a secure detention facility, with credit for time served in secure detention prior to disposition; and shall be required to perform 100 hours of community service or paid work as determined by the department.

2. For a second or subsequent offense, commits a felony of the third degree. For a second offense, the minor shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A finding by a court that a minor committed a violation of this section, regardless of whether the court adjudicates the minor delinquent or withholds adjudication of

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delinquency, ~~withhold of adjudication of delinquency~~ shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

Section 35. Paragraph (a) of subsection (2) of section 985.12, Florida Statutes, is amended to read:

985.12 Prearrest delinquency citation programs.—

(2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(a) A prearrest delinquency citation program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency citation program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. ~~The department shall annually develop and provide guidelines on best practice models for prearrest delinquency citation programs to the judicial circuits as a resource.~~

Section 36. Subsection (5) of section 985.126, Florida Statutes, is amended to read:

985.126 Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record.—

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(5) The department shall provide a quarterly report to be published on its website and distributed to the Governor, President of the Senate, and Speaker of the House of Representatives listing the entities that use prearrest delinquency citations for less than 80 ~~70~~ percent of first-time misdemeanor offenses.

Section 37. Paragraph (c) of subsection (1) of section 985.25, Florida Statutes, is amended to read:

985.25 Detention intake.—

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release. If the final score on the child's risk assessment instrument indicates release or supervised release is appropriate, but the department otherwise determines that there should be supervised release or detention, the department shall contact the state attorney, who may authorize an upward departure. Notwithstanding any other provision of this paragraph, a child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.



Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 38. Paragraph (c) of subsection (7) of section 985.433, Florida Statutes, is amended to read:

985.433 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(7) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including any determination that the child was a member of a criminal gang.

(c) The court may also require that the child be placed <u>on conditional release</u> ~~in a probation program~~ following the child's discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

Section 39. <u>Section 985.625, Florida Statutes, is repealed.</u>

Section 40. Subsection (4) of section 985.632, Florida Statutes, is amended to read:

985.632 Quality improvement and cost-effectiveness; Comprehensive Accountability Report.—



~~(4) COST-EFFECTIVENESS MODEL.—The department, in consultation with the Office of Economic and Demographic Research and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program.~~

~~(a) The cost-effectiveness model shall compare program costs to expected and actual child recidivism rates. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model.~~

~~(b) The department shall rank commitment programs based on the cost-effectiveness model, performance measures, and adherence to quality improvement standards and shall report this data in the annual Comprehensive Accountability Report.~~

~~(c) Based on reports of the department on child outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum standard of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.~~

~~(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The~~



~~department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.~~

~~(c) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:~~

~~1. Construct a profile of each commitment program that uses the results of the quality improvement data portion of the Comprehensive Accountability Report required by this section, the cost-effectiveness data portion of the Comprehensive Accountability Report required in this subsection, and other reports available to the department.~~

~~2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1. and target, for technical assistance, any commitment program that has achieved low or disparate ratings in the reports required under subparagraph 1.~~

~~3. Identify the essential factors that contribute to the high, low, or disparate program ratings.~~

~~4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, child outcomes and program outputs, provider contracts, quality improvement standards, and the cost-effectiveness model.~~

Section 41. Subsection (8) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

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(8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded on alleged abuse, as defined in s. 39.01 or~~,~~ s. 415.102~~, or s. 984.03~~; incest, as defined in s. 826.04; or an action brought pursuant to s. 787.061 may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

Section 42. Subsection (1) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor’s reasonable ability to pay, action as is necessary to secure the obligor’s payment of current support, any arrearage that may have accrued under an existing order of support, and, if a parenting time plan was not incorporated into the existing order of support, include either a signed, agreed-upon parenting time plan or a signed Title IV-D Standard Parenting Time Plan, if appropriate. The department shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the obligor’s address, if known, and the public assistance case number. Whenever applicable, the procedures established under chapter 88, Uniform Interstate Family Support Act, chapter 61, Dissolution of Marriage; Support; Time-sharing, chapter 39, Proceedings Relating to Children, chapter 984, Children and Families in Need of

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Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children, and chapter 985, Delinquency; Interstate Compact on Juveniles, may govern actions instituted under this act, except that actions for support under chapter 39, chapter 984, or chapter 985 brought pursuant to this act shall not require any additional investigation or supervision by the department.

Section 43. Paragraph (e) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

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

(e) "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22(3)(a); a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in need of services as defined in s. 984.03 ~~or s. 985.03~~.

Section 44. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (24) ~~(37)~~, or who has been found guilty of, regardless



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of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 45. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff or a juvenile probation officer.—A person who commits a battery on a juvenile probation officer, as defined in ~~s. 984.03 or~~ s. 985.03, on other staff of a detention center or facility as defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff member of a commitment facility as defined in s. 985.03, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes

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persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 46. Paragraph (b) of subsection (4) of section 985.618, Florida Statutes, is amended to read:

985.618 Educational and career-related programs.—

(4)

(b) Evaluations of juvenile educational and career-related programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with s. 985.632(1), (2), and (4) ~~(5)~~, to determine whether the programs are related to successful postrelease adjustments.

2. Operations and policies of the programs shall be reevaluated to determine if they are consistent with their primary objectives.

Section 47. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to juvenile justice; renaming ch. 984, F.S.; amending s. 984.01, F.S.; revising the purposes and intent of ch. 984, F.S.; amending s. 984.02, F.S.; revising the legislative intent for prevention and

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intervention; amending s. 984.03, F.S.; providing and revising definitions; amending s. 984.04, F.S.; deleting legislative intent; revising requirements for early truancy intervention; amending s. 984.06, F.S.; revising provisions concerning preservation of records and confidential information; amending s. 984.07, F.S.; providing for appointment of counsel in certain circumstances; providing for payment of counsel; providing for imposition of costs of appointed counsel on nonindigent parents in certain circumstances; providing for appointment of counsel to represent a parent or guardian in certain circumstances; amending s. 984.071, F.S.; revising provisions concerning production of an information guide concerning juvenile procedures; requiring specified departments to post the information guide on their websites; repealing s. 984.08, F.S., relating to attorney fees; repealing s. 984.085, F.S., relating to sheltering and aiding unmarried minors; creating s. 984.0861, F.S.; prohibiting the use of detention for specified purposes; amending s. 984.09, F.S.; revising provisions for a child’s punishment for contempt of court; limiting periods for placement for direct contempt or indirect contempt; revising procedures for procedure and due process; amending s. 984.10, F.S.; authorizing an authorized agent of the Department of Juvenile Justice to perform intake; revising provisions concerning referrals for service; requiring the abuse hotline to be contacted in certain

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circumstances; authorizing a child to remain in custody in certain circumstances; amending s. 984.11, F.S.; requiring that an array of voluntary family services be available to remediate specified problems; providing that certain families are not eligible for voluntary family services; providing eligibility for children in certain circumstances if the Department of Children and Families agrees; providing for an interagency agreement to govern such referrals; amending s. 984.12, F.S.; requiring parents to use health care insurance to the extent that it is available; deleting provisions concerning collection of fees; amending s. 984.13, F.S.; authorizing that a child be taken into custody pursuant to a finding of contempt; specifying placement a child taken into custody in specified circumstances; revising the duties of a person taking a child into custody; amending s. 984.14, F.S.; revising provisions concerning voluntary shelter services and placement of children in such services; deleting provisions concerning involuntary placement in a shelter; amending s. 984.15, F.S.; revising requirements for petitions for a child in need of services; amending s. 984.151, F.S.; providing for early truancy intervention; providing for additional services to be ordered if a student is found to be a truant status offender; revising provisions concerning compliance; providing for applicability in cases in which a student is found to be a child in need of services;

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providing for retention of jurisdiction by courts; providing an exception; providing for service of court orders on specified entities; amending s. 984.16, F.S.; requiring that a student's school receive notice of certain actions by courts; amending s. 984.17, F.S.; specifying when a guardian ad litem may be appointed; revising provisions concerning representation of the Department of Juvenile Justice in cases in which a child is alleged to be in need of services; repealing s. 984.18, F.S., relating to referral of child-in-need-of-services cases to mediation; amending s. 984.19, F.S.; providing that an authorized agent of the department may have a medical screening performed on a child placed in shelter care; revising provisions concerning consent for medical care for a child in the care of the department; amending s. 984.20, F.S.; revising provisions for hearings in child in need of services cases; providing that the failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition; requiring a specified notice in such petitions; amending s. 984.21, F.S.; specifying that an order of adjudication by a court that a child is a child in need of services is a civil adjudication and not a conviction; deleting provisions allowing a court to withhold an adjudication that a is child in need of services in certain cases; amending s. 984.22, F.S.; conforming provisions to changes made by the act;

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deleting provisions on the deposit of fees received; amending s. 984.225, F.S.; revising when a child in need of services may be placed in a shelter; revising placement procedures; providing for counseling orders; specifying the effect of a placement the legal responsibilities of a parent, guardian, or custodian; providing limits for shelter stays; deleting provisions concerning exhaustion of less restrictive alternatives; providing for periodic review of placements; providing for transfer of a child to the Department of Children and Families in certain circumstances; authorizing transfer to the custody of the Agency for Persons with Disabilities in certain circumstances; amending s. 984.226, F.S.; authorizing contracting for physically secure shelters; deleting provisions on representation in certain proceedings; requiring exhaustion of less restrictive placements before a child may be placed in a physically secure shelter; providing a time limit on secure shelter orders; proving legislative intent; revising provisions concerning review of secure shelter placements; providing for transfer to shelter placements in certain circumstances; requiring a child to be transferred to the Department of Children and Families in certain circumstances; providing for the transfer of a child to the Agency for Persons with Disabilities in certain circumstances; transferring and renumbering s. 985.731, F.S. as s. 787.035, F.S., relating to offenses concerning providing sheltering

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unmarried minors and aiding unmarried minor runaways; providing criminal penalties; amending s. 985.03, F.S.; revising the definition of the term "child who has been found to have committed a delinquent act"; amending s. 985.24, F.S.; prohibiting placement of a child subject to certain proceedings into secure detention care; amending s. 1003.26, F.S.; authorizing that certain meetings with parents may be conducted virtually or by telephone; providing for child study team meetings in the absence of a parent, legal guardian, or custodian or child; revising interventions by such team; providing for promotion of a child who is responsive to intervention and meets specified requirements; revising provisions concerning required notice of a child's enrollment or attendance issues; revising provisions concerning returning a student to a parent or other party in certain circumstances; amending s. 1003.27, F.S.; revising reporting requirements for reports by school principals to school boards concerning minor students who accumulate more than a specified number of absences; requiring actions by schools boards; providing for remedial actions for failure to comply; revising provisions concerning habitual truancy cases; revising provisions concerning cooperative agreements; revising who may begin certain proceedings and prosecutions; deleting a provision concerning a civil penalty for students; revising provisions concerning truant students; amending s. 381.02035, F.S.;

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authorizing pharmacists employed by the Department of Juvenile Justice to import drugs from Canada under a specified program; amending s. 790.22, F.S.; revising provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication was withheld, for the purposes of determining whether a prior offense was committed; amending s. 985.12, F.S.; deleting a requirement that the Department of Juvenile Justice annually develop and produce best practice models for prearrest delinquency citation programs; amending s. 985.126, F.S.; revising the requirements for a quarterly report on prearrest citation programs; amending s. 985.25, F.S.; providing for supervised release or detention of a child despite the child's risk assessment score in certain circumstances; limiting the number of categories that a child may be moved; amending s. 985.433, F.S.; requiring that a child be placed on conditional release rather than probation following discharge from commitment; repealing s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending s. 985.632, F.S.; deleting a provision regarding development of a cost-effectiveness model and application of the model to each commitment program; amending ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S.; conforming provisions to changes made by the act; providing an effective date.

By Senator Simon

3-01408-25 20251344__

A bill to be entitled

An act relating to juvenile justice; renaming ch. 984, F.S.; amending s. 984.01, F.S.; revising the purpose and intent of ch. 984, F.S.; amending s. 984.02, F.S.; revising the legislative intent for prevention and intervention; amending s. 984.03, F.S.; providing and revising definitions; amending s. 984.04, F.S.; deleting legislative intent; revising requirements for early truancy intervention; amending s. 984.06, F.S.; revising provisions concerning preservation of records and confidential information; amending s. 984.07, F.S.; providing for appointment of counsel in certain circumstances; providing for payment of counsel; providing for imposition of costs of appointed counsel on nonindigent parents in certain circumstances; providing for appointment of counsel to represent a parent or guardian in certain circumstances; amending s. 984.071, F.S.; revising provisions concerning production of an information guide explaining juvenile procedures; requiring specified departments to post the information guide on their websites; repealing s. 984.08, F.S., relating to attorney fees; repealing s. 984.085, F.S., relating to sheltering and aiding unmarried minors; creating s. 984.0861, F.S.; prohibiting the use of detention for specified purposes; amending s. 984.09, F.S.; revising provisions for a child's punishment for contempt of court; limiting periods for placement for direct contempt or indirect contempt; revising procedures for

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court proceedings and due process; amending s. 984.10, F.S.; authorizing an authorized agent of the Department of Juvenile Justice to perform intake; revising provisions concerning referrals for service; providing that, upon admission, a staff member may be assigned to a family, depending on services; requiring the abuse hotline to be contacted in certain circumstances; amending s. 984.11, F.S.; revising provisions concerning services to families; requiring parents to use health care insurance to the extent that it is available; deleting provisions concerning fees charged for services and treatment and the collection of fees; amending s. 984.12, F.S.; revising provisions related to case staffing and the composition of the case staff committee; requiring that a child and his or her parent, guardian, or custodian be invited to attend the committee meeting; revising the case staffing committee's responsibilities; requiring the department's designated service provider to conduct a certain review; authorizing a committee member to convene a case staffing committee meeting under certain circumstances; requiring that a case staff committee meeting be convened after a certain referral; authorizing meetings of the committee as necessary for a certain purpose; amending s. 984.13, F.S.; authorizing a child to be taken into custody pursuant to a finding of contempt; specifying where a child taken into custody may be placed in specified

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circumstances; revising the duties of a person taking a child into custody; amending s. 984.14, F.S.; revising provisions concerning voluntary shelter services and placement of children in such services; deleting provisions concerning involuntary placement in a shelter; amending s. 984.15, F.S.; revising requirements for petitions for a child in need of services; amending s. 984.151, F.S.; providing for early truancy intervention; providing for additional services to be ordered if a student is found to be a truant status offender; revising provisions concerning compliance; providing for applicability in cases in which a student is found to be a child in need of services; providing for retention of jurisdiction by courts; prohibiting shelter and detention care placements for violations; providing an exception; providing for service of court orders on specified entities; amending s. 984.16, F.S.; requiring that a student's school receive notice of certain actions by the court; amending s. 984.17, F.S.; specifying when a guardian ad litem may be appointed for a child; revising provisions concerning representation of the department in cases in which a child is alleged to be in need of services; repealing s. 984.18, F.S., relating to referral of child-in-need-of-services cases to mediation; amending s. 984.19, F.S.; providing that an authorized agent of the department may have a medical screening provided for a child placed in shelter care; revising provisions concerning

consent for medical care for a child in the care of the department; amending s. 984.20, F.S.; revising provisions for hearings in child in need of services cases; providing that the failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition; requiring a specified notice in such petitions; revising requirements for disposition hearings; requiring the court to enter an order of disposition after a specified study and other relevant materials are reviewed and the court hears from the parties; revising requirements for review hearings and the orders the court may enter; conforming provisions to changes made by the act; amending s. 984.21, F.S.; specifying that an order of adjudication by a court that a child is a child in need of services is a civil adjudication and not a conviction; deleting provisions allowing a court to withhold an adjudication that a child is in need of services in certain cases; amending s. 984.22, F.S.; conforming provisions to changes made by the act; deleting provisions on the deposit of fees received; amending s. 984.225, F.S.; revising when a child in need of services may be placed in a shelter; revising placement procedures; providing for counseling orders; specifying the effect of a placement the legal responsibilities of a parent, guardian, or custodian; providing limits for shelter stays; deleting provisions concerning exhaustion of less restrictive alternatives; providing for periodic

review of placements; providing for transfer of a child to the Department of Children and Families in certain circumstances; authorizing transfer to the custody of the Agency for Persons with Disabilities in certain circumstances; amending s. 984.226, F.S.; authorizing the department to contract for physically secure settings; deleting provisions on legal representation in certain proceedings; requiring exhaustion of less restrictive placements before a child may be placed in a physically secure shelter; providing a time limit on secure shelter orders; proving legislative intent; revising provisions concerning review of secure shelter placements; providing for transfer to other shelter placements in certain circumstances; requiring a child to be transferred to the Department of Children and Families in certain circumstances; providing for the transfer of a child to the Agency for Persons with Disabilities in certain circumstances; transferring and renumbering s. 985.731, F.S., as s. 787.035, F.S., relating to offenses concerning providing sheltering unmarried minors and aiding unmarried minor runaways; amending s. 985.03, F.S.; revising the definition of the term "child who has been found to have committed a delinquent act"; amending s. 985.24, F.S.; prohibiting placement of a child subject to certain proceedings into secure detention care; amending s. 1003.26, F.S.; authorizing that certain meetings with parents be conducted virtually or by telephone; providing for

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child study team meetings in the absence of a parent, legal guardian, or custodian or child; revising interventions by such team; revising provisions concerning required notice of a child's enrollment or attendance issues; revising provisions concerning returning a student to a parent or other party in certain circumstances; amending s. 1003.27, F.S.; revising reporting requirements for reports by school principals to school boards concerning minor students who accumulate more than a specified number of absences; requiring actions by schools boards; providing for remedial actions for failure to comply; revising provisions concerning habitual truancy cases; revising provisions concerning cooperative agreements; revising who may begin certain proceedings and prosecutions; deleting a provision concerning a civil penalty for students; revising provisions concerning habitually truant students; amending s. 381.02035, F.S.; authorizing pharmacists employed by the Department of Juvenile Justice to import drugs from Canada under a specified program; amending s. 790.22, F.S.; revising provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication occurred or was withheld, for the purposes of determining whether a prior offense was committed; amending s. 985.12, F.S.; deleting a requirement that the Department of Juvenile Justice annually develop and produce best practice models for prearrest delinquency citation programs;

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amending s. 985.126, F.S.; revising the requirements for a quarterly report on prearrest citation programs; amending s. 985.25, F.S.; providing for supervised release or detention of a child despite the child's risk assessment score in certain circumstances; limiting the number of categories that a child may be moved; amending s. 985.433, F.S.; requiring that a child be placed on conditional release rather than probation following discharge from commitment; repealing s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending s. 985.632, F.S.; deleting provision for development of a cost-effectiveness model and application of the model to each commitment program; amending ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

Section 1. Chapter 984, Florida Statutes, entitled "Children and Families in Need of Services," is renamed "Prevention and Intervention for School Truancy and Ungovernable and Runaway Children."

Section 2. Section 984.01, Florida Statutes, is amended to read:

984.01 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) To provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm; and to ensure ~~assure~~ due process through which children and other interested parties are assured fair hearings by a respectful and respected court ~~or other tribunal~~ and the recognition, protection, and enforcement of their constitutional and other legal rights~~, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected~~.

(b) To provide for the care, safety, and protection of children in an environment that cultivates ~~fosters~~ healthy social, emotional, intellectual, and physical development; to ensure the safety of children ~~secure and safe custody~~; and to promote the education, health, and well-being of all children under the state's care.

(c) To provide ~~ensure the protection of society, by providing~~ for a needs ~~comprehensive standardized~~ assessment of the child's needs, strengths, and family dynamics so that the most appropriate services ~~control, discipline, punishment, and treatment~~ can be provided in the most appropriate environment ~~administered~~ consistent with the ~~seriousness of the act committed, the~~ community's long-term need for public safety and the safety of the individual child, with consideration given to the education and overall well-being~~, the prior record of the child, and the specific rehabilitation needs~~ of the child~~, while also providing restitution, whenever possible, to the victim of~~

~~the offense~~.

(d) To preserve and strengthen the child's family ties whenever possible; provide for temporary shelter placement of the child only when necessary to ensure the child's education, safety, and welfare will benefit from shelter and when other less restrictive alternatives have been exhausted;~~, by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and,~~ when the child is in temporary shelter placement, provide ~~removed from his or her own family, to secure~~ custody, care, and education; encourage self-discipline; and increase protective factors ~~discipline for the child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court~~.

(e)~~1.~~ To ensure ~~assure~~ that the adjudication and disposition of a child alleged or found to be a child in need of services ~~have committed a violation of Florida law~~ be exercised with appropriate discretion and in keeping with the seriousness of the misconduct ~~offense~~ and the need for ~~treatment~~ services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

(f) To provide a court process through which school boards are able to access the court for the limited purpose of early truancy intervention for children, subject to compulsory education, who are not engaging in regular school attendance, and encourage school attendance by educating children and their families on the importance of regular school attendance, and provide services to families to prevent the child's pattern of truancy from becoming habitual ~~children committed to the Department of Juvenile Justice with training in life skills, including career education~~.

(2) The department ~~of Juvenile Justice or the Department of Children and Families, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) If the department contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. The ~~Each contract entered into by either~~ department and any agency providing services for the department must require that each contract entered into for services delivered on an appointment or intermittent basis by a provider

that does or does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character. A volunteer who assists on an intermittent basis for less than 10 hours per month need not be screened if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

(b) The department must ~~of Juvenile Justice and the Department of Children and Families shall~~ require employment screening ~~pursuant to chapter 435,~~ using the level 2 standards in ~~set forth in that~~ chapter 435 for personnel in programs for children or youths.

(c) The department ~~of Juvenile Justice or the Department of Children and Families~~ may grant exemptions from disqualification from working with children as provided in s. 435.07.

(d) A shelter used for the placement of children under this chapter must be licensed by the Department of Children and Families.

(3) ~~It is the intent of the Legislature that~~ This chapter is to be liberally interpreted and construed in conformity with its declared purposes.

Section 3. Section 984.02, Florida Statutes, is amended to read:

984.02 Legislative intent for prevention and intervention under this chapter ~~the juvenile justice system~~.—

(1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with

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the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective services or treatment to address physical, social, and emotional needs~~, regardless of geographical location~~.

(f) Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior.

(h) Court ~~An independent, trained advocate when~~ intervention only when ~~is~~ necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior.

(i) Ensuring the child has representation of a trained advocate when court proceedings are initiated under this chapter.

(j) Ensuring that when temporary out-of-home placement is necessary, the child is placed in a safe, therapeutic environment that provides supervision and services by ~~and a~~ skilled staff ~~guardian or caretaker in a safe environment when alternative placement is necessary~~.

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(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's juvenile justice and intervention ~~dependency and delinquency~~ systems need appropriate health care services and~~,~~ that the impact of substance abuse on health requires ~~indicates~~ the need for health care services to include substance abuse services when ~~where~~ appropriate.~~, and that~~ It is in the state's best interest that ~~such~~ children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's juvenile justice and intervention ~~dependency and delinquency~~ systems must have the ability to identify and make referrals to experts capable of providing ~~provide appropriate~~ intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the juvenile justice and intervention ~~dependency and delinquency~~ systems, subject to legislative appropriation, which will be fully implemented and utilized as resources permit. This section prevents agencies from referring children and families to privately operated community service providers to the extent the families have funding or insurance to provide care.

(3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY PREVENTION~~.—It is the policy of the state regarding ~~with respect to~~ juvenile justice and intervention ~~delinquency prevention~~ to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family ~~as a whole~~ so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services for ~~in the field of~~ juvenile delinquency prevention.

(e) Develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of a child, which place the child at risk of harm, and to allow for intervention before the child engages in a delinquent act.

The Legislature intends that temporary shelter ~~detention~~ care, in addition to providing safe care ~~secure and safe custody~~, will promote the health and well-being of the children placed therein ~~committed thereto~~ and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient

support, guidance, and supervision to deter their participation in delinquent acts, and ensure their children attend school and engage in education to prepare their children for their future. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified and appropriate recommendations are provided to address those impediments through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services court processes ~~delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding~~.

(5) PROVISION OF SERVICES.—It is the intent of the Legislature to address the concerns of families by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian, or custodian and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through individual and family services after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature

recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this distinction, it is the policy of the state to develop short-term services using the least restrictive method for children and families, early truancy intervention, and children in need of services.

Section 4. Section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(1) "Abandoned" or "abandonment" has the same meaning as in s. 39.01(1) ~~means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a~~

~~finding of abandonment~~.

(2) "Abuse" has the same meaning as in s. 39.01(2) ~~means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01.~~

~~(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397~~.

(3)~~(4)~~ "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child in need of services ~~child-in-need-of-services~~ cases.

(4)~~(5)~~ "Adult" means any natural person other than a child.

(5)~~(6)~~ "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice ~~or the Department of Children and Families, as appropriate,~~ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services ~~to~~ and managing cases of children in need of services ~~and families in need of services~~.

~~(7) "Caretaker/homemaker" means an authorized agent of the Department of Children and Families who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

(6)~~(8)~~ "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court ~~and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years~~.

(7)~~(9)~~ "Child in need of services" means a child for whom there is no pending petition filed with the court ~~investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral~~ alleging the child is delinquent~~,~~ or no current court-ordered supervision by the department for delinquency under chapter 985 ~~of Juvenile Justice~~ or the Department of Children and Families for ~~an adjudication of~~ dependency under chapter 39 ~~or delinquency~~. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents, ~~or~~ legal guardians, or custodians despite reasonable efforts of ~~the child~~, the parents, ~~or~~ legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include ~~voluntary~~ participation by the child's parents, ~~or~~ legal guardian, or custodians and the child in ~~family mediation,~~ voluntary services, and treatment offered by the department or through its designated service provider ~~of Juvenile Justice or the Department of Children and Families~~;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27 and

~~through voluntary participation by the child's parents or legal custodians and by the child in family mediation,~~ services~~, and treatment~~ offered by the department or its authorized agent or designated service provider ~~of Juvenile Justice or the Department of Children and Families~~; or

(c) To be ungovernable by having ~~have~~ persistently disobeyed the reasonable and lawful rules and demands of the child's parents~~, or~~ legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents~~, or~~ legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services ~~counseling~~.

~~(10) "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.~~

~~(11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.~~

~~(12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:~~

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~~(a) To have been abandoned, abused, or neglected by the child's parents or other custodians.~~

~~(b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Families, or a licensed child placing agency for purpose of adoption.~~

~~(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Families, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.~~

~~(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.~~

~~(e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.~~

~~(f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.~~

(8)~~(13)~~ "Circuit" means any of the ~~20~~ judicial circuits as set forth in s. 26.021.

~~(14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental~~

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~~health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.~~

(9)~~(15)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(10) "Custodian" means any adult person exercising actual physical custody of the child and who is providing food, clothing, and care for the child in the absence of a parent or legal guardian.

~~(16) "Delinquency program" means any intake, community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to chapter 985.~~

(11)~~(17)~~ "Department" means the Department of Juvenile Justice.

(12)~~(18)~~ "Detention care" means the temporary care of a child alleged to be or adjudicated delinquent in secure or supervised release detention, ~~nonsecure, or home detention,~~ pending a court adjudication of delinquency or disposition or execution of a court order under chapter 985. ~~There are three types of detention care, as follows:~~

~~(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention~~

~~center or facility pending adjudication, disposition, or placement.~~

~~(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.~~

~~(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.~~

(13)~~(19)~~ "Detention center or facility" means a facility used, pending court adjudication or disposition or execution of a court order, for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure ~~or nonsecure~~ custody. A facility used for the commitment of adjudicated delinquents may ~~shall~~ not be considered a detention center or facility. A detention center or facility may not be used for placement of any child under this chapter.

~~(20) "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under s. 39.402, in dependency cases.~~

~~(21) "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency as defined in this section that is a party to a case plan.~~

~~(22) "Diligent search" means the efforts of a social~~

~~service agency to locate a parent or prospective parent whose identity or location is unknown, or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be initiated as soon as the agency is made aware of the existence of such parent, prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

(14)~~(23)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), in child in need of services ~~child-in-need-of-services~~ cases.

(15)~~(24)~~ "Family" means a collective body of persons, consisting of a child and a parent, legal guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, legal guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(16)~~(25)~~ "Family in need of services" means a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the department ~~of Juvenile Justice~~, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, ~~there is an open investigation into an allegation of abuse, neglect, or abandonment or if~~ the child is currently under court-ordered supervision by the department for delinquency under chapter 985 ~~of Juvenile Justice~~ or the Department of Children and Families due to a finding of dependency under chapter 39 ~~an adjudication of dependency or delinquency~~.

~~(26) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.~~

(17)~~(27)~~ "Habitually truant" means that:

(a) The child has 15 unexcused absences from school within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to

compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3), s. 1003.24, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 and 1003.27(3), have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27(3) and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the department ~~State Attorney~~ may~~, or the appropriate jurisdictional agency shall,~~ file a child in need of services ~~child-in-need-of-services~~ petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent ~~or~~ legal guardian, or custodian, or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the department ~~of Juvenile Justice~~ have offered services to ~~worked with~~ the child as described in ss. 1003.26 and 1003.27(3) shall be handled as

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prescribed in s. 1003.27.

(18)~~(28)~~ "Intake" means the initial acceptance and screening by the department or its designated service provider of a referral from early truancy intervention court, a school board, or school requesting services; a request for assistance from a parent or child; or a complaint, ~~of Juvenile Justice of a complaint or a~~ law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family ~~delinquency, family in need of services,~~ or child ~~in need of services~~ to determine the most appropriate course of action ~~recommendation to be taken~~ in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the assigned intake case manager ~~juvenile probation officer~~ of judicial handling when appropriate and warranted.

(19)~~(29)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

~~(30) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by criminal gangs and juvenile~~

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~~arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families in need of services programs; conditional release; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.~~

~~(31) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.~~

(20)~~(32)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(21)~~(33)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Families to care for, receive, and board children, and includes shelters under this chapter.

(22)~~(34)~~ "Licensed health care professional" means a

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physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.~~

(23)~~(36)~~ "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(24)~~(37)~~ "Neglect" has the same meaning as in s. 39.01(53) ~~occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual~~

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~~services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:~~

~~(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or~~

~~(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization~~.

(25) "Needs assessment" means the gathering of information for the evaluation of a child's physical, psychological, educational, vocational, and social condition and family environment related to the child's need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, educational services, and other specialized services, as appropriate.

~~(38) "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.~~

(26)~~(39)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be

required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

(27)~~(40)~~ "Participant," for purposes of a ~~shelter~~ proceeding under this chapter, means any person who is not a party but who should receive notice of hearings involving the child, including ~~foster parents,~~ identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(28)~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding under this chapter, means the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest or the child has failed to appear for a proceeding after having been noticed~~. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child~~.

(29) "Physically secure shelter" means a locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to

be held pursuant to s. 984.226. A physically secure shelter unit shall provide supervision by shelter staff who are awake 24 hours a day.

~~(42) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.~~

(30)~~(43)~~ "Preventive services" means social services and other supportive and evaluation and intervention ~~rehabilitative~~ services provided to the child or the parent~~, of the child, the~~ legal guardian ~~of the child,~~ or ~~the~~ custodian of the child ~~and to the child~~ for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision ~~into foster care~~ or into the delinquency system ~~or that will or could result in the child living on the street~~. Social services and other supportive ~~and rehabilitative~~ services may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street; ~~independent living services to assist adolescents in achieving a successful transition to adulthood;~~ and other specialized services.

~~(44) "Protective supervision" means a legal status in child-in-need-of-services cases or family-in-need-of-services~~

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~~cases which permits the child to remain in his or her own home or other placement under the supervision of an agent of the Department of Juvenile Justice or the Department of Children and Families, subject to being returned to the court during the period of supervision.~~

(31)~~(45)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(32)~~(46)~~ "Reunification services" means social services and other supportive ~~and rehabilitative~~ services provided to the child and the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable~~, the child; and, where appropriate, the foster parents of the child~~ for the purpose of assisting ~~enabling~~ a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective ~~earliest possible~~ time based on the presenting concerns at intake. Social services and other supportive ~~and rehabilitative~~ services shall be consistent with the child's need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.

(33)~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication of delinquency or~~,~~ disposition. A child subject to proceedings under this chapter or who is alleged to be dependent under chapter 39, but who is not alleged to have committed a delinquent act or violation of law, may not,

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under any circumstances, be placed into a secure detention center or facility~~, or placement~~.

(34)~~(48)~~ "Shelter" means a department-approved shelter facility for the temporary care of runaway children; children placed for voluntary shelter respite upon request of the child or the child's parent, legal guardian, or custodian; or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09. Shelters must provide 24-hour continual supervision and must be licensed child care facilities ~~a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14~~.

~~(49) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.~~

~~(50) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Families is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

(35)~~(51)~~ "Substance abuse" means using, without medical

reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(36)~~(52)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, shelter ~~detention~~, placement, or other disposition as authorized by law.

(37)~~(53)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(38)~~(54)~~ "Truancy petition" means a petition filed by the superintendent of schools under s. 984.151 for the purpose of early truancy intervention, alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period~~.~~ ~~A truancy petition is filed and processed under s. 984.151~~.

(39) "Truant status offender" means a child subject to the jurisdiction of the court under s. 984.151 who has been found by the court to be truant while subject to compulsory education. The court's jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act.

(40)~~(55)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(41) "Voluntary family services" means voluntary services provided by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to the department or an agency designated by the department to provide voluntary services to families and children. Contingent upon available funding, and subject to a memorandum of agreement between the department and the Department of Children and Families, a family is eligible to receive voluntary services if, at the time of the referral, there is an open investigation into an allegation of

abuse, neglect, or abandonment or if the child is currently under court-ordered supervision by the department for delinquency under chapter 985 or by the Department of Children and Families due to a finding of dependency under chapter 39.

Section 5. Section 984.04, Florida Statutes, is amended to read:

984.04 Early truancy intervention; families in need of services and children in need of services; procedures and jurisdiction.—

~~(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least~~

~~restrictive method for families in need of services and children in need of services.~~

(1)~~(2)~~ The department ~~of Juvenile Justice~~ shall be responsible for all nonjudicial proceedings involving voluntary ~~a~~ family ~~in need of~~ services for a family identified as a family in need of services,~~.~~

~~(3) All nonjudicial procedures in family-in-need-of-services cases shall be~~ according to rules established by the department ~~of Juvenile Justice~~ under chapter 120.

(2)~~(4)~~ The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151 is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21 ~~continued placement of a child from a family in need of services in shelter~~.

(3)~~(5)~~ The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be a child in need of services. When the jurisdiction of any child who has been found to be a child in need of services or the parent, custodian, or legal guardian of such a child is obtained, the court shall retain jurisdiction, unless relinquished by its order or unless the department withdraws its petition because the child no longer meets the definition of a child in need of services as defined in s. 984.03, until the

child reaches 18 years of age. This subsection does ~~shall~~ not ~~be construed to~~ prevent the exercise of jurisdiction by any other court having jurisdiction of the child ~~if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment~~.

(4) Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15 or under s. 984.151 when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

(5)~~(6)~~ All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in proceedings under this chapter ~~family-in-need-of-services cases and child-in-need-of-services cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

~~(7) The department may contract with a provider to provide services and programs for families in need of services and children in need of services.~~

Section 6. Subsections (2) and (4) of section 984.06, Florida Statutes, are amended to read:

984.06 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records ~~pertaining to a child in need of services~~ until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting

of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(4) Except as provided in subsection (3), all information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the department, school employee, district superintendent, school board employee, or law enforcement agent is confidential and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, school or school board personnel, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

Section 7. Section 984.07, Florida Statutes, is amended to read:

984.07 Right to counsel; waiver; appointed counsel; compensation.—

(1) When a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

(2) A child in proceedings under s. 984.151 may have

counsel appointed by the court if the court determines it is in the best interest of the child.

(3) If the court appoints counsel for a child, and if the child and his or her parents or legal guardians are indigent and unable to employ counsel, the court must appoint an attorney to represent the child under s. 27.511. Determination of indigence and costs of representation shall be as provided by ss. 27.52 and 938.29. Legal counsel representing a child who exercises the right to counsel may provide advice and counsel to the child at any time after appointment.

(4) If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511 to represent the child until counsel is provided. Costs of representation must be imposed as provided by ss. 27.52 and 938.29. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel. A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

(5) An indigent child whose parents or legal guardian are not indigent may have counsel appointed pursuant to ss. 27.511 and 27.52 if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt and then still have willfully refused to obey the court order. Costs of representation must be imposed as provided by ss. 27.511, 27.52,

and 938.29.

(6) If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child's behavior, but despite their good faith efforts, the child's truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s 27.511.

(7) If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need of services proceeding, such compensation may not exceed $1,000 at the trial level and $2,500 at the appellate level.

(8) This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent or legal guardian.

(9) The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel is entitled to receive compensation for representation pursuant to court appointment in a child-in-need-of-services proceeding, such compensation shall not exceed $1,000 at the trial level and $2,500 at the appellate level~~.

Section 8. Subsection (1) of section 984.071, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

984.071 Resources and information.—

(1) The department ~~of Juvenile Justice, in collaboration with the Department of Children and Families and the Department~~

~~of Education,~~ shall develop and publish an information guide ~~packet~~ that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents ~~of troubled or runaway children~~. The information guide shall be published in a written format for distribution and shall also be published on the department's website. ~~In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed.~~ Each information guide ~~packet~~ shall be reviewed annually and updated as appropriate. The school district shall distribute this information guide ~~packet~~ to parents of truant children, and to other parents upon request or as deemed appropriate by the school district. In addition, the department ~~of Juvenile Justice~~ shall distribute the information guide ~~packet~~ to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home, is ungovernable, or who runs away from home shall make the information guide available to the parent.

(3) The Department of Education and the Department of Children and Families must each post the department's information guide on their respective websites.

Section 9. Sections 984.08 and 984.085, Florida Statutes, are repealed.

Section 10. Section 984.0861, Florida Statutes, is created to read:

984.0861 Prohibited use of detention.—A child under the jurisdiction of the court pursuant to this chapter may not be placed in:

(1) Any form of detention care intended for the use of alleged juvenile delinquents as authorized under chapter 985, for any purpose.

(2) A secure detention facility authorized for use under chapter 985, for any purpose.

(3) Any jail or other similar facility used for the purpose of detention or confinement of adults, for any purpose.

Section 11. Section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and detention facilities as set forth in s. 984.0861 ~~with respect to commitment of a child to a secure facility~~. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a shelter ~~secure~~ facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child

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adjudicated as a child in need of services may be placed solely in a shelter ~~secure facility~~ for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

~~(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.~~

(a)~~(b)~~ A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a ~~staff-secure~~ shelter operated by or under contract with the department to provide such services ~~or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment~~. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure setting as provided under s. 984.226 if conditions of eligibility are met.

(b) A child subject to proceedings under s. 984.151 who has been held in direct contempt or indirect contempt may only be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or under contract with the department for such services if a shelter bed is available. Upon a second or subsequent finding of contempt

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under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

(c) Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

(3) ALTERNATIVE SANCTIONS.—~~Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~ Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service ~~manual labor~~ or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department ~~of Juvenile Justice~~ to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the ~~manual~~ labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child subject to proceedings under this chapter is charged with direct contempt of court, ~~including traffic court,~~ the court may impose an authorized sanction immediately.

(b) If a child subject to proceedings under this chapter is charged with indirect contempt of court, the court must issue an order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~ to determine whether the child committed indirect contempt of a valid court order. The child must be served with the order to show cause and notice of hearing. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~985.033~~. The court must appoint counsel for the child under s. 984.07 unless the child is not indigent and has counsel present to represent the child, or the child voluntarily, knowingly and intelligently waives counsel after having been fully informed of his or her rights.

4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent, legal ~~or~~ guardian, or custodian may address

the court regarding the due process rights of the child. If, after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed under subsection (2). If the court orders shelter placement of a child in need of services, the court shall review the matter ~~placement of the child~~ every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a shelter ~~secure~~ facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a shelter ~~secure~~ facility as punishment for contempt of court.

~~(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver license or driving privilege. The court may order that a child's driver license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver license is being withheld at~~

~~the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.~~

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit~~, pursuant to subsection (3)~~. Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including ~~nonsecure detention programs,~~ community service projects~~, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c)~~.

Section 12. Section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(1) Intake shall be performed by the department or the department's authorized agent. A report ~~or complaint~~ alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent, ~~or~~ legal guardian, or custodian, the local school district, a law enforcement agency, or the Department of Children and Families, having knowledge of the facts may make a report ~~or complaint~~.

(2) A representative of the department shall make a preliminary determination as to whether the report ~~or complaint~~ is complete. The criteria for the completeness of a report ~~or complaint~~ with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03(17) ~~984.03(27)~~. In any case in which the representative of the department finds that the report ~~or complaint~~ is incomplete, the representative of the department shall return the report ~~or complaint~~ without delay to the person or agency originating the report ~~or complaint~~ or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report ~~or complaint~~.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents, ~~or~~ legal guardians, or custodians, the department's ~~departmental~~ representative may refer the family or child to an appropriate service ~~and treatment~~ provider. As part

of the intake procedure, the department's ~~departmental~~ representative shall inform the parent, ~~or~~ legal ~~custodian~~ guardian, or custodian, in writing, of the services currently ~~and treatment~~ available to the child and family by department providers and other ~~or~~ community agencies in the county in which the family is located and of the rights and responsibilities of the parent, ~~or~~ legal guardian, or custodian under this chapter. Upon admission, and depending on services, a staff member may be assigned to the family as deemed appropriate to care for the child.

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to ~~the provisions of~~ chapter 39 and the abuse hotline shall be contacted.

Section 13. Section 984.11, Florida Statutes, is amended to read:

984.11 Services to families ~~in need of services~~.—

(1) The department or its designated service provider shall provide an array of voluntary family services aimed toward remediating school truancy, homelessness, and runaway and ungovernable behavior by children. Services ~~and treatment~~ to families in need of services shall be by voluntary agreement of the parent, ~~or~~ legal guardian, or custodian and the child ~~or as directed by a court order pursuant to s. 984.22~~.

(2) These services may include, but need not be limited to:

(a) ~~Homemaker or~~ Parent aide services.

(b) Intensive crisis counseling.

(c) Parent training.

(d) Individual, group, or family counseling.

(e) Referral to community mental health services.

(f) Prevention and diversion services.

(g) Services provided by voluntary or community agencies.

(h) Runaway center services.

(i) Runaway shelter ~~Housekeeper~~ services.

(j) Referral for special educational, tutorial, or remedial services.

(k) Referral to vocational, career development ~~job training~~, or employment services.

(l) Recreational services.

(m) Assessment.

(n) Management.

(o) Referral for or provision of substance abuse assessment or treatment.

(3) The department shall advise the parents, ~~or~~ legal guardian, or custodian that they are responsible for contributing to the cost of the ~~child or family~~ services ~~and treatment~~ to the extent of their ability to pay. The parent is responsible for using health care insurance to the extent it is available for the provision of health services ~~The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected~~.

~~(4) The department may file a petition with the circuit~~

~~court to enforce the collection of fees for services and treatment rendered to the child or the parent and other legal custodians.~~

Section 14. Section 984.12, Florida Statutes, is amended to read:

984.12 Case staffing; services and treatment related to a family in need of services.—

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services ~~or treatment~~ if:

(a) The family or child is not in agreement with the services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the department ~~of Juvenile Justice~~, and may include the department's designated service provider and a supervisor of the department's contracted provider; a representative from the area of health, mental health, substance abuse, or social~~, or educational~~ services; a representative of the state attorney; a representative of law enforcement ~~the alternative sanctions coordinator~~; and any person recommended by

the child, family, or department. The child and the child's parent, legal guardian, or custodian must be invited to attend the committee meeting.

(3) The case staffing committee shall:

(a) Identify the family's concerns and contributing factors.

(b) Request the family and child to identify their needs and concerns.

(c) Seek input from the school district and any other persons in attendance with knowledge of the family or child's situation and concerns.

(d) Consider the voluntary family services or other community services that have been offered and the results of those services.

(e) Identify whether truancy is a concern and the efforts made by the child study team to remedy the truancy.

(f) Reach a timely decision to provide the child or family with ~~needed~~ services and recommend any appropriate ~~and~~ treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

(a) Statement of the concerns ~~problems~~.

(b) Needs of the child.

(c) Needs of the parents, legal guardian, or ~~legal~~ custodian.

(d) Measurable objectives that address the identified problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) The assigned case manager shall have responsibility ~~A case manager shall be designated by the case staffing committee to be responsible~~ for implementing the plan. The department's designated service provider ~~case manager~~ shall periodically review the progress toward ~~towards~~ achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan; ~~or~~

(b) Recommend a child in need of services petition be filed by the department; or

(c) ~~(b)~~ Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, guardian, or legal custodian may convene a meeting of the case staffing committee~~, and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child~~. A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Any other member of the committee may convene a meeting if voluntary family services have been offered and the services

have been rejected by the child or family, or the child has not made measurable progress toward achieving the service plan goals, and the member finds that doing so is in the best interest of the family or child.

(9) A case staffing committee meeting must be convened within 30 days after the date the case is referred by the court pursuant to s. 984.151.

(10)~~(8)~~ Within 7 days after meeting, the case staffing committee shall provide the parent, guardian, or legal custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15. Section 984.13, Florida Statutes, is amended to read:

984.13 Taking a child into custody ~~a child alleged to be from a family in need of services or to be a child in need of services~~.—

(1) A child may be taken into custody:

(a) By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or ~~other legal~~ custodian.

(b) By a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent, ~~or~~ legal guardian, or custodian, for the purpose of delivering the child without

unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer shall deliver the child to the parent, ~~or~~ legal guardian, or custodian, to a location determined by the parent, legal ~~or~~ guardian, or custodian, or to a designated truancy interdiction site until the parent or guardian can be located.

(c) Pursuant to an order of the circuit court based upon sworn testimony before or after a child in need of services petition is filed under s. 984.15.

(d) Pursuant to an order of the circuit court based upon a finding of contempt under this chapter, for the purpose of delivering the child to a designated shelter facility.

(e)~~(d)~~ By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this chapter or placement in a shelter.

(2) The person taking the child into custody shall:

(a) Release the child to a parent, legal guardian, ~~legal~~ custodian, or responsible adult relative ~~or to a department-approved family-in-need-of-services and child-in-need-of-services provider~~ if the person taking the child into custody has reasonable grounds to believe the child has run away from a parent, legal guardian, or ~~legal~~ custodian; is truant; or is ungovernable and beyond the control of the parent, guardian, or

legal custodian; following such release, the person taking the child into custody shall make a full written report to the family in need of services intake office of the department within 3 days; or

(b) Deliver the child to a shelter designated by the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child be delivered to a shelter: ~~is from a family in need of services.~~

1. Pursuant to a court order that the child has been found guilty of contempt under this chapter;

2. Pursuant to a court order for shelter placement subsequent to adjudication as a child in need of services;

3. Because the child has requested voluntary family services and shelter placement; or

4. Because the child and parent, legal guardian, or custodian voluntarily agree that the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.

(c) Deliver the child to a department-approved shelter or physically secure shelter pursuant to a court order issued under this chapter.

(d) Deliver the child to a hospital for necessary evaluation and treatment if the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or treatment.

(e) Deliver the child to a designated public receiving

facility as defined in s. 394.455 for examination under s. 394.463 if the child is believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1).

(f) Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

(3) If the child is taken into custody and ~~by, or~~ is delivered to a shelter~~, the department~~, the appropriate representative of the department shall review the facts and make such further inquiry as necessary to determine whether the child shall remain in shelter ~~custody~~ or be released. Unless shelter is required as provided in s. 984.09, s. 984.22, or s. 984.226, or the parent, legal guardian, or custodian agrees to the child's temporary voluntary shelter placement, ~~s. 984.14(1),~~ the department shall:

(a) Release the child to his or her parent, legal guardian, or ~~legal~~ custodian, to a responsible adult approved by the parent, guardian, or legal custodian ~~relative~~, to a responsible adult approved by the department, or to a department-approved shelter ~~family-in-need-of-services and child-in-need-of-services~~ provider; or

(b) Authorize voluntary family ~~temporary~~ services ~~and treatment~~ that would allow the child alleged to be from a family in need of services to remain at home.

Section 16. Section 984.14, Florida Statutes, is amended to read:

984.14 Voluntary shelter services ~~placement; hearing~~.—

(1) The department shall provide temporary voluntary shelter services for the purpose of offering a safe environment that provides 24-hour care and supervision, referrals for services as needed, education at the center or off site, and counseling services for children when ~~Unless ordered by the court pursuant to the provisions of this chapter, or upon voluntary consent to placement by the child and the child's parent, legal guardian, or custodian, a child taken into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required~~:

(a) A child has run away from his or her caregiver, to provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; ~~or~~

(b) A ~~Because a~~ parent, legal guardian, or custodian~~, or guardian~~ is unavailable to take immediate custody of the child; or

(c) A parent, legal guardian, or custodian has requested voluntary shelter for the child.

(2) If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the department's designated shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine if the child can safely return home, or determine if the family is seeking temporary voluntary shelter services until the family

can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the Department of Children and Families shall be contacted to assume custody of the child ~~If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody~~.

~~(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

~~(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

~~(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

~~(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his~~

~~paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

~~(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.~~

~~(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.~~

Section 17. Section 984.15, Florida Statutes, is amended to read:

984.15 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.~~

(2)(a) The department shall file a petition for a child in need of services if the child meets the definition of a child in need of services, and the case ~~manager or~~ staffing committee

recommends ~~requests~~ that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in voluntary family services ~~and treatment~~.

(b) Once the requirements in paragraph (a) have been met, the department shall file a petition for a child in need of services as soon as practicable ~~within 45 days~~.

(c) The petition shall be in writing, shall state the specific grounds ~~under s. 984.03(9)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, legal guardian, or ~~legal~~ custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, legal guardian, or ~~legal~~ custodian.

3. The parent, legal guardian, or ~~legal~~ custodian does not agree with the plan for services offered by the case staffing

committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(10) ~~s. 984.12(8)~~.

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

(4) ~~(d)~~ The petition must be signed by the petitioner under oath.

(5) ~~(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

(a) ~~1.~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

(b) ~~2.~~ The subject of a pending petition ~~referral~~ alleging

that the child is delinquent; or

(c) ~~3.~~ Under the current supervision of the department or the Department of Children and Families for an adjudication of delinquency or dependency.

(6) ~~(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

(7) ~~(5)~~ The petitioner ~~department or the parent, guardian, or legal custodian~~ may withdraw a petition at any time before ~~prior to~~ the child is ~~being~~ adjudicated a child in need of services.

Section 18. Section 984.151, Florida Statutes, is amended to read:

984.151 Early truancy intervention; truancy petition; judgment ~~prosecution; disposition~~.—

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special magistrate ~~master~~ pursuant to Supreme Court

rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, legal guardian, or ~~legal~~ custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school in compliance with s. 1003.26; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender, ~~the court~~ shall order the student to attend school, and shall order the parent, legal guardian, or custodian to ensure that the student attends school. The court~~, and~~ may order any of the following services:

(a) The student to participate in ~~alternative sanctions to include mandatory~~ attendance at alternative classes; ~~to be followed by mandatory community services hours for a period up to 6 months; the student and~~

(b) The student's parent, legal ~~or~~ guardian, or custodian to participate in parenting classes ~~homemaker or parent aide~~

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

~~services~~;

(c) The student or the student's parent, legal ~~or~~ guardian or custodian to participate in individual, group, or family ~~intensive crisis~~ counseling;

(d) The student or the student's parent, legal ~~or~~ guardian or custodian to participate in community mental health services or substance abuse treatment services if available and applicable;

(e) The student and the student's parent, legal ~~or~~ guardian, or custodian to participate in services ~~service~~ provided by state or community ~~voluntary or community~~ agencies, if appropriate ~~as available~~, including services for families in need of services as provided in s. 984.11;

(f) The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;

(g) The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or

(h) ~~and~~ The student or the student's parent, legal ~~or~~ guardian, or custodian to participate in vocational or~~,~~ job training~~, or employment services~~.

(8) If the student does not substantially comply with compulsory school attendance and court-ordered services required under ~~successfully complete the sanctions ordered in~~ subsection

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

(7), and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's designated service provider for review by the case staffing committee under s. 984.12 with a recommendation to file a petition for child in need of services ~~child in need of services petition~~ under s. 984.15. The court shall review the case not less than every 45 days to determine if the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee in accord with this subsection.

(9) If the student substantially complies with compulsory school attendance, the court shall close the truancy case.

(10) If the child is adjudicated a child in need of services pursuant to s. 984.21, the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until the child is no longer subject to compulsory education under s. 1003.21 or jurisdiction lapses in accord with s. 984.04, whichever occurs first.

(12) The court may not order a child placed in shelter pursuant to this section unless the court finds the child in contempt for violation of a court order under s. 984.09.

(13) The court may not order a child to be placed in detention care or any detention facility pursuant to this section.

(14)~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and the student shall participate, as required by court order, in

any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

(15) Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09 two or more times shall be referred to the case staffing committee under s. 984.12 with a recommendation that the committee file a petition for a child in need of services.

(16) The clerk of the circuit court shall serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's designated child in need of services provider.

Section 19. Subsections (3) and (5) of section 984.16, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

984.16 Process and service for child in need of services petitions.—

(3) The summons shall require the person on whom it is served to appear for a hearing at a time and place specified. ~~Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons.~~ The summons must ~~may~~ require the custodian to bring the child to court ~~if the court determines that the child's presence is necessary~~. A copy of the petition shall be attached to the summons.

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian~~, or legal guardian~~ of the child and the case when the summons is served upon the

child or a parent, ~~or~~ legal guardian, or ~~actual~~ custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court, whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a student attend school, attend school with his or her parent, or an order that the parent participate in meetings, including parent-teacher conferences, Section 504 plan meetings, or individualized education plan meetings to address the student's disability, the office of the clerk of the circuit court shall provide notice to the school of the court's action.

Section 20. Section 984.17, Florida Statutes, is amended to read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.

(3) When a petition for a child in need of services has

been filed and the parents, legal guardian, or ~~legal~~ custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

(4) An attorney representing the department shall represent the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies the allegations of the petition and contests the adjudication~~.

Section 21. Section 984.18, Florida Statutes, is repealed.

Section 22. Section 984.19, Florida Statutes, is amended to read:

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department or its authorized agent may ~~is authorized to~~ have a medical screening provided for ~~performed on~~ the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided ~~performed~~ by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When ~~the department has performed~~ the medical screening

authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or

adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ eliminate the right of a parent, legal ~~a~~ guardian, or custodian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ alter the provisions of s. 743.064.

(8) A court may order ~~shall not be precluded from ordering~~ services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) ~~Nothing in~~ This section does not ~~shall be construed to~~ authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child ~~alleged to be or found to be a child from a family in need of services or a child in need of services~~ shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the legal guardian, or custodian did not consent to the medical treatment. After a hearing, the court may order the parents, legal ~~or~~ guardian, or custodian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) A judge may order a child under his or her jurisdiction to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706 ~~Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and of whom the department has become the legal custodian~~.

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 23. Section 984.20, Florida Statutes, is amended to read:

984.20 Hearings for child in need of services ~~child in need of services~~ cases.—

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent, legal guardian, or custodian to admit, deny, or consent to findings that a child is in need of services as alleged in the petition. If the child and the parent, legal guardian, or custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing ~~7 days after the date of the arraignment hearing~~.

(b) The court may grant a continuance of the arraignment hearing ~~When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition.~~ if the child or ~~and~~ the parent, legal guardian, or custodian request a continuance to obtain an attorney and legal counsel requests a continuance. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation ~~admit or consent to an adjudication, the court shall proceed as set forth~~

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~~in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing~~.

(c) If at the arraignment hearing the child and the parent, legal guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~, the court shall proceed to hold a disposition hearing at the earliest practicable time that will allow for the completion of a predisposition study.

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition. The document containing the notice to respond or appear must contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and, if applicable, the instructions for

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appearance through audio-video communication technology, of the adjudicatory hearing, then that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to a child in need of services adjudication.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. ~~If the child is in custody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In an adjudicatory ~~a~~ hearing ~~on a petition in which it is alleged that the child is a child in need of services~~, a preponderance of evidence shall be required to establish that the child is in need of services. If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is best served by so doing. Hearings involving more than one child

may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing,~~ the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.

~~(a)~~ The predisposition study shall cover:

1. All treatment and services that the parent, legal guardian, or custodian and child received.

2. The love, affection, and other emotional ties existing between the family ~~parents~~ and the child.

3. The capacity and disposition of the parents, legal guardian, or custodian to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

5. The permanence, as a family unit, of the existing or proposed custodial home.

6. The moral fitness of the parents, legal guardian, or custodian.

7. The mental and physical health of the family.

8. The home, school, and community record of the child.

9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention, services, and treatment for the parent, legal guardian, custodian, and child to prevent the removal of the child from the home or to reunify the child with the parent, legal guardian, or custodian after removal or to reconcile the problems between the family ~~parent, guardian, or custodian~~ and the child.~~;~~

2. The inappropriateness of other prevention, treatment, and services that were available.~~;~~

3. The efforts by the department to prevent shelter ~~out-of-home~~ placement of the child or, when applicable, to reunify the parent, legal guardian, or custodian if appropriate services were available.~~;~~

4. Whether voluntary family ~~the~~ services were provided.~~;~~

5. If the voluntary family services and treatment were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.~~;~~

6. If the voluntary family services and treatment were not provided, the reasons for such lack of provision.~~; and~~

7. The need for, or appropriateness of, continuing such treatment and services if the child remains in the custody of

the parent, guardian, or custodian or if the child is placed outside the home.

(c) If placement of the child with anyone other than the child's parent, guardian, or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent, guardian, or custodian shall be reconsidered.

(d) A copy of this predisposition study shall be furnished to the person having custody of the child at the time such person is notified of the disposition hearing.

(e) After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), ~~nothing in~~ this section does not ~~shall~~ prohibit the publication of proceedings in a hearing.

(4) REVIEW HEARINGS.—

(a) The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and

family to work toward compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings ~~but no less than 45 days after the date of the last review hearing~~.

(b) The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The department shall appear at the review hearing. If the child or parent, legal guardian, or custodian does not appear at a review hearing, the court may proceed with the hearing and enter orders that affect the child and family accordingly. The child's presence may be waived by the court if the court finds good cause to do so.

(c) ~~(b)~~ At the review hearings, the court shall consider the department's judicial review summary. The court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter~~, but no less than 45 days after the date of the last review hearing~~.

Section 24. Section 984.21, Florida Statutes, is amended to read:

984.21 Orders of adjudication.—

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(1) ~~(4)~~ An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

(2) ~~(1)~~ If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismiss ~~dismissing~~ the case.

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2),~~ it shall incorporate that finding in an order of adjudication entered in

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the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

Section 25. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, legal guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, legal guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, legal guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's designated services ~~contracted~~ provider of programs and services for children in need of services and families in need of services. "Supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency

willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, legal guardian, or custodian of the child, to render community service in a public service program.

(e) Order the child placed in shelter pursuant to s. 984.225 or s. 984.226.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, or a licensed child-caring agency, ~~the Department of Juvenile Justice, or the Department of Children and Families,~~ the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the department ~~of Juvenile Justice~~, or the Department of Children and Families. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency to receive, collect, and manage ~~for the purpose of receiving, collecting, and managing~~ the payment of unpaid and delinquent fees. The collection agency must be registered and in good

standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

~~(4) All payments of fees made to the department under this chapter, or child support payments made to the department pursuant to subsection (3), shall be deposited in the General Revenue Fund.~~

(4)~~(5)~~ In carrying out the provisions of this chapter, the court shall order the child, family, parent, legal guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

(5)~~(6)~~ The participation and cooperation of the family, parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its orders ~~order~~.

Section 26. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a staff-secure shelter.—

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter for the purpose of enforcement of the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the

child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized services provider, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized representative verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed.

~~for up to 90 days in a staff-secure shelter if:~~

(2) The court shall order the parent, legal guardian, or custodian to cooperate with efforts to reunite the child with the family and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(a) The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive remedies have been exhausted, the child may be placed in shelter for up to 90 days if:

1.~~(a)~~ The child's parent, legal guardian, or ~~legal~~

custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or ~~legal~~ custodian;

2.~~(b)~~ The child refuses to remain under the reasonable care and custody of the ~~his or her~~ parent, legal guardian, or ~~legal~~ custodian, as evidenced by repeatedly running away and failing to comply with a court order; or

3.~~(c)~~ The child has failed to successfully complete an alternative treatment program or to comply with ~~a~~ court-ordered services ~~sanction~~ and the child has been placed in a shelter ~~residential program~~ on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services ~~under this chapter~~.

(4) The court shall review the child's 90-day shelter placement not less than every 45 days to determine if continued shelter is deemed necessary. The court also shall determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the

relevant provisions of chapter 39. The department shall notify and coordinate with the Department of Children and Families for the transfer of jurisdiction. The clerk of the circuit court shall serve the Department of Children and Families with any court order of referral.

~~(2) This section applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.~~

~~(3) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.~~

~~(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.~~

(5) If a child has not been reunited with his or her parent, legal guardian, or ~~legal~~ custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the staff-secure shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(6)~~ The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the 90-day shelter ~~commitment~~ period, the parent, legal guardian, or ~~legal~~ custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the 90-day shelter ~~commitment~~ period, the child is not reunited with his or her parent, legal guardian, or custodian due solely to the continued refusal of the parent, legal guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of the circuit court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether the parent, guardian, or custodian has~~

~~reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

(6)~~(8)~~ If the child requires residential mental health treatment or residential care for a developmental disability, the court shall order that ~~refer~~ the child be transferred to the custody of the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary services. The clerk of the circuit court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

Section 27. Section 984.226, Florida Statutes, is amended to read:

984.226 Physically secure setting.—

(1) Subject to specific legislative appropriation, the department ~~of Juvenile Justice~~ shall establish or contract for physically secure settings ~~designated exclusively~~ for the shelter placement of children in need of services who meet the criteria provided in this section.

~~(2) When a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that~~

~~proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.033. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

(2)~~(3)~~ When a child is adjudicated as a child in need of services by a court and all other less restrictive placements have been exhausted, the court may order the child to be placed in a physically secure shelter ~~setting authorized in this section~~ if the child has:

(a) Failed to appear for placement in a ~~staff-secure~~ shelter for up to 90 days, as ordered under s. 984.225, or failed to comply with any other provision of a valid court order relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a 90-day ~~staff-secure~~ shelter following placement under s. 984.225 ~~or s. 984.09~~.

The department or an authorized representative of the department must verify to the court that a physically secure bed is available for the child. If a bed is not available, the court must stay the placement until a physically secure bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the

longest has first priority for placement in the physically secure shelter. It is the intent of the Legislature that physically secure shelter placement be used only when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements ~~setting~~.

(3)~~(4)~~ A child may be placed in a physically secure setting for up to 90 days by order of the court. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure setting, the court may order that the child remain in the physically secure setting for an additional 30 days if the court finds that reunification could be achieved within that period.

(4)~~(5)~~(a) The court shall review the child's placement once within every 45 days to determine if the child can be returned home with the provision of ongoing services ~~as provided in s. 984.20~~.

(b) At any time during the placement of a child in need of ~~services~~ in a physically secure setting, the department or an authorized representative of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure setting and is ready for reunification with a parent or guardian; or

2. That the child is unlikely to benefit from continued placement in the physically secure setting and is more likely to have his or her needs met in a different type of placement. The court may order that the child be transitioned from a physically secure shelter setting to a shelter placement as provided in s.

984.225 upon a finding that the physically secure setting is no longer necessary to ensure the child's safety and provide needed services.

(c) The court shall determine if the parent, legal guardian, or custodian has reasonably participated in and has ~~financially~~ contributed to or participated in the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the placement, the court shall direct that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed by chapter 39. The department shall notify and coordinate with the Department of Children and Families to ensure provision of services to the child. The clerk of the circuit court shall serve the Department of Children and Families with any court order of referral.

(e) If the child requires long-term residential mental health treatment or residential care for a developmental disability, the court shall transfer custody of ~~refer~~ the child to the Department of Children and Families or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of the circuit court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

(5)~~(6)~~ Before ~~prior to~~ being ordered to a physically secure shelter ~~setting~~, the child must be afforded all rights of due process required under s. 984.07 ~~985.037~~.

(6) While in the physically secure shelter ~~setting~~, the

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child shall receive appropriate assessment, intervention, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with individual and family counseling and other support services necessary for reunification.

(7) The court shall order the parent, legal guardian, or ~~legal~~ custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the child's insurance and the family's ability to pay as determined by the court. Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or ~~legal~~ custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

Section 28. Section 985.731, Florida Statutes, is transferred and renumbered as section 787.035, Florida Statutes.

Section 29. Subsection (9) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—As used in this chapter, the term:

(9) "Child who has been found to have committed a delinquent act" means a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a ~~dependency~~ proceeding under chapter 984 ~~or a proceeding concerning a child or family in need of~~

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~~services~~.

Section 30. Subsection (4) of section 985.24, Florida Statutes, is amended to read:

985.24 Use of detention; prohibitions.—

(4) A child who is alleged to be dependent under chapter 39, or any child subject to proceedings under chapter 984, ~~but~~ who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31. Section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and

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unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee must ~~shall~~ contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school must ~~shall~~ provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher must ~~shall~~ report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. ~~The principal shall,~~ Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a

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pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal must ~~shall~~ notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance. The child study team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend the meeting in person.

(c) If the parent, legal guardian, or custodian or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy, based upon the information available to the school. The recommendations shall be provided to the parent within 7 days after the child study team meeting. If the ~~an~~ initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.

2. Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if bullying is an issue of concern.

3.~~2.~~ Evaluation for alternative education programs.

4.~~3.~~ Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to the Department of Juvenile Justice's designated provider for voluntary family

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services, or to other agencies for family services or recommend ~~recommendation for~~ filing a truancy petition pursuant to s. 984.151.

(d) The child study team must ~~shall~~ be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve

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on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days after ~~of~~ the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

(g) If a student subject to compulsory school attendance

will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee must ~~shall~~ refer the case to the Department of Juvenile Justice's designated service provider, which shall then offer voluntary family services, and schedule a meeting of the case staffing committee pursuant to s. 984.12 if the services do not remediate the child's truancy, ~~and~~ the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative must provide ~~shall give~~ written notice in person or by return-receipt mail to the parent, legal guardian, or custodian, requiring the child's ~~that requires~~ enrollment or attendance within 3 days after the date of notice, ~~in person or by return-receipt mail, to the parent~~ when no valid reason is found for a student's nonenrollment in school if the child is under compulsory education requirements, and is not exempt. If the child is not enrolled or in attendance in school within 3 days after the notice being provided ~~and requirement are ignored~~, the designated school representative must ~~shall~~ report the case to the district school superintendent, who must ~~may~~ refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies. In addition, the designated school representative may refer the case to the Department of Juvenile Justice's designated service provider for families in need of services ~~or to the case staffing committee, established pursuant~~

~~to s. 984.12~~. The child study team must ~~shall~~ diligently facilitate intervention services and ~~shall~~ report the case back to the district school superintendent within 15 days after receiving the case if ~~only when all~~ reasonable efforts to resolve the nonenrollment behavior have been made, and the child is still not attending school ~~are exhausted~~. If the parent ~~still~~ refuses to cooperate or enroll the child in school within 15 days after the case having been referred to the child study team, the district school superintendent must make a report to law enforcement and refer the case to the Office of the State Attorney ~~shall take such steps as are necessary~~ to bring criminal prosecution against the parent.

(b) Subsequent to referring the case to the Office of the State Attorney ~~the activities required under subsection (1)~~, the district school superintendent or his or her designee must ~~shall~~ give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN STUDENT TO PARENT.— A designated school representative may visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent, legal guardian, custodian, or to the principal or teacher in charge of the school, or to the private tutor from whom absent. If the parent, legal guardian,

or custodian cannot be located or is unavailable to take custody of the child and the child is not to be presented to the child's school or tutor, the child must be referred to the Department of Juvenile Justice's designated shelter services provider, or to another facility~~, or to the juvenile assessment center or other location~~ established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO APPROPRIATE AUTHORITY.—A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 32. Subsections (2), (3), (4), (6), and (7) of section 1003.27, Florida Statutes, are amended to read:

1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) ~~In each case of nonenrollment or of nonattendance upon~~

~~the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found,~~ The district school superintendent shall institute a criminal prosecution against the student's parent, in each case of nonenrollment or of nonattendance upon the part of a student who is required to attend school, when no valid reason for the nonenrollment or nonattendance is found. ~~However,~~ Criminal prosecution may not be instituted against the student's parent until the school and school district have complied with s. 1003.26.

(b) Each public school principal or the principal's designee must ~~shall~~ notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Reports shall be made to the district school board at the end of each school quarter. The calculation of 15 absences within 90 days are determined based on calendar days and are not limited to the span of one school quarter during which the nonattendance begins or ends. The district school board shall verify the school's reporting 15 or more unexcused absences within a 90-day period has complied with the requirements of remediating truancy at the school level or pursuing appropriate court intervention, as set forth in this section. Any school not meeting the requirements in this paragraph shall provide a remedial action plan to the school board within 30 days after noncompliance, and follow up within 90 days after noncompliance to confirm all truancy cases have been addressed either through remediation efforts that achieved the child's enrollment and regular attendance or referring the case to the appropriate court or agency to pursue

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court intervention.

(c) The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to ~~the provisions of~~ s. 322.091.

(d) ~~(c)~~ Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program or personalized education program may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student pursuant to s. 322.091.

(3) HABITUAL TRUANCY CASES.—The district school superintendent may ~~is authorized to~~ file a truancy petition seeking early truancy intervention, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent chooses not to file a truancy petition, the case must be referred to the Department of Juvenile

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Justice's designated service provider for families in need of services. The procedures for filing a child in need of services ~~child-in-need-of-services~~ petition must ~~shall~~ be commenced pursuant to this subsection and chapter 984 if voluntary family services do not remediate the child's truancy. The~~. In accordance with procedures established by the district school board, the~~ designated school representative must ~~shall~~ refer a student who is habitually truant and the student's family to the Department of Juvenile Justice's designated children in need of services provider for provision of voluntary services, and may refer the case to ~~children-in-need-of-services and families-in-need of services provider or~~ the case staffing committee, established pursuant to s. 984.12, following the referral process established by the district interagency agreement, or the Department of Juvenile Justice in the absence of a district interagency agreement~~, as determined by the cooperative agreement required in this section~~. The case staffing committee may request the Department of Juvenile Justice or its designee to file a petition for child in need of services ~~child-in-need-of-services petition~~ based upon the report and efforts of the district school board or other community agency, and early truancy intervention by the circuit court, after review and an initial meeting, or may seek to resolve the truant behavior through the school or community-based organizations or other state or local agencies. Before ~~Prior to and subsequent to~~ the filing of a ~~child-in-need-of-services~~ petition for a child in need of services due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and ss. 984.11 and ~~s.~~ 1003.26

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to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. 1003.26, and those efforts must have been unsuccessful.

(4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~ Department of Juvenile Justice's authorized representative ~~Justice~~ or his or her designee ~~the circuit manager's designee, the district administrator of the Department of Children and Families or the district administrator's designee,~~ and the district school superintendent or his or her ~~the superintendent's~~ designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility, and function in working with ~~habitual~~ truants and their families.

(b) Identifies and implements measures to quickly resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the Department of Juvenile Justice or its designated service provider ~~circuit juvenile justice manager or the circuit manager's designee~~ and the district school superintendent or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

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(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under this chapter may be commenced by the district school superintendent or his or her designee, ~~by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or~~ by a duly authorized agent of the Department of Education or the Department of Juvenile Justice, by a parent, or in the case of a criminal prosecution, by the Office of the State Attorney. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate services or sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

(7) PENALTIES.—The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) *The parent.*—

1. A parent who refuses or fails to have a minor student who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. The continued or habitual absence of a minor student without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who

instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other punishment, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship or is prohibited by school rules or school board policy, perform community service hours ~~at the school~~, or participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) *The principal or teacher.*—A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) *The employer.*—

1. An employer who fails to notify the district school superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083.

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) *The student.*—

1. In addition to any other authorized sanctions, the court shall order a student found to be ~~a habitual~~ truant to make up all school work missed and attend school daily with no unexcused absences or tardiness, and may order the student to ~~and may order the student to pay a civil penalty of up to $2, based on the student's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or~~ participate in counseling or other services, as appropriate.

2. If a student has been found to be a truant status offender by the court, and the student continues to be truant from school and meets the definition of habitually truant under chapter 984, the court must proceed as provided in s. 984.151 and refer the child to the department's designated service provider to convene the case staffing committee with a recommendation that a petition for child in need of services be filed ~~Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to $5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate~~.

Section 33. Paragraph (g) is added to subsection (7) of section 381.02035, Florida Statutes, to read:

381.02035 Canadian Prescription Drug Importation Program.—

(7) ELIGIBLE IMPORTERS.—The following entities may import prescription drugs from an eligible Canadian supplier under the program:

(g) A pharmacist or wholesaler employed by or under contract with the Department of Juvenile Justice, for dispensing to juveniles in the custody of the Department of Juvenile Justice.

Section 34. Paragraph (a) of subsection (5) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(5)(a) A minor who violates subsection (3):

1. For a first offense, commits a misdemeanor of the first degree; shall serve a period of detention of up to 5 days in a secure detention facility, with credit for time served in secure detention prior to disposition; and shall be required to perform 100 hours of community service or paid work as determined by the department.

2. For a second or subsequent offense, commits a felony of the third degree. For a second offense, the minor shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense,

the minor shall be adjudicated delinquent and committed to a residential program. A finding by a court that a minor committed a violation of this section, regardless of whether the court adjudicates the minor delinquent or withholds adjudication of delinquency, ~~withhold of adjudication of delinquency~~ shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

Section 35. Paragraph (a) of subsection (2) of section 985.12, Florida Statutes, is amended to read:

985.12 Prearrest delinquency citation programs.—

(2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(a) A prearrest delinquency citation program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency citation program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. ~~The department shall annually develop and provide guidelines on best practice models for prearrest delinquency citation programs to the judicial circuits as a resource.~~

Section 36. Subsection (5) of section 985.126, Florida Statutes, is amended to read:

985.126 Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record.—

(5) The department shall provide a quarterly report to be published on its website and distributed to the Governor, President of the Senate, and Speaker of the House of Representatives listing the entities that use prearrest delinquency citations for less than 80 ~~70~~ percent of first-time misdemeanor offenses.

Section 37. Paragraph (c) of subsection (1) of section 985.25, Florida Statutes, is amended to read:

985.25 Detention intake.—

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release. If the final score on the child's risk assessment instrument indicates release or supervised release is appropriate, but the department otherwise determines that there should be supervised release or detention, the department shall contact the state attorney, who may authorize an upward departure. Notwithstanding any other provision of this paragraph, a child may only be moved one category in either

direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 38. Paragraph (c) of subsection (7) of section 985.433, Florida Statutes, is amended to read:

985.433 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(7) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including any determination that the child was a member of a criminal gang.

(c) The court may also require that the child be placed on conditional release ~~in a probation program~~ following the child's discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

Section 39. Section 985.625, Florida Statutes, is repealed.

Section 40. Subsection (4) of section 985.632, Florida Statutes, is amended to read:

985.632 Quality improvement and cost-effectiveness; Comprehensive Accountability Report.—

~~(4) COST-EFFECTIVENESS MODEL. The department, in consultation with the Office of Economic and Demographic Research and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program.~~

~~(a) The cost-effectiveness model shall compare program costs to expected and actual child recidivism rates. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model.~~

~~(b) The department shall rank commitment programs based on the cost-effectiveness model, performance measures, and adherence to quality improvement standards and shall report this data in the annual Comprehensive Accountability Report.~~

~~(c) Based on reports of the department on child outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum standard of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.~~

~~(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the~~

~~department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.~~

~~(c) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:~~

~~1. Construct a profile of each commitment program that uses the results of the quality improvement data portion of the Comprehensive Accountability Report required by this section, the cost-effectiveness data portion of the Comprehensive Accountability Report required in this subsection, and other reports available to the department.~~

~~2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1. and target, for technical assistance, any commitment program that has achieved low or disparate ratings in the reports required under subparagraph 1.~~

~~3. Identify the essential factors that contribute to the high, low, or disparate program ratings.~~

~~4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, child outcomes and program outputs, provider contracts, quality improvement standards, and the cost-effectiveness model.~~

Section 41. Subsection (8) of section 95.11, Florida

Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded on alleged abuse, as defined in s. 39.01 or~~,~~ s. 415.102~~, or s. 984.03~~; incest, as defined in s. 826.04; or an action brought pursuant to s. 787.061 may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

Section 42. Subsection (1) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's payment of current support, any arrearage that may have accrued under an existing order of support, and, if a parenting time plan was not incorporated into the existing order of support, include either a signed, agreed-upon parenting time plan or a signed Title IV-D Standard Parenting Time Plan, if appropriate. The department shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the obligor's address, if known, and the public assistance case number. Whenever applicable, the

procedures established under chapter 88, Uniform Interstate Family Support Act, chapter 61, Dissolution of Marriage; Support; Time-sharing, chapter 39, Proceedings Relating to Children, chapter 984, Prevention and Intervention for School Truancy and Ungovernable and Runaway Children ~~and Families in Need of Services~~, and chapter 985, Delinquency; Interstate Compact on Juveniles, may govern actions instituted under this act, except that actions for support under chapter 39, chapter 984, or chapter 985 brought pursuant to this act shall not require any additional investigation or supervision by the department.

Section 43. Paragraph (e) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

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

(e) "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22(3)(a); a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in need of services as defined in ~~s. 984.03 or~~ s. 985.03.

Section 44. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be

appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (24) ~~(37)~~, or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 45. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff or a juvenile probation officer.—A person who commits a battery on a juvenile probation officer, as defined in ~~s. 984.03 or~~ s. 985.03, on other staff of a detention center or facility as defined in s. 984.03(13) ~~s. 984.03(19)~~ or s. 985.03, or on a

staff member of a commitment facility as defined in s. 985.03, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 46. Paragraph (b) of subsection (4) of section 985.618, Florida Statutes, is amended to read:

985.618 Educational and career-related programs.—

(4)

(b) Evaluations of juvenile educational and career-related programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with s. 985.632(1), (2), and (4) ~~(5)~~, to determine whether the programs are related to successful postrelease adjustments.

2. Operations and policies of the programs shall be reevaluated to determine if they are consistent with their primary objectives.

Section 47. This act shall take effect July 1, 2025.

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

2025 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Juvenile Justice

BILL INFORMATION	
BILL NUMBER:	HB 1405
BILL TITLE:	**Juvenile Justice**
BILL SPONSOR:	Representative Jacques
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE
1) Education & Employment
2) Health & Human Services
3) Budget
4) Judiciary
5)

CURRENT COMMITTEE
Education & Employment

SIMILAR BILLS	
BILL NUMBER:	SB 1344
SPONSOR:	Senator Simon

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?
Yes

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	2/28/25
LEAD AGENCY ANALYST:	Chancer Teel, Legislative Affairs Director, 850-717-2716
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	John Milla, General Counsel, 850-717-2457
FISCAL ANALYST:	Jalesa Lake, Budget Analyst, 850-717-2407

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill makes extensive revisions to Chapter 984, F.S. and associated statutes to address and resolve inconsistencies between current practice and statutory language, remove outdated language and references, and clarify the statutory intent, goals, and purpose. The bill makes needed revisions to existing requirements for Children in Need of Services and Families in Need of Services (CINS/FINS) in line with the department's mission of delinquency prevention and intervention services for status offenders. The chapter is renamed "Children and Families in Need of Services; Prevention and Intervention for School Truancy, and Ungovernable and Runaway Children". The bill adds language to establish a protocol for contempt of court in truancy court proceedings and streamlines the truancy petition and CINS petition court processes to allow for early truancy intervention. Additionally, reporting requirements of schools to their districts is bolstered to ensure truancy is being addressed at the school level using authority granted to schools in ss. 984.151 and1003.26, F.S. Current practice is clarified throughout the chapter as it relates to truancy petition filing, case staffing, CINS petition filing, parental prosecution, and shelter placements. Voluntary family services are added to the chapter to encompass the services available to a FINS, and eligibility for these services is expanded to youth with an open investigation into an allegation of abuse, neglect, or abandonment with the Department of Children and Families. An interagency agreement will define this referral process for voluntary family services.

The bill also revises chapter 985 by repealing reporting requirements for a prearrest citation best practices and literacy program report and modifying the reporting requirements of the comprehensive accountability report. The threshold for the prearrest delinquency utilization report is increased from 70% utilization to 80% utilization. Additional revisions include adding the department as an eligible importer under the Canadian Drug Importation Program and aligning statute concerning the Detention Risk Assessment Instrument (DRAI) with administrative rule.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Status Offenders and Chapter 984

Unlike juvenile offenders, status offenders are inherently not considered delinquent in the eyes of the law. The US Department of Justice's Office of Juvenile Justice and Delinquency Prevention defines a status offense as a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. This may include truancy, running away from home, and general ungovernability, among other offenses.

Chapter 984, F.S., addresses status offenders by providing voluntary and involuntary (through court order) processes to receive intervention services. Court-ordered intervention services may be sought via a truancy petition (filed by schools) or a CINS petition (filed by the department). These intervention services are available to youth found by the court to be truant from school, "Children in Need of Services", and "Families in Need of Services" (CINS/FINS) with the intent to resolve problem behaviors and strengthen the family unit to prevent future delinquency or dependency. Chapter 984, F.S., came into law when the Department of Health and Rehabilitative Services was split into the Department of Children and Families (DCF) and the Department of Juvenile Justice (department). There has been limited revision to the chapter since the late 1990's and early 2000's, with unnecessary remnants from the time DCF and the department were within HRS, and all these matters were treated under chapter 39. While the chapter of statute is focused on delinquency prevention for status offenders, it also recognizes that these troubled behaviors pose a risk for children's safety and future success, especially

as it relates to academic achievement (mitigating school absences), substance abuse, and human trafficking prevention, which runaway youth are particularly vulnerable.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was signed into federal law in 1974 to require the deinstitutionalization of status offenders (DSO). This intent of the DSO requirement was to delineate status offenses and juvenile delinquency, so they are treated in less restrictive settings with emphasis on services to resolve problem behaviors before a youth reaches the juvenile justice system as a delinquent. While the use of secure detention or any secure setting or monitoring devices as a consequence for committing a status offense is strictly prohibited under federal law, amendments to the JJDP Act provided an exception for the use of detention for violating a valid court order, as permitted by state law.

Pursuant to s. 984.09, F.S., if a status offender who is adjudicated CINS violates a valid court order and is held in direct or indirect contempt of court, they may be placed in a staff-secure shelter facility for five days for a first offense and 15 days for a second or subsequent offense. If a staff-secure shelter facility does not have space, the youth may be placed in an appropriate mental health or substance abuse facility for assessment. The court must use alternative sanctions first and may only place a child in a secure setting if alternative sanctions are unavailable or inappropriate, or if the child has previously been found in contempt of court and failed to comply with an assigned alternative sanction. In contrast, a delinquent youth who is held in direct or indirect contempt of court may be placed in a secure detention setting as a consequence. Florida law also prohibits the use of detention for alleged dependent youth who are not alleged to have committed a delinquent act or violation of law in s. 985.24 (4).

Beginning with the title of the chapter, it is unclear what exactly this chapter addresses unless one already has experience with this subject area. There are unnecessary definitions that do not align with definitions elsewhere in statute when discussing the same subject matter in the same or similar context, and inconsistencies with current terminology and practice are prevalent. Throughout chapter 984 there are many references to delinquency which is not the focus of the chapter, and these instances are already addressed directly in the delinquency chapter of statute – chapter 985. Children adjudicated delinquent are not eligible for a CINS determination by the court and the presence of such language may blur the lines between status offenders and delinquent offenders.

Truancy – Child Study Teams, Truancy Petitions, and Truancy Court

Florida's children are subject to compulsory education requirements under s. 1003.21, F.S. from the ages of 6 to 16. If a student attains the age of 16 during the school year, they are no longer subject to compulsory education if a formal declaration of intent to terminate school enrollment is filed. In these circumstances, the parent is notified, and the student is advised of potential future financial earning repercussions should they continue with discontinuing their secondary education. The student is informed by school counseling staff of options to continue enrollment in an alternative setting. The student must also complete an exit interview with school counseling staff and complete a survey provided by the Florida Department of Education to determine the reasons for discontinuing secondary education.

For students that are subject to compulsory education, when a youth reaches 5 unexcused absences within a calendar month, or 10 absences within a 90-day period that are unexcused or the reason for the absence is unknown, or 15 unexcused absences over a 90-day period, a petition for truancy may be filed by the school district and the case is brought to the circuit court in the jurisdictions that operate a "truancy court" (s. 984.151, F.S.). Currently, 39 out of 67 counties operate a truancy court, but not all have active caseloads. Truancy courts may be established if a county coordinates with the circuit court to request the establishment of one, contingent upon available resources of the circuit court. In counties

without a truancy court established, the circuit court still has original jurisdiction for any truancy petition filed and may assign a judge to handle the truancy petition on a case-by-case basis.

Before a petition is filed, child study teams (CST) at the school-level work to intervene and mitigate further absences. Pursuant to s. 1003.26, at the five unexcused absences within a calendar month or 10 unexcused absences within 90 calendar day thresholds the school principal refers the child's case to the CST. The CST seeks to determine the root cause of the truancy and if there are truancy remediation steps that can be taken, including attendance contracts, increased communication between the school and parent/guardian/custodian, or referrals for intervention services that are available voluntarily through the department's designated CINS/FINS provider.

Family services (FINS) provided by the department may be used by the parents and children at this stage, however this is not mentioned in statute so schools don't always know that the department can serve as an avenue to help resolve the situation. The CST may recommend scholarships such as the HOPE scholarship to have the child placed in another school if bullying is the cause of the absences. Although this is an option that is used in current practice, notification of the HOPE scholarship and other remedies are not required by law. Parents and children are invited to child study team meetings, however in current statute the meeting cannot take place without them. This often results in delays or outright inability to file a petition because a petition may not be filed without a child study team meeting having taken place.

If a truancy petition is filed by the district, petitions must be heard within 30 days. If the court finds the child did miss the days of school, the court orders the child to attend school and may require the child to participate in alternative sanctions programs for up to six months. This is a punitive action and may unjustly punish the child if the real fault is because of the parent's behavior. Additionally, schools have not established a process to monitor or provide alternative sanctions. If there is noncompliance with the court order, the case will be referred to a case staffing committee with a recommendation for a child in need of services (CINS) petition to be filed. Parents may also be subject to criminal prosecution for nonenrolment of their child in compulsory education, and for not ensuring the child attends school regularly if enrolled. In these cases, the district superintendent must "take steps as are necessary to bring criminal prosecution" (s. 1003.26, F.S.) but the statute does not specify what these steps are.

The department may file a CINS petition if a child is habitually truant (15 unexcused absences within 90 days). Truancy petition proceedings do not have the same level of formality as a CINS petition. There are no adjudicatory or disposition hearings unlike the CINS process. The truancy petition court process does not delineate the court's term of jurisdiction, allow for review hearings, or provide judges clear instruction when the case should be escalated via referral to a case staffing committee with a recommendation that a CINS petition be filed.

Although truancy petitions being heard in court are informal proceedings, the court may still hold a youth in contempt of court. Currently, no contempt sanctions for truancy court exist in statute for youth, but youth before a truancy court are regularly held in contempt. This results in lengthy shelter stays; at times the length of stay is beyond permitted statutory length of stay for a child adjudicated a CINS youth. In isolated cases, judges have written orders justifying the use of secure detention for contempt in truancy court despite the department's (and appellate court's) interpretation of statute that this is not permitted. DJJ has been absorbing the costs of contempt shelter stays and any instances of secure detention. This places the department in a difficult situation of adhering to the orders of the court, while staying in compliance with JJDPA's deinstitutionalization of status offenders' requirements. Truant youth are deemed "status offenders" as their violation of not attending school as required by law, is not a criminal act, and an adult could not be punished for this errant behavior. As part of the consequences a truancy court may impose for contempt, the court also may suspend driver's license privileges or withhold the issuance of a license.

Case Staffing and CINS Petitions

CINS petitions are the statutory avenue for a child to receive court-ordered services in a more formal proceeding than truancy court. Eligibility to be a Child in Need of Services requires there to be no open cases of alleged neglect, abuse, abandonment, or delinquency, and the child must not currently be under the supervision of the department as an adjudicated delinquent. Case staffing committees review cases of any family or child who the department determines is in need of services. The goal of the case staffing committee is to create a service plan, provide a final opportunity to gain the child's compliance in addressing their misconduct before the case is referred to the court, and determine if a child meets the criteria for a CINS petition to be filed. Case staffing for CINS/FINS cases begins with a representative from the department requesting a meeting with the family and child to review the case. This occurs if the family or child are not in agreement with the voluntary services/treatment being offered, will not participate in the services or treatment offered, or if the department needs assistance in developing an appropriate plan for services.

Case staffing committees consist of representatives from the child's school district, the department, and may include the alternative sanctions coordinator and the state attorney's office. A representative in the field of mental health, substance abuse, social, or educational services may also be present. Other individuals may be present at the request of the child or parent. The case staffing committee will assign a case manager to implement the service plan and review the progress towards achieving the plan's objectives. If the service plan is adhered to and is accomplishing its goals to remedy problem behaviors, then the case is terminated. However, if this is not the case, the case manager may recommend that the committee adjust the service plan or recommend that a CINS petition be filed. Parents, guardians, or custodians may call for a meeting of the committee as well as any member of the committee if the member finds it to be in the best interest of the child. Should a parent request a meeting in writing, the committee must meet within seven working days. Case staffing committees must provide a written report within seven days detailing their decision to either decline or recommend that a CINS petition be filed.

CINS Petition Filing and Court Hearings

If the case staffing committee recommends that a CINS petition be filed, and the services in the treatment plan were unsuccessful or refused, then the department must file the child in need of services petition within 45 days of receiving the recommendation from the case staffing committee. CINS petitions may be filed by either the department, or parent, legal guardian, or custodian. However, in practice, CINS petitions are filed by the department. S. 984.15, F.S. provides scenarios where a parent, legal guardian or custodian may file the petition instead of the department. This avenue to file the petition may occur in the following scenarios:

- The department waives requirements for a case staffing committee meeting to occur.
- A case staffing committee meeting does not occur within seven working days of the parent, legal guardian, or custodians request to hold a meeting.
- There is disagreement in the service plan offered by the case staffing committee.
- The department does not provide the written report containing its recommendation to file or decline filing a CINS petition within seven days after the case staffing committee met.

If a child is taken into custody by order of the court and held involuntarily in shelter it is required that a CINS petition be filed immediately, and an arraignment hearing is held within 7 days. This may be perceived as confusing when previously mentioned sections require a petition to be filed after voluntary services have been offered and been unsuccessful in resolving the child's behavior. This appears to be

hold over language from Chapter 39 when child protective investigators investigated CINS/FINS cases and could place children in emergency shelter care. If the child is not held involuntarily in shelter, the CINS petition is filed after the case staffing committee has recommended it, and the arraignment is held within a reasonable time after filing of the petition. The child, parent, or guardian either admit, deny, or consent to findings in the child in need of services petition at this hearing.

If the allegations are not denied and the CINS petition is determined by the court to be legally sufficient, the court proceeds to hold a disposition hearing as early as possible after the completion of a predisposition study. If the allegations are denied, adjudicatory hearings are required for CINS petitions. At the adjudicatory hearing, the court hears the evidence regarding the allegations in the CINS petition after reasonable time for investigation, discovery, and the parties involved obtain counsel. However, if the child is in custody the adjudicatory hearing must occur within 14 days from the date the child was taken into custody. These are civil proceedings, not criminal, so the determination of legal sufficiency of the CINS petition is based on a preponderance of evidence. If the allegations in the CINS petition are proved, the child is adjudicated a Child in Need of Services. The current statute provides that the court may withhold adjudication as CINS; however, there is no identifiable benefit in doing so, as the proceedings do not become part of the child's delinquency or criminal record, a withhold of adjudication does not mean the child will score less "points" on a criminal scoresheet or detention risk assessment instrument.

In a disposition hearing for CINS petitions, the court will review a predisposition study that details a comprehensive examination of supports the family has received, the child's home life and love and affection with the parental figures, moral fitness of the parents, educational records, and the child's preferences if they are of maturity and intelligence that they can express a preference. The predisposition study also explains to the court the service options made available before the disposition (whether they were utilized or ignored) and what services are available and appropriate for the child/family after the disposition. The court may order that placement in a shelter is warranted at the disposition hearing. The statute provides at this juncture that a shelter stay of no more than 35 days may be ordered. In other statute sections, longer shelter terms are mentioned, but there is no structure provided in statute as to under what type of proceeding the court may order these other forms of shelter. In practice, this is done at judicial review hearings, but this is not addressed per se in statute.

Shelter Placement

A shelter is a place for temporary care for a child alleged to found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after execution of a court order. Shelter placements may be either voluntary or involuntary, and if a bed is not available, a youth is placed on a waiting list until one becomes available. Through the involuntary shelter hearing court process, placement may be made to provide an opportunity for the child and family to come to an agreement for the return of the child to their home. Shelter placement may also be necessary because the parent is unable to take immediate custody of the child or through a child being held in contempt by a truancy court. This is not reflected in statute but has become practice in the absence of clear statutory direction. In current statute, there are also "staff-secure" shelters which provide 24-hour supervision of youth. These shelters maintain constant awake supervision.

The statute also provides for physically secure shelters, contingent upon specific appropriation. However, there is no current definition in chapter 984 for what a physically secure shelter is other than describing the criteria for placement in one of these settings set forth in s. 984.226. These shelters must be used exclusively for adjudicated CINS youth and is provided for youth who meet certain criteria of the highest degree of ungovernability or running away, after other less restrictive options have been attempted and failed to remediate the misconduct. The department currently receives a recurring appropriation of $150,000 for physically secure shelters, which is not sufficient to operate a standalone physically secure shelter. This provides enough funding to have one physically secure shelter bed per

fiscal year. It has become difficult for the department to find a provider to contract for only one physically secure shelter bed as existing facilities would not have the operational capacity to maintain the statutory requirements of a physically secure shelter, as these facilities must be distinct from physically secure facilities such as a residential commitment facility for youth adjudicated delinquent in order to stay compliant with the DSO federal requirement in the JJDPA.

Shelter placements are initially for up to 35 days. If the misconduct continues, the court may utilize staff-secure shelter or physically-secure shelter for up to 90 days. An extension of 30 days is allowed if the youth has not been reunified with their family at the end of the 90-day period. The 90-day shelter placements must be reviewed every 45 days, and the court decides if there has been adequate support or participation by the parent, guardian, or custodian. If the court finds there has not been an adequate level of participation, the case is "transferred" to DCF and is then subject to chapter 39.

The Canadian Drug Importation Program

In 2019, the Canadian Prescription Drug Importation Program was signed into law to supply the state with quality prescription drugs at a lower cost than what may be available in the US market. The program is housed under the Agency for Healthcare Administration. Section 381.02035, F.S. details a list of eligible importers to include pharmacists or wholesalers employed by or under contract with:

- AHCA's central pharmacy, for distribution to county health departments or free clinics.
- The Department of Corrections.
- A developmental disability center.
- A treatment facility under s. 394.455, F.S.
- A forensic facility managed by the Agency for Persons with Disabilities.

Health services are provided to each youth in the care and custody of the department much like the Department of Corrections provides health services to adults in its care and custody. Health staff are on site at each secure detention facility and residential commitment program to treat youth for common ailments and to administer medication that is prescribed to youth.

Minor in Possession of a Firearm

In the 2024 legislative session, HB 1181 made amendments to s. 790.22 to require that for the purposes of determining a second, third, or subsequent offense for a minor in possession of a firearm any previous withhold of adjudication is counted as a prior offense. This provision can be clarified by stating that any prior minor in possession of a firearm offense, regardless of whether the court adjudicated or withheld adjudication , is taken into consideration when determining if there is a second, third, or subsequent offense.

Cost Effectiveness Model

The comprehensive accountability report is an annual report produced by the department detailing a variety of programmatic outcomes and compliance monitoring for quality across the juvenile justice continuum to capture the return on the state's financial investment. This report is submitted annually on February 1st. One component of the report is a "cost-effectiveness model" which considers recidivism data for each residential treatment program to assess which programs are performing the highest at keeping youth from returning to the juvenile justice system.

The cost effectiveness model requires advanced statistical analysis in order to report on the data points it is designed to capture. The department contracts with Florida State University to perform this advanced statistical analysis for roughly $30,000 per year. Because recidivism data tracks repeat

offending within a year after release, there is an inherent lag built in. The department's Bureau of Monitoring and Quality Improvement is constantly reviewing programmatic quality and effectiveness and will require programmatic adjustments as needed with greater efficiency than what would be indicated on the comprehensive accountability report nearly 2 years after the fact. Additionally, because reasons causing one to recidivate can be hard to track, especially true for juveniles, the accuracy of the cost effectiveness model to tie residential programs to recidivism data is of questionable usefulness. In recent statistical analyses, only 8% of post-commitment juvenile recidivism could be explained by the residential commitment program attended. Nearly 92% of recidivism is caused from unknown or unknowable youth characteristics given the data utilized.

Prearrest Delinquency Citation

The department has produced best practices and guidelines for the creation and implementation of prearrest civil citation programs, now known as prearrest delinquency citations (chapter 2024-130, Laws of Florida), since amendments were made to s. 985.12 in 2011 requiring the department to encourage and assist the implementation and improvement of civil citation and similar prearrest diversion programs. In 2018, the department became required to produce these best practices and make them available to the circuits. Each judicial circuit became required to operate a civil citation program in 2018 developed by the state attorney, and local or county programs were permitted to operate programs independent of the circuit's program if the independent program is substantially similar to the circuit's program. With prearrest citation programs operating continuously for at minimum 6 years, and in some jurisdictions roughly 20 years, the value of department-produced best practices for creation and implementation of civil citation programs has diminished.

Literacy Program Report

Section 985.625, F.S., requires the Department of Education to identify, implement, and administer literacy programs for juvenile offenders committed to a residential program. This requirement is contingent upon specific appropriations. DJJ is required to report to the President of the Senate and Speaker of the House on the implementation and progress of the literacy programs. However, there has not been specific appropriations for this purpose. To this end, the department has not produced this report since it being codified in statute.

Residential programs receive educational services via the Florida Scholars Academy as of July 2024. Prior to FY 24-25, education in residential programs was provided by the school districts in which the program is located. The Department of Education's role in identifying, implementing, and administering literacy programs as part of residential programming is outdated after the Florida Scholars Academy began in-person residential program instruction on July 10th, 2024.

Pursuant to s. 985.619 (4)(b), F.S., the State Board of Education approved an accountability model for the Florida Scholars Academy in May of 2024 ahead of the 2024-2025 school year. In this accountability model, English Language Arts (ELA) outcomes are included in performance measures to ensure progress towards ELA learning gains and achievement. The accountability model's ELA framework for achievement component is based on statewide assessments aligned to the Benchmarks for Excellent Student Thinking (B.E.S.T) standards, which include the Florida Assessment of Student Thinking (FAST) and B.E.S.T aligned end of course assessments. The learning gains component assesses both the lowest 25% and the student population as a whole.

Detention Risk Assessment Instrument

The Detention Risk Assessment Instrument (DRAI) is an assessment used during intake following an arrest for an alleged violation of the law (see s. 985.245, F.S). The DRAI considers pending felony and

misdemeanor offenses, offenses committed prior to adjudication, prior offenses, unlawful possession of a firearm, prior history of failure to appear, violations of supervision, and supervision status at the time of arrest. The results of the DRAI provide a recommendation for secure detention, supervised release, or release back to the parent, guardian, or custodian. This recommendation is given to the court at the detention hearing and the court may find the recommendation suitable, or it may depart from the DRAI's recommendation. Departures from the DRAI may be either more or less restrictive than what is indicated by the DRAI, as stipulated in s. 985.255 (3)(b), F.S.

Administrative rule concerning the DRAI states that departures from the DRAI may be up or down one category. To align rule and statute, the provision limiting departures up or down one category on the DRAI is added to 985.25, (1)(c), F.S. In either case, for departures up or down, the department must contact the state attorney who may authorize the upward or downward departure to be considered by the court pursuant to 985.255 (3)(a), F.S.

2. EFFECT OF THE BILL:

Section 1:

Renames Chapter 984, F.S., to "Children and Families in Need of Services; Prevention and Intervention for School Truancy, and Ungovernable and Runaway Children."

Section 2:

Amends s. 984.01, F.S., to clearly convey the population the chapter is intended to serve and how they are served.

The population served is clarified as youth who:

- Are truant from school.
- Run away from home.
- Exhibit ungovernable behavior that places them at risk for harm, delinquency, or dependency.

Additionally, the way this population is served is clarified to be:

- Temporary shelter placement.
- Voluntary family services for Families in Need of Services (FINS)
- Early truancy intervention.
- Child in Need of Services (CINS) petitions, which, after the court adjudicates the child to be a CINS, result in court-ordered intervention services.

Section 3:

Amends s. 984.02, F.S., to consolidate legislative intent in one section, and to specify what preventative services, including substance abuse treatment services, are meant to achieve. "Voluntary family services" is introduced as terminology to encompass the suite of services available to a family in need of services. Additionally, it is clarified that state agencies may refer a child with substance abuse issues to private facilities if the parents have funding or insurance.

References to "delinquency" are removed from the section as the subject matter of chapter 984 is focused on status offenders, not those alleged to be or adjudicated delinquent. The legislative intent emphasizes

that judicial intervention is limited to instances where less restrictive methods have been exhausted as viable service options.

Section 4:

Amends s. 984.03, F.S., to simplify definitions. “Abuse”, “neglect” and “abandoned” are referenced to their definitions used in chapter 39, F.S.

Definitions are removed for the following:

- Addictions receiving facility (does not appear outside the definitions section)
- Caretaker/homemaker (outdated language)
- Child support (the department does not collect child support payments)
- Child found to have committed a delinquent act (refers to juvenile delinquency)
- Comprehensive assessment (replaced with “needs assessment”)
- Delinquency program (does not appear outside the definitions section)
- Secure detention (refers to juvenile delinquency)
- Nonsecure detention (refers to juvenile delinquency)
- Home detention (refers to juvenile delinquency)
- Detention hearing (does not appear outside the definitions section)
- Diligent efforts of social service agency (does not appear outside the definitions section)
- Diligent search (does not appear outside the definitions section)
- Foster care (the only appearance outside the definitions section is removed)
- Juvenile justice continuum (does not appear outside the definitions section)
- Juvenile probation officer (does not appear outside the definitions section)
- Mediation (in current practice cases are not referred for mediation)
- Next of kin (does not appear outside the definitions section)
- Preliminary screening (does not appear outside the definitions section)
- Protective supervision (does not appear outside the definitions section)
- Shelter hearing (all appearances outside the definitions section are removed)
- Staff-secure shelter (covered in new definition of “shelter”)

Definitions are added for the following:

- Custodian (appears frequently in the chapter where “parent” and “guardian” appear)
- Needs assessment (replacing “comprehensive assessment”)
- Physically secure shelter (necessary to conform with existing s. 984.226, F.S.)
- Truant Status Offender
- Voluntary Family Services

Definitions are amended for the following:

- Child
- Detention care (clarifying that detention is not to be used for status offenses)
- Detention center or facility (clarifying that detention is not to be used for status offenses)
- Habitually truant
- Intake (clarifying who conducts intake and who makes referrals for services)
- Licensed child-caring agency (to include shelters under Ch. 984, F.S.)
- Party
- Preventive services (to include evaluation and treatment, and dependency prevention)

- Reunification services
- Secure detention center or facility (emphasizing the deinstitutionalization of status offenders)
- Shelter

Section 5:

Amends s. 984.04, F.S., to establish that early truancy court and CINS court jurisdiction is in the circuit court and defines the term of jurisdiction for 180 days for Truancy Court. Additionally, it is established that the Truancy Court will terminate jurisdiction if the child moves into compliance with their compulsory education or adjudicated CINS. Jurisdiction attaches to where proceedings were filed for CINS/Truancy petitions. A provision for the Department to contract for services for the chapter is repealed as this authority is granted in s. 984.01 (2). Legislative intent in this section is repealed as all legislative intent for the chapter is incorporated into section 3 of the bill.

Section 6:

Amends s. 984.06, F.S., to expand the court's record retention policy to apply to any proceeding under Ch. 984, F.S., and stipulates that information obtained by the district superintendent, school board employees, and school employees are included under existing confidentiality protections.

Section 7:

Amends s. 984.07, F.S., to clarify right to counsel, to conform the statute with similar language imported from Ch. 985, F.S. and to clarify the function of the statute in relation to non-delinquency proceedings. Language repealed in s. 984.08 (Section 9) concerning attorney's fees is relocated to this section. The revisions to this section of statute align with current practice and include the Office of Criminal Conflict and Civil Regional Counsel.

Section 8:

Amends s. 984.071, F.S., to remove requirements of the Department of Children and Families (DCF) and the Department of Education (DOE) to be involved in the development of an informative publication about CINS/FINS. This publication would be produced by the Department of Juvenile Justice and is to be posted on the Department's, DCF's, and DOE's respective websites.

Section 9:

Repeals s. 984.08, F.S. which addresses attorney's fees. This is addressed in section 7 of the bill.

Repeals s. 984.085, F.S., which creates criminal penalties for sheltering unmarried minors. S.985.731, which is a copy of 984.085, is renumbered as s. 787.035, F.S. This location places this offense among other criminal offenses (see Section 28).

Section 10:

Creates s. 984.0861, F.S., which prohibits any form of detention for any youth that is not alleged to be delinquent.

Section 11:

Amends s. 984.09, F.S., to remove requirements for courts to have an alternative sanctions coordinator as this is addressed in paragraph (5) of s. 984.09 as well as in s. 985.037 (5), F.S. The deinstitutionalization of status offenders is reemphasized by citing the newly created s. 984.086, F.S., (section 10 of the bill) and by removing a contempt of court consequence provision for adjudicated delinquents to be held in a secure detention facility for five days for a first offense, or 15 days for a second or subsequent offense. Contempt of court consequences for those alleged to be or adjudicated delinquent is in s. 985.037 (2), F.S.

The statute is further amended to clarify the contempt process for indirect contempt of a valid court order and to require the child to be served with the order to show cause and notice of the hearing. A child held in direct or indirect contempt of court who is involved in truancy court proceedings may be placed in a shelter facility for 5 days for a first offense or 15 days for a second or subsequent offense. If the child is found in contempt a second time, the case is then referred to the case staffing committee with a recommendation to file a CINS petition. It is specified that any sanctions imposed by the court are cumulative sanctions, therefore there may not be separate sanctions for the same act or a series of acts within the same context.

Additionally, provisions concerning suspension of driving privileges is removed as it is addressed in a separate part of statute.

Section 12:

Amends s 984.10, F.S., to remove “complaints” from statute as this terminology is not used in current practice. Consent must be requested by the case manager (who is assigned by the department’s designated provider) from the parent, guardian, or custodian for services and interagency information sharing. Upon admission, a staff member of the department’s authorized agent can be assigned to a family as deemed appropriate to care for the child.

Section 13:

Amends s. 984.11, F.S., to make updates to the list of voluntary family services provided to include runaway shelter services, case management, and referrals for substance abuse treatment or career development services. Outdated terminology is removed, and clarification is added that parents may use health insurance to the extent it is available for health-related services. A provision allowing the department to charge and collect fees is repealed as this is not done in current practice.

The Department may enter an interagency agreement with DCF for the purpose of establishing a process to accept referrals for voluntary services for DCF youth who are the subject of a pending investigation into an allegation abuse, neglect, or abandonment.

Section 14:

Amends s. 984.12, F.S., to clarify the case staffing process by:

- Providing that the assigned case manager and a representative of law enforcement may be a part of the case staffing committee.
- Requiring the child and parent, guardian, or custodian to be invited to the case staffing meeting.
- Requiring a case staffing committee to convene within 30 days if the case is referred by the court in a truancy petition proceeding.
- Specifying duties of the case staffing committee reflective of current practice.
- Providing that the case staffing committee must recommend a petition for CINS to be filed by the department if the child meets the definition of a CINS and voluntary services have been attempted but failed to remedy the problem behaviors.

- Requiring the case manager to implement the treatment plan recommended by the case staffing committee.
- Allowing for the case manager to recommend the filing of a CINS petition during a review of progress made in the treatment plan.
- Allowing for any member of the case staffing committee to convene a meeting in the event the treatment plan is rejected or when progress in the treatment plan is not being made. This provision provides clarification to repealed language stating the committee may reconvene if doing so is “in the best interest of the child”.
- Allowing for the case staffing committee to reconvene if adjustments to the treatment plan are needed.

Section 15:

Amends s. 984.13, F.S., to specify which instances a child can be delivered to a shelter. This can be voluntary, by court order for contempt of court, or by court order after court adjudication as a child in need of services. It is specified that if the child is suffering a mental health episode or needs to receive medical treatment, that they are not permitted to be delivered to a shelter or Juvenile Assessment Center (JAC). Rather, the child is to be delivered to a hospital, addictions receiving facility, or a baker act receiving facility. This statutory language resembles s. 985.115, F.S., detailing the protocol for delivering to the JAC a child taken into custody by law enforcement for an alleged violation of the law. The language is adapted for chapter 984 concerning status offenders.

Section 16:

Amends s. 984.14, to rename the section “voluntary shelter services” and specifies in what instances voluntary shelter services can be provided. References to involuntary shelter placements are repealed and covered in the shelter placement sections (ss. 984.20; 984.225; 984.226, sections 23; 26-27 of the bill) and the contempt of court section (s. 984.09, section 11 of the bill).

Voluntary shelter placements may occur when:

- The child runs away from the caregiver.
- The parent, legal guardian, or custodian is unavailable to take custody of the child.
- The parent legal guardian, or custodian have requested the voluntary shelter services.

If a child is being sheltered, attempts will be made to locate the parent and inform them of the child’s whereabouts. If this effort is unsuccessful within 48 hours, DCF will assume custody of the child.

Section 17:

Amends s. 984.15, F.S., to incorporate other amended sections into the petition filing process. The department must also file the petition as soon as practicable, rather than within 45 days to shepherd the CINS petition through the court process as quickly as possible.

Section 18:

Amends s. 984.151, F.S., to clarify the truancy court process and introduce early truancy intervention as encompassing all truancy related nonjudicial and judicial intervention services available to schools to courter truancy. Community service hours are removed as a consequence as there is no practicable way to verify compliance with the court order. Community service may inhibit the ability of the child to catch up on schoolwork and learning milestones as a result of the days the child was truant from school. Added to the list of potential services a truancy court may order for the child are specific types of counseling, substance

abuse treatment services, voluntary family services, and requirements for the child and their parent, legal guardian, or custodian, to attend meetings with school personnel or attend learning activities about the potential consequences of not attending school.

If a child is noncompliant with the court order, and they meet CINS criteria, the court will refer the case to the Department's designated service provider for case staffing with a recommendation to file a CINS petition. To check for progress the court will review the case for compliance every 45 days. If the child is compliant with the order, then the court will close the case. If the child is found to a be a truant status offender, is non-compliant with the court order, and does not meet CINS criteria, then the court can retain jurisdiction for 180 days or until compulsory education is no longer required, whichever occurs first. The Clerk of Court will serve both DJJ and CINS/FINS providers with any court orders referring the youth to the Family In Need of Services provider to improve communication with all involved parties.

For any child who is determined by the court to be truant from school who meets the definition of a child in need of services and is found in contempt of court two or more times, they will be referred to the case staffing committee.

Section 19:

Amends s. 984.16, F.S., to mirror s. 1003.29, F.S., by requiring the Clerk of Court to provide notice of any order from the court relating to relating to the child attending school or the parent being a part of the child's education. This includes, but is not limited to, 504 plan meetings, teacher-parent conferences, and IEP meetings.

Section 20:

Amends s. 984.17, F.S. to update terminology consistent with revisions throughout the bill.

Section 21:

Repeals s. 984.18, F.S., as the court does not refer CINS/FINS cases to mediation in current practice.

Section 22:

Amends s. 984.19, F.S., to conform the statute to current practice by enabling judges to order a child to participate in substance abuse evaluation, testing and treatment. Revisions allow the disability diagnostic and evaluation team of the Agency for People with Disabilities (APD) or the Department of Children and Families (DCF) to evaluate youth if they are suspected of having a developmental disability.

Section 23:

Amends s. 984.20, F.S., to provide more effective timeframes for various CINS hearings. CINS arraignment hearings will now be set within a reasonable timeframe, rather than seven days from being taken into custody. Reference to the revised s. 984.07 right to counsel section is provided and the court is required to advise the child and parent, legal guardian, or custodian of the right to counsel for the proceedings. Provisions for continuance of the arraignment hearing are added so that the parent may request a continuance to obtain counsel. If the allegations in the petition are not challenged in the arraignment hearing and a child meets CINS criteria, then the court must adjudicate. Language is added providing a default judgement may be entered if a party fails to appear at an arraignment hearing or adjudicatory hearing after receiving proper notice. Required language is established to be contained in the notice of hearing advising that failure to appear may result in a default judgement.

The statute is further amended to reflect the repeal of involuntary shelter placements for a child not yet adjudicated as a CINS (see section 16). If a child meets CINS criteria, then the court must adjudicate. A withhold of adjudication in this court proceeding does not help the child or family resolve any issue and court-ordered services would not be required by the court. Preponderance of evidence is added to statute to be clear this is the burden of proof in these proceedings.

For disposition hearings, a provision is added requiring the court, after reviewing the predisposition study, to consider from all involved parties all of the recommendations for court-ordered services evaluations, and treatment needed to resolve the child's behavior during a CINS disposition hearing. Finally, the statue is amended to stipulate that CINS review hearings occur within 45 days of the disposition, and additional hearings make take place to check for compliance. The time between review hearings cannot exceed 90 days, and parents and children are noticed to appear at all review hearings, as well as the department. The child's presence at the hearing may be waived for good cause, and the hearing can proceed without the parent if they fail to appear. The court may enter additional orders to adjust the services or address non-compliance.

Section 24:

Amends s. 984.21, F.S., to repeal a provision that allows a withhold of adjudication with department supervision. Clarification is added that adjudication as a Child in Need of Services is a civil adjudication and not an adjudication of delinquency.

Section 25:

Amends s. 984.22, F.S., to specify that the disposition order may order the child to be placed in shelter or physically secure shelter, consistent with current practice. A provision which allows the department to collect fees under chapter 984 proceedings is repealed as the department does not perform this function.

Section 26:

Amends s. 984.225, F.S., is amended to change the term "staff-secure" shelter to "shelter", and to clarify the shelter placement process by codifying current practice. Shelter placements may be for up to 35 days at a time, however, if lesser alternatives have been exhausted, a shelter placement of up to 90 days may occur, with a review of shelter placement occurring within 45 days of a 90-day placement. Rather than 35 day placements being for "shelters" and 90 day placements being for "staff-secure shelters", 35 and 90 day placements are both for "shelters" Additionally, it is specified that the Department of Children and Families (DCF) and the Agency for People with Disabilities (APD) may be contacted if the child needs specific residential services for residential mental health treatment or care for a developmental disability that they are able to provide. The clerk of court will serve DCF with any referral in the case jurisdiction is transferred, for example if a parent refused to take a child back into the home following a 90 day shelter stay.

"Commitment" is removed from this section to prevent confusion with residential commitment placements arising out of delinquency proceedings.

Section 27:

Amends s. 984.226, F.S., to remove right to counsel from this section as it is now covered by the right to counsel section in s. 984.07, F.S. Additionally, a provision from section 26 of the bill regarding APD and DCF residential services is mirrored. A requirement that physically secure shelters are "are exclusively for CINS youth" is removed. The court may order an extension or a step down to a shelter placement as described in s. 984.225, F.S. Clarification is provided that the utilization of physically secure shelter

placements is meant for runaways from shelter placements under s. 984.225 or noncompliance with lesser restrictive options. Physically secure placements are made for up to 90 days and reviewed every 45 days.

Section 28:

Creates s. 787.035, F.S. in criminal statute. This section of the bill does not change any substance of the language that is currently in statute (see section 9 of the bill), but rather relocates it to a location in statute that is easily referenced by law enforcement entities to encourage the enforcement of these criminal penalties when warranted. A person who aides or shelters unmarried minors longer than 24 hours without contacting authorities or receiving consent of the parent or guardian commits a misdemeanor of the first degree, punishable as provided in s. 775.062, F.S., or s. 775.083, F.S.

Section 29:

Amends s. 985.03, F.S., to clarify the definition only applies to proceedings under chapter 985.

Section 30:

Amends s. 985.24, F.S. to conform language with prohibition for use of detention under chapter 984.

Section 31:

Amends s. 1003.26, F.S., to clarify the purpose and process of child study teams. Allows for the parent, legal guardian, or custodian to attend a child study team meeting virtually or over the phone should they not be able to attend in person. If there is no attendance, whether in-person or otherwise, by the parent, legal guardian, or custodian, then the child study team meeting may proceed in their absence. Recommendations from the child study team must be made within 7 days of the meeting taking place. If the truancy is not resolved with the recommendations of the child study team after the first meeting, the child study team may increase communication between teacher(s) and family, refer the family for services and scholarship options if bullying is playing a role in the truancy problem, assessment for eligibility for alternative education programs, and agreeing to attendance contracts. The child study team may, in its recommendations, also refer the case to the department for voluntary family services or recommend the filing of a truancy petition.

Clarification is provided for the process to provide written notice to the parent, legal guardian, or custodian of a child not enrolled in school. The notice has a three-day timeframe for enrollment and/or attendance to occur before the school may report the case to the district superintendent and subsequently the child study team. The designated school representative who gave the written notice may refer the case to the Department’s designated provider for voluntary family services or to the case staffing committee.

The process to bring parental prosecution for failing to comply with compulsory education requirements is clarified by placing a time frame for the district and what entities the district must notify to initiate parental prosecution if the state attorney chooses to prosecute. The district superintendent must make a report to law enforcement and refer the case to the State Attorney within 15 days of the case having been referred to the child study team. After this referral, notice to the parent that criminal prosecution is being sought is unchanged in current statute.

If a child who is subject to compulsory education is located outside of school, but parents are unavailable to receive the child, then the child can be delivered to the department’s designated provider, or another facility designated by the district to receive absent students. Children in such circumstances may also be delivered to their school or to the private tutor from whom the student is absent from. Removed from these specified

locations a truant student may be delivered to is a juvenile assessment center, which is exclusively for youth alleged to be delinquent.

Section 32:

Amends s. 1003.27, F.S., to bolster the requirement of school districts submitting reports containing each student past the habitually truant absence threshold over 90 days (on a rolling basis). These reports will be submitted quarterly. Additionally, the district will verify that the school is following truancy remediation protocol or pursuing the matter in court. “In court” here means utilizing the early truancy intervention court processes detailed in chapter 984, F.S., (truancy petitions or CINS petitions), or, if necessary, parental prosecution as provided in current law. Schools not complying with truancy remediation requirements will submit a remedial action plan to the district within 30 days of the report and follow up within 90 days confirming all truancy cases on the original report have been addressed with truancy remediation at the school level that resulted in enrollment or regular attendance, or that the cases are being referred to the court or the department to pursue court-ordered intervention services.

In the case of a habitually truant student, the district superintendent may either file a truancy petition, or choose to refer the case to the department’s Family In Need of Services provider. The department will commence the procedures for filing a Children in Need of Court Intervention petition.

The state attorney may bring criminal prosecution against the parent, and proceedings for truancy court against a child may be commenced by the district superintendent or their designee, a parent, the department. Removed from this provision are probation officers, the executive officer of any court, designated school representatives, or by an officer of the court. The possibility for a second or subsequent finding of truancy is removed along with the consequences such as community service and make-up schoolwork. Rather, if the truant status offender continues to be truant from school the child is referred to the case staffing committee, which may recommend a CINS petition be filed.

Section 33:

Amends s. 381.02035, F.S., to add the department to the list of eligible importers under the Canadian drug importation program for the purposes of administering prescription drugs to youth in the care and custody of the department.

Section 34:

Amends s. 790.22, F.S., to clarify language requiring previous withholds of adjudication for minor in possession of a firearm offense to be counted as prior offenses when determining a second, third, or subsequent offense.

Section 35:

Amends s. 985.12, F.S., to repeal the requirement for the department to develop prearrest delinquency citation best practice guidelines for the judicial circuits.

Section 36:

Amends s. 985.126, F.S., to increase the target utilization threshold from 70% to 80% on the prearrest delinquency citation utilization report.

Section 37:

Amends s. 985.25, F.S., to align statute with administrative rule permitting departures from the detention risk assessment instrument to be limited to one category in either direction.

Section 38:

Amends s. 985.433 F.S., to remove a reference to postcommittment probation reading “in a probation program following the child’s discharge from commitment.

Section 39:

Repeals s. 985.625, F.S., requiring the Department of Education to identify, implement, and administer literacy programs in residential commitment programs subsequent to specific legislative appropriation and for the department to produce a literacy program report annually.

Section 40:

Amends s. 985.632, F.S., to repeal the requirement of the cost-effectiveness model as part of the annual comprehensive accountability report.

Sections 41-46:

Amends ss. 409.2564, 95.11, 419.001, 744.309, 784.075, and 985.618, F.S., to make conforming changes.

Section 47:

Provides an effective date of July 1, 2025.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y☐ N☒

If yes, explain:	
Is the change consistent with the agency’s core mission?	Y☐ N☐
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y☒ N☐

If yes, provide a description:	Schools are required to add to their existing reporting to the school district confirmation that truancy remediation is being performed at the school level for each student listed on the report of students over the 10 unexcused absence threshold, or pursuing truancy remediation via the court. If the school is not performing truancy remediation for each	

	listed student at the school level or through the court processes outlined in chapter 984 and section 1003.26, the school must submit a remedial action plan to the district within 30 days and follow up within 90 days confirming that truancy remediation is being performed for each student, either at the school level or in court.	
Date Due:	Quarterly	
Bill Section Number(s):	Section 37	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y☐ N☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y☐ N☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
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?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y☒ N☐

Revenues:	Click or tap here to enter text.
Expenditures:	It can be reasonably expected that utilization of chapter 984 would increase following the chapter being clarified and some of the barriers removed to usher cases through the truancy petition or CINS petition process so court ordered services may be administered as soon as possible if they are necessary. This is especially true considering reporting requirements for the schools must show that truancy

	remediation is being performed at the school level or through the courts for each student that shows the pattern of nonattendance. Ultimately, this could result in an increase of truancy petitions and CINS petitions filed, and therefore an increase in adjudications of truancy and as a child in need of services. This would have an indeterminate fiscal impact to the circuit courts and the department via the designated service provider providing services and referrals for more children. For the revisions relating to physically secure shelter beds, the Department has submitted a Legislative Budget Request for FY 2025-26 to address an increased need for beds. Requested funds would support up to 10 secure beds. A repeal or modification of longstanding proviso would be necessary to implement any increase in funding related to physically secure shelter beds.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	Click or tap here to enter text.

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☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL 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 BILL 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.	The bill would ensure federal compliance to the deinstitutionalization of status offenders requirement set forth in the Juvenile Justice and Delinquency Prevention Act. While there have been only isolated cases of a judge ordering detention for contempt of court in status offense proceedings, the prohibition on detention for status offenses the bill places throughout chapter 984 would make it explicitly clear.

ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 7th, 2025

I respectfully request that **Senate Bill #1344**, relating to Juvenile Justice, be placed on the:

☐ Committee agenda at your earliest possible convenience.

☒ Next committee agenda.

Senator Corey Simon
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Criminal Justice
Committee

1344
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chancer Teel

Phone 850.717.2716

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Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL Dept. of Juvenile 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)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Criminal Justice
Committee

1344
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rob Johnson

Phone 850-491-1430

Address 110 E. Jefferson
Street

Email Rob@themayernickgroup.com

Tall 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:
Florida Network of Youth and Family Services

☐ 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)

130 375B

The Florida Senate

APPEARANCE RECORD

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03-25-2025
Meeting Date

Criminal Justice
Committee

SB 1344
Bill Number or Topic

Amendment Barcode (if applicable)

Name Florida PTA Dannie McMillon

Phone 407-855-7604

Address 1747 Orlando Central Pkwy
Street

Email Mcmillonactivist@aol.com

Orlando FL 32809
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

SENATE CRIMINAL JUSTICE
Committee

SB 1344
Bill Number or Topic

Amendment Barcode (if applicable)

Name CHRISTIAN MINOR

Phone (321)223-4232

Address 1445 SPRUCE AVE
Street

Email CMINOR@FJJA.ORG

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:
FLORIDA JUVENILE JUSTICE ASSOCIATION

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

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

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

S-001 (08/10/2021)

March 25, 2025
Meeting Date

Criminal Justice
Committee

The Florida Senate

APPEARANCE RECORD

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

1344
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 1386
INTRODUCER:	Criminal Justice Committee and Senator Yarborough
SUBJECT:	Assault or Battery on a Utility Worker
DATE:	March 26, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Denson	Stokes	CJ	**Fav/CS**
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1386 amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against utility worker while such utility worker is engaged in the lawful performance of his or her official duties.

A "utility worker," as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill may have a positive insignificant impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

II. Present Situation:

Assault and Battery of Utility Workers

There have been several reported instances of assault or battery against a utility officer in Florida over the past few years. One notable case occurred in October 2024, when a man from Hillsborough County was arrested for suspected aggravated assault. The man became frustrated when a road was partially blocked as utility crews worked to restore power in the area. In a fit of anger, he backed his vehicle into the utility pole and then threated to shoot the utility workers who attempted to prevent him from fleeing the scene.[1] Another instance took place in February of 2025 involving a woman from Polk County who released her dogs on two utility workers who were investigating possible utility theft.[2]

Assault and Aggravated Assault

Section 784.011, F.S., provides that it is a second degree misdemeanor[3] to commit an assault, which is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the other person that such violence is imminent.

The courts have established that a well-founded fear in another person is measured by the reasonable person standard. According to this standard, if the circumstances are such that they would typically induce fear in the mind of a reasonable person, then the victim may be found to be in fear.[4]

Section 784.021, F.S., provides that an aggravated assault is an assault:
- With a deadly weapon[5] without intent to kill; or
- With an intent to commit a felony.

Aggravated assault is a third degree felony[6] and is ranked in Level 6 of the Criminal Punishment Code offense severity level ranking chart.[7]

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[1] Hillsborough County Sheriff's Office Press Release, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: https://www.teamhcso.com/News/PressRelease/8eabd8cf-d2b7-4340-ab0a-9b6c96a5df54/24-220 (Last visited March 20, 2025).
[2] Law and Crime News, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: https://lawandcrime.com/crime/released-her-dogs-at-them-florida-woman-allegedly-used-great-dane-to-attack-investigators-after-stealing-electricity/ (Last visited March 20, 2025).
[3] A second degree misdemeanor is punishable by not more than 60 days in county jail and a fine not exceeding $500. Sections 775.082 and 775.083, F.S.
[4] *Brennan v Syfrett*, 369 So.3d 320 (Fla. 1st DCA 2023).
[5] When undefined in statute, Florida courts have defined a "deadly weapon" as an instrument that will likely cause death or great bodily harm when used in the ordinary and usual manner contemplated by its design or an object that is used or threatened to be used in a way likely to produce death or great bodily harm. *See Brown v. State*, 86 So.3d 569, 571 (Fla. 5th DCA 2012).
[6] A third degree felony is punishable by not more than five years in state prison and a fine not exceeding $5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S.
[7] Section 921.0022(3)(f), F.S.

Battery and Aggravated Battery

Section 784.03, F.S., provides that the offense of battery occurs when a person:
- Actually and intentionally touches or strikes another person against the will of the other; or
- Intentionally causes bodily harm to another person.

Under this statute, battery is generally classified as a first degree misdemeanor.[8] However, if an individual has a prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery offense, they can be charged with a third-degree felony.[9]

Section 784.045, F.S., provides that a person commits an aggravated battery who, in committing battery:
- Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement;
- Uses a deadly weapon; or
- Knows or should have known that the victim of the battery was pregnant at the time of the offense.

Aggravated battery is a second degree felony and is ranked in Level 7 of the Criminal Punishment Code offense severity level ranking chart.[10]

Assault or Battery on a Law Enforcement Officers or Other Specified Professional

Section 784.07(2), F.S., reclassifies the degree of an offense for assault, aggravated assault, battery, and aggravated battery when a person is charged with intentionally committing any of these offenses against an officer or employee who is engaged in engaged in the lawful performance of his or her duties.

Law enforcement officers and specified personnel are currently identified as:
- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A railroad special officer;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;

[8] A first degree misdemeanor is punishable by not more than a year in county jail and a fine not exceeding $1,000. Sections 775.082(4)(a) and 775.083(1)(d), F.S.
[9] Section 784.03(2), F.S.
[10] Section 921.0022(3)(g), F.S. A second degree felony is punishable by not more than 15 years in state prison and a fine of up to $10,000. Sections 775.082(3)(d) and 775.083(1)(b), F.S.

- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer;
- A security officer employed by the board of trustees of a community college; or
- A public transit employee or agent.

The reclassification of the degree of the offense is as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment; and
- In the case of aggravated battery, from a second degree felony to a first degree felony,[11] and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.[12]

Additionally, if an individual, during the commission of a battery subject to reclassification as a third degree felony, possessed:

- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.[13]

Reclassifying an offense increases the maximum sentence for that offense. Typically, the maximum sentence for a criminal offense is determined by the degree of the misdemeanor or felony. The following are the maximum sentences associated with each degree:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.[14]

III. Effect of Proposed Changes:

The bill amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against utility worker while such utility worker is engaged in the lawful performance of his or her official duties.

---

[11] A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding $10,000. Sections 775.082(3)(b) and 775.083(1)(b), F.S.

[12] Section 784.07(2)(a)-(d), F.S.

[13] Section 784.07(3)(a) and (b), F.S. Additionally, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release, prior to serving the minimum sentence. Section 784.07(3), F.S.

[14] Section 775.082, F.S. (maximum penalties). Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.082, F.S., provides the following maximum fines: $500 for a second degree misdemeanor; $1,000 for a first degree misdemeanor; $5,000 for a third degree felony; and $10,000 for a second degree felony and a first degree felony.

The offenses are reclassified as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony; and
- In the case of aggravated battery, from a second degree felony to a first degree felony.

The purpose of reclassifying these offenses is to increase the maximum sentence that may be imposed for an offense against a utility worker.

A "utility worker," as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill makes conforming changes throughout the Florida Statutes.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) has estimated that the bill will have a positive insignificant impact on the Department of Corrections (DOC). The Criminal Justice Impact Conference (CJIC) has heard bills with the same provision as SB 1386 and have determined that the impact would be insignificant due to low volume.[15]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.07, 901.15, 921.0022, 943.051, 985.11, 985.644

IX. Additional Information:

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

CS by Criminal Justice on March 25, 2025:
The amendment expands the definition of utility worker to include propane employees.

B. Amendments:

None.

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

[15] Office of Economic and Demographic Research, *SB 1386 – Assault or Battery on a Utility Worker,* (on file with the Senate Committee on Criminal Justice).

525180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 28

and insert:

gas or propane, water, wastewater, telephone, or communications service,

By Senator Yarborough

4-01233A-25 20251386__

A bill to be entitled

An act relating to assault or battery on a utility worker; amending s. 784.07, F.S.; defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker; amending ss. 901.15, 921.0022, 943.051, 985.11, and 985.644, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (2) of section 784.07, Florida Statutes, is amended, and paragraph (h) is added to subsection (1) of that section, to read:

784.07 Assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.—

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

(h) "Utility worker" means a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

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4-01233A-25 20251386__

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, ~~or~~ a security officer employed by the board of trustees of a community college, or a utility worker while the officer, firefighter, emergency medical care provider, hospital personnel, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, ~~or~~ security officer, or utility worker is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

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

(b) In the case of battery, from a misdemeanor of the first

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degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.

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

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

Section 2. Subsection (15) of section 901.15, Florida Statutes, is amended to read:

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

(15) There is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other specified persons ~~officers~~ as set forth in s. 784.07 or has committed assault or battery upon any employee of a receiving facility as defined in s. 394.455 who is engaged in the lawful performance of his or her duties.

Section 3. Paragraphs (d), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.

517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, utility worker, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.

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784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or

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		device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed

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		with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.

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817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses

		a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

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914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

(f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law

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		enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer, utility worker, firefighter, etc.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified

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		official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly

		missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.

812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.
812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.

812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or

		disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene

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		materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.

468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.

560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted

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		felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation

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		of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer, utility worker, firefighter, etc.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.

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787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax

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		weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older

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		but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at

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		$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the

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		theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

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817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.

827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public

		officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug

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		prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200

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		grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

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893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.

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893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in

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		state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a

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		sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 4. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted electronically to the department, unless the minor is issued a prearrest delinquency citation pursuant to s. 985.12:

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault or battery on a law enforcement officer, a firefighter, or other specified persons ~~officers~~, as provided ~~defined~~ in s. 784.07 ~~784.07(2)(a) and (b)~~.

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014(3).

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided in s. 790.115.

Section 5. Paragraph (b) of subsection (1) of section 985.11, Florida Statutes, is amended to read:

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a prearrest delinquency

citation pursuant to s. 985.12, a child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault on a law enforcement officer, a firefighter, or other specified persons ~~officers~~, as defined in s. 784.07 ~~784.07(2)(a)~~.

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014.

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be

retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 6. Paragraph (a) of subsection (3) of section 985.644, Florida Statutes, is amended to read:

985.644 Departmental contracting powers; personnel standards and investigation.—

(3)(a) All employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete:

1. A level 2 employment screening pursuant to chapter 435 before employment. The security background investigation

conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the background screening provisions of this section has an arrest awaiting final disposition for, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under the following provisions of state law or similar laws of another jurisdiction:

a. Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified persons ~~officers~~.

b. Section 817.568, relating to criminal use of personal identification information.

2. A national criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

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

HB 857 – Assault or Battery on a Utility Worker (Similar SB 1386)

This bill amends s. 784.07, F.S., defining “utility worker” and adding the term to the language which addresses assault or battery of law enforcement officers, firefighters, emergency medical providers, public transit employees, etc. Offenses under this statute are reclassified as follows:

Assault increased from 2nd degree misdemeanor to 1st degree misdemeanor;
Battery from 1st degree misdemeanor to 3rd degree felony
Aggravated assault from 3rd degree felony to 2nd degree felony
Aggravated battery from 2nd degree felony to 1st degree felony

Large numbers come to prison each year with these offenses as primary. In FY 23-24, there were 389 new commitments to prison for these offenses. It is unknown how large the utility worker victim pool is, but simple battery is the most common felony offense and the incarceration rate is low (15.9% in FY 23-24). CJIC has heard bills with the same provisions in prior years and found them to have an insignificant impact due to low volume.

EDR PROPOSED ESTIMATE: Positive Insignificant

Requested by: Senate

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 6, 2025

I respectfully request that **Senate Bill #1386**, relating to Assault or Battery on a Utility Worker, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Clay Yarborough

Senator Clay Yarborough
Florida Senate, District 4

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/25/25
Meeting Date

Criminal Justice
Committee

1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dale Calhoun

Phone 8506810496

Address PO Box 11026
Street

Email dale@floridagas.org

Tallahassee FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Natural Gas Association &
Florida Propane Gas Association

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

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

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S-001 (08/10/2021)

March 25, 2025
Meeting Date

Criminal Justice
Committee

The Florida Senate

APPEARANCE RECORD

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1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tanner Warwick

Phone (850) 728-8418

Address 516 N Adams St
Street

Email TWarwick@aif.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:
Associated Industries of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alex Kernan

Phone

Address 215 S. Monroe St, Suite 601
Street

Email

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Section of the American Water Works Assoc.

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

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

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S-001 (08/10/2021)

The Florida Senate

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Deliver both copies of this form to
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3/25/25
Meeting Date

Criminal Justice
Committee

1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ryan Matthews

Phone 850 294 8591

Address 301 S. Bronough St
Street

Tallahassee
City *State* *Zip*

Email Ryan.Matthews@gray-robinson.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 Municipal Electric Assoc.

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Melanie DiMuzio

Phone 850-510-9435

Address 106 E. College Avenue, Suite 800
Street

Email melanie.dimuzio@duke-energy.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:
Duke Energy

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/25/25
Meeting Date

CRIMINAL JUSTICE
Committee

1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name KEVIN NOONAN

Phone 407.466.1287

Address 100 W. ANDERSON ST
Street

Email KNOONAN@OUC.COM

ORLANDO FL 32801
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: ORLANDO UTILITY COMMISSION

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Crim Justice
Committee

1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name 215 S. MONROE ST

Phone 850-591-7754

Address LUCAS PARSONS

Email lparsons@carltonfields.com

Street

TLH FLA 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:

NAIL UTILITY CONTRACTORS ASS'N OF FLA

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Judiciary
Committee

SB 1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Renee Goode

Phone 904-887-4440

Address 192 Gargonza St
Street

St Augustine FL 32084
City State Zip

Email goodr@jea.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3-25-2025
Meeting Date

Criminal Justice
Committee

SB 1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Victoria Price

Phone 850 382 4153

Address 310 West College Ave
Street

Email vprice@chpk.com

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: Florida Public Utilitic Company

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

CJ
Committee

1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sergio Abreu

Phone 305 970 2288

Address 106 EAST College
Street

TALLAHASSEE FL
City 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:

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 1604
INTRODUCER:	Criminal Justice Committee and Senator Martin
SUBJECT:	Corrections
DATE:	March 26, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	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 multiple sections of law, including prepayment court costs and the statute of limitations on prisoners' lawsuits, execution methods for the death penalty, location tracking for inmates and other persons, the parole qualifications committee, contractor-operated correctional facilities, minority representation requirements, and the Corrections Mental Health Act. Specifically, the bill:

- Amends s. 57.085, F.S., to specify that the deferral of prepayment of court costs and fees does not apply to challenges to prison disciplinary reports.
- Amends s. 95.11, F.S., to provide a statute of limitations of one year to all petitions, extraordinary writs, tort actions, or other actions which concern any condition of confinement of a prisoner.
- Creates s. 760.701, F.S., to restrict a prisoner from pursuing a civil action until all administrative remedies are fully exhausted and aligns with the Prison Litigation Reform Act to restrict a prisoner, or person on behalf of a prisoner, from filing a lawsuit relating to the conditions of confinement for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act.
- Amends s. 775.087, F.S., to allow the court to impose consecutive sentences for any person who is convicted for committing an offense listed under s. 775.087(2)(a)1., F.S., in conjunction with any other felony offense.
- Amends ss. 922.10 and 922.105, F.S., to allow for the death sentence to be executed by a method not deemed unconstitutional nor cruel and unusual.

- Amends s. 934.425, F.S., to provide an exception to the criminal offense for the installation or use of a tracking device and allows for a correctional officer, correctional probation officer, or any other officer or support personnel as defined in s. 943.10, F.S., juvenile probation officer, an authorized agent or designee, or delinquency program staff as defined in s. 985.03, F.S., to install, place, or use a tracking device or tracking application on a person within their care, custody, or control and in the course or scope of his or her employment. Additionally, a person is allowed to install, place, or use a tracking device or application pursuant to a court order.
- Amends and substantially rewords the Corrections Mental Health Act under ss. 945.41 – 945.49, F.S., to provide updated, clarifying, or technical language, as well as provide substantial changes to the procedure for placement and treatment of inmates. Additionally, s. 945.485 to provide legislative intent and procedures for inmates engaging in self-injurious behavior.
- Creates s. 945.6402, F.S., to require the DOC to offer inmates the opportunity to execute an advance directive. The bill provides procedure relating to the capacity of an inmate, creates a process for a DOC ombudsman to serve as a proxy for an inmate that has not executed an advance directive, authorizes the use of force and provides immunity from liability, and defines terms.
- Amends s. 947.02, F.S., to eliminate the Parole Qualification Committee. The members of the FCOR are to be directly appointed by the Governor and Cabinet. The bill also removes the requirement for the membership of the FCOR commission to include representation from minority persons.
- Amends s. 957.04, F.S., to allow the DOC to exclude certain services from a contract for private correctional services and retain the responsibility for the delivery of such services whenever the DOC finds it to be in the best interest of the state. Additionally, the requirement for each contract to include substantial minority participation is removed.
- Amends 957.09, F.S., to remove language relating to the participation of minority business enterprises.
- Repeals 947.021, F.S., regarding expedited appointments, to be consistent with the elimination of the Parole Qualifications Committee.

The bill may have an indeterminate fiscal impact on the DOC. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

The DOC is Florida's largest agency, and the third largest state prison system in the country. The DOC employs nearly 24,000 people, incarcerates over 88,000 inmates, and supervised more than 145,000 offenders in the community.[1]

[1] Florida Department of Corrections, available at: https://www.fdc.myflorida.com/ (last visited March 22, 2025).

Prison Litigation Reform Act

The Prison Litigation Reform Act (PLRA) placed several restrictions on a prisoner's ability to file civil rights lawsuits based on the conditions of confinement.[2] The federal law sought to reduce frivolous litigation, give correction officials the ability to remedy problems before litigation, and lighten the caseload for courts handling prisoner litigation.[3]

The bill creates s. 760.701, F.S., to align with the federal standard and procedure relating to the filing of lawsuits by prisoners pursuant to 42 U.S.C.A. § 1997e. Under section 1997e, a prisoner is required to exhaust all available administrative remedies before filing suit with respect to prison conditions under 42 U.S.C.A. § 1983.[4] The court is directed to dismiss any action brought with respect to prison conditions, if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.[5] The PLRA also restricts a prisoner from filing federal civil action for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act[6] (as defined in section 2246 of Title 18).[7]

In the case of *Siggers-El v. Barlow*, the plaintiff, a prisoner, requested for the defendant, a prison official, to authorize disbursements from his prison account to pay for a lawyer to review his appellate brief. The defendant refused to authorize the disbursement of funds until after a supervisor ordered the defendant to do so. After a series of conflicts over this matter, the defendant filled out a screen designating the prisoner for transfer to another facility. The defendant was aware that the transfer would prevent the Plaintiff from seeing his attorney, paying his attorney, and from seeing his emotionally-disabled daughter. The jury awarded $15,000 in mental or emotional damages, as well as $4,000 in economic damages and $200,000 in punitive damages.

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[2] A "condition of confinement" is any issue related to a prisoner's confinement. As the U.S. Supreme Court stated, "Indeed, the medical care a prisoner receives is just as much a 'condition' of his confinement as the food he is fed, the clothes he is issued, the temperature he is subjected to in his cell, and the protection he is afforded against other inmates." *Wilson v. Seiter*, 501 U.S. 294, 303 (1991); See also *Porter v. Nussle*, 534 U.S. 516,532 (2002) (finding that the term "prison conditions" "applies to all inmate suits about prison life, whether they involve general circumstances or particular episodes and whether they allege excessive force or some other wrong.")

[3] FindLaw, *Prison Litigation Reform Act*, Samuel Strom, J.D. (2023), available at: https://www.findlaw.com/criminal/criminal-rights/prison-litigation-reform-act.html (last visited March 19, 2025).

[4] Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. 42 U.S.C.A. § 1983.

[5] 42 U.S.C.A. § 1997e(c)(1).

[6] The term "sexual act" means: contact between the penis and the vulva or the penis and the anus, and purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. 18 U.S.C.A. § 2246.

[7] 42 U.S.C.A. § 1997e(e).

When addressing whether mental or emotional damages were not recoverable because the PLRA prohibits the recovery of such damages in the absence of a physical injury, the Court found that the relevant portion of the PLRA, 42 U.S.C.A. § 1997e, is unconstitutional. "Application of § 1997e(e) to bar mental or emotional damages would effectively immunize officials from liability for severe constitutional violations, so long as no physical injury is established. Such immunity would be at odds with the fact that the statute allows plaintiffs to recover unlimited mental or emotional damages, so long as they prove more than *de minimis* physical injury. The Court finds the following hypothetical, set forth in Plaintiff's brief, to be persuasive:

> '[I]magine a sadistic prison guard who tortures inmates by carrying out fake executions-holding an unloaded gun to a prisoner's head and pulling the trigger, or staging a mock execution in a nearby cell, with shots and screams, and a body bag being taken out (within earshot and sight of the target prisoner). The emotional harm could be catastrophic but would be non-compensable. On the other hand, if a guard intentionally pushed a prisoner without cause, and broke his finger, all emotional damages proximately caused by the incident would be permitted.'"[8]

However, some courts, such as in the case of *Pagonis v. Raines*, upheld the PLRA and dismissed the plaintiff's claim for compensatory damages, having shown no prior physical injury.[9]

Limitations of Actions

Actions other than for recovery of real property are outlined within s. 95.11, F.S. Limitations of 20 years, five years, four years, two years, and one year are provided for a number of actions. With the exception for specified actions,[10] a petition for extraordinary writ, other than a petition challenging a criminal conviction, filed on or behalf of an inmate is subject to a one year limitation.[11] Further, with the exception for specified actions, an action brought by or on behalf of an inmate relating to the conditions of confinement are also limited to one year.[12]

Court Costs

When a prisoner is intervening in or initiating a judicial proceeding seeks to defer the prepayment of court costs and fees because of indigence, the prisoner must file an affidavit of indigence with the appropriate clerk of the court. The affidavit must contain specific information as to the prisoner's identity and the estate of such prisoner.[13]

When the clerk has found the prisoner to be indigent, the court must order the prisoner to make monthly payments of no less than 20 percent of the balance of his or her trust account as payment of court costs and fees. When a court orders such payment, the DOC or local detention

[8] *Siggers-El v. Barlow*, 433 F. Supp. 2d 811 (E.D. Mich. 2006)
[9] *Pagonis v. Raines*, No. 4:17-CV-01-DC-DF, 2018 WL 9240919 (W.D. Tex. Aug. 10, 2018), report and recommendation adopted, No. PE:17-CV-00001-DC, 2018 WL 9240916 (W.D. Tex. Sept. 10, 2018)
[10] Any court action challenging prisoner disciplinary proceedings conducted by the DOC pursuant to s. 944.28(2), F.S., must be commenced within 30 days after the final disposition of the prisoner disciplinary proceedings through the administrative grievance process. Any action challenging prisoner disciplinary proceedings must be barred by the court unless it is commenced within the 30 day time period. Section 95.11(9), F.S.
[11] Section 95.11(6)(f), F.S.
[12] Section 95.11(6)(g), F.S.
[13] Section 57.085(2), F.S.

facility places a lien on the prisoner's trust account for the full amount of the court costs and fees, and withdraw money maintained in that trust account and forward the money, when the balance exceeds $10, to the appropriate clerk of the court until the prisoner's court costs and fees are paid in full.[14]

Sentencing

Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for specific crimes[15] and during the commission of the offense such person:

- Possessed a "firearm" or "destructive device," must be sentenced to a minimum 10 year term of imprisonment.[16]
- Discharged the firearm, must be sentenced to a minimum 20 year term of imprisonment.[17]
- Discharged the firearm which resulted in death or great bodily harm, must be sentenced to a minimum 25 year term of imprisonment, up to life.[18]

If the minimum mandatory terms of imprisonment imposed exceed the maximum sentenced authorized by s. 775.082, F.S., s. 775.084, F.S., or the Criminal Punishment Code, then the sentence imposed by the court must include the mandatory minimum term of imprisonment as required by s. 775.087, F.S.[19]

It is the intent of the Legislature that offenders who possess, carry, display, use, threaten to use, or attempt to use a semiautomatic firearm and its high-capacity detachable box magazine or machine gun, be punished to the fullest extent of the law, and the minimum terms of imprisonment be imposed for each qualifying felony count for which the person is convicted. The court must impose any term of imprisonment provided consecutively to any other term of imprisonment imposed for any other felony offense.[20]

In *Williams v State*, the defendant was convicted following a jury trial in the circuit court, of four counts of aggravated assault with a firearm, for which he received four consecutive mandatory minimum prison terms of 20 years each. The defendant appealed and brought forth the question of whether a trial court is required under s. 775.087(2)(d), F.S., to impose consecutive minimum terms of imprisonment for multiple offense when the offenses arise from a single criminal episode. The Supreme Court held, regarding the language in s. 775.057(2)(d), F.S., that "the court shall impose any term of imprisonment provided for in this subsection consecutively to any other term of imprisonment imposed for any other felony offense" does not require the court to

[14] Section 57.085(5), F.S.
[15] Murder; sexual battery; robbery; burglary; arson; aggravated battery; kidnapping; escape; aircraft piracy; aggravated child abuse; aggravated abuse of an elderly person or disabled person; unlawful throwing, placing, or discharging of a destructive device or bomb; carjacking; home-invasion robbery; aggravated stalking; trafficking in listed substances; possession of a firearm by a felon; or human trafficking. Section 775.087(2)(a)1., F.S.
[16] Section 775.087(2)(a)1., F.S., except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance must be sentenced to a minimum term of imprisonment of 3 years if such person possessed a firearm or destructive device during the commission of the offense.
[17] Section 775.087(2)(a)2., F.S.
[18] Section 775.087(2)(a)3., F.S.
[19] Section 775.087(2)(c), F.S.
[20] Section 775.087(2)(d), F.S.

sentence a defendant to consecutive sentences when the sentences arise from the same criminal episode.[21]

Execution of the Death Penalty

On January 25, 2024, the state of Alabama executed a death row inmate using nitrogen gas. It marked the first time that a new execution method has been used in the United States since lethal injection, now the most commonly used method, was introduced in 1982. The inmate was not executed by lethal injection because authorities couldn't connect an IV line.[22] On March 7, 2025, South Carolina executed an inmate by use of firing squad, the first inmate in 15 years to die by that method.[23]

The company, Absolute Standards, which was identified as the source of lethal injection drugs used in 13 federal executions in 2020 and 2021, has said it will no longer produce the drug used in executions – pentobarbital. For more than a decade, departments of corrections across the United States have had difficulty acquiring some of the drugs traditionally used in lethal injection executions. Many drug manufacturers have explicitly banned the use of their products in executions and others have stopped producing these drugs completely.[24] Several states, such as Idaho, Mississippi, Oklahoma, Utah, and South Carolina, have enacted legislation to allow for the use of firing squad as a method of execution.[25]

Florida Law

Currently under Florida law, a death sentence must be executed by electrocution or lethal injection. Pursuant to s. 922.105, F.S., a death sentence must be executed by lethal injection, unless the person sentenced to death affirmatively elects to be executed by electrocution. If either method is deemed unconstitutional, all persons sentenced to death will be executed by any constitutional method of execution.[26] No sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the State Constitution or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence must remain in force until the sentence can be lawfully executed by any valid method of execution.[27]

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[21] *Williams v. State*, 186 So. 3d 989 (Fla. 2016)
[22] Politico, *Alabama Execute a Man With Nitrogen Gas*, Associated Press (January 25, 2024), available at: https://www.politico.com/news/2024/01/25/supreme-court-alabama-execution-00138007 (last visited March 19, 2025).
[23] AP News, *South Carolina Man Executed by Firing Squad*, Jeffrey Collins (March 7, 2025) available at: https://apnews.com/article/firing-squad-execution-south-carolina-sigmond-c998f11ecd3fcbf117d55b682ce3604a (last visited March 22, 2025).
[24] Death Penalty Information Center, *Federal Execution-Drug Supplier Says It Will No Longer Produce Pentobarbital for Executions*, (Updated March 14, 2025), available at: https://deathpenaltyinfo.org/federal-execution-drug-supplier-says-it-will-no-longer-produce-pentobarbital-for-executions (last visited March 19, 2025).
[25] Death Penalty Information Center, *Idaho Governor Signs Legislation Authorizing Firing Squad as State's Primary Execution Method*, Hayley Bedard (March 17, 2025), available at: https://deathpenaltyinfo.org/idaho-governor-signs-legislation-authorizing-firing-squad-as-states-primary-execution-method (last visited March 19, 2025).
[26] Section 922.105(3), F.S.
[27] Section 922.105(8), F.S.

A change in the method of execution does not increase the punishment or modify the penalty of death for capital murder. Any legislative change to the method of execution for the crime of capital murder does not violate s. 10, Art. I or s. 9, Art. X of the State Constitution.[28]

Tracking Devices

Tracking devices[29] and tracking applications[30] can be used to follow the location or movement of another person, potentially without that person's knowledge or consent. Some applications have legitimate uses but may be accessed by third parties without the user's consent. Other applications are developed and marketed as surveillance applications, commonly targeting potential customers interested in using the technology to track the movements and communication of another without consent.[31]

Unlawful Installation or Use of a Tracking Device or Application

Unless excepted, s. 934.425, F.S., it is a third degree felony[32] to knowingly:
- Install or place a tracking device or tracking application on another person's property without that person's consent; or
- Use a tracking device or tracking application to determine the location or movement of another person or another person's property without that person's consent.[33]

A person's consent to be tracked is presumed to be revoked if:
- The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other;[34] or
- The consenting person or the person to whom consent was given files an injunction for protection against the other person.[35]

The prohibition against installing a tracking device or tracking application does not apply to specified persons including a law enforcement officer, or any local, state, federal, or military law enforcement agency, that lawfully installs, places, or uses a tracking device or tracking application on another person's property as part of a criminal investigation;[36]

[28] Section 922.105(5), F.S.
[29] "Tracking device" means any device whose primary purpose is to reveal its location or movement by the transmission of electronic signals. Section 934.425(1)(c), F.S.
[30] "Tracking application" means any software program whose primary purpose is to track or identify the location or movement of an individual. Section 934.425(1)(b), F.S.
[31] New York Times, *I Used Apple AirTags, Tiles and a GPS Tracker to Watch My Husband's Every Move*, Kashmir Hill, February 11, 2022, available at https://www.nytimes.com/2022/02/11/technology/airtags-gps-surveillance.html (last visited on March 20, 2025).
[32] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Section 775.082 and 775.083, F.S.
[33] Section 934.425(2), F.S.
[34] Section 934.425(3)(a), F.S.
[35] Section 934.425(3)(b), F.S., references the following injunctions for protection: s. 741.30, F.S., relating to domestic violence; s. 741.315, F.S., relating to foreign protection orders; s. 784.046, F.S., relating to repeat violence, sexual violence, or dating violence; s. 784.048, F.S., relating to stalking.
[36] Section 934.425(4)(a), F.S.

The Corrections Mental Health Act

Under the Corrections Mental Health Act, ss. 945.40-945.49, F.S., it is the intent of the Legislature for mentally ill inmates in the custody of the DOC to receive an evaluation and appropriate treatment for their mental illness through a continuum of services. The DOC must provide mental health services to inmates committed to the DOC and may contract with entities, persons, or agencies qualified to provide such services.[37] Additionally, the DOC is required to work in cooperation with the Mental Health Program Office of the DCF to adopt rules necessary for administration of ss. 945.40-945.49, F.S.[38] Mental health treatment facilities are required to be secure, adequately equipped and staffed, and provide services in the least restrictive manner consistent with optimum improvement of the inmate's condition.[39]

The Corrections Mental Health Act provides key terminology necessary in determining criteria is met for crisis stabilization care[40] such as:

- "Mentally ill" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. However, for the purposes of transferring an inmate to a mental health treatment facility, the term does not include a developmental disability as defined in s. 393.063, F.S., simple intoxication, or conditions manifested only by antisocial behavior or substance abuse addiction. However, an individual who is developmentally disabled may also have a mental illness.[41]
- "In immediate need of care and treatment" means that an inmate is apparently mentally ill and is not able to be appropriately cared for in the institution where he or she is confined and that, but for being isolated in a more restrictive and secure housing environment, because of the apparent mental illness: the inmate is demonstrating a refusal to care for himself or herself and without immediate treatment intervention is likely to continue to refuse to care for himself or herself, and such refusal poses an immediate, real, and present threat of substantial harm to his or her well-being; or there is an immediate, real, and present threat that the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior involving causing, attempting, or threatening such harm; the inmate is unable to determine for himself or herself whether placement is necessary; and all available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.[42]
- "In need of care and treatment" means that an inmate has a mental illness for which inpatient services in a mental health treatment facility are necessary and that, but for being isolated in a more restrictive and secure housing environment, because of the mental illness: the inmate

[37] Section 945.41(1), F.S.
[38] Section 945.49(2), F.S.
[39] Section 945.41(2), F.S.
[40] "Crisis Stabilization Care" means a level of care that is less restrictive and intense than care provided in a mental health treatment facility, that includes a broad range of evaluation and treatment services provided within a highly structured setting or locked residential setting, and that is intended for inmates who are experiencing acute emotional distress and who cannot be adequately evaluated and treated in a transitional care unit and is devoted principally toward rapid stabilization of acute symptoms and conditions. Section 945.42(2), F.S.
[41] Section 945.42(9), F.S.
[42] Section 945.42(5), F.S.

is demonstrating a refusal to care for himself or herself and without treatment is likely to continue to refuse to care for himself or herself, and such refusal poses a real and present threat of substantial harm to his or her well-being; or there is a substantial likelihood that in the near future the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm; The inmate is unable to determine for himself or herself whether placement is necessary; and all available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.[43]

- "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis stabilization care, and is characterized by the provision of traditional mental health treatments such as group and individual therapy, activity therapy, recreational therapy, and psychotropic medications in the context of a structured residential setting. Transitional mental health care is indicated for a person with chronic or residual symptomatology who does not require crisis stabilization care or acute psychiatric care, but whose impairment in functioning nevertheless renders him or her incapable of adjusting satisfactorily within the general inmate population .[44]

Correctional officers employed by a mental health treatment facility must receive specialized training above and beyond basic certification.

An inmate receiving mental health treatment must be subject to the same standards applied to other inmates in the department, including, but not limited to, consideration for parole, release by reason of gain-time allowances, and release by expiration of sentence.[45]

Procedure for Placement

If an inmate is deemed mentally ill and in need of care and treatment, he or she may be placed in a mental health treatment facility after notice and hearing, and upon recommendation of the warden. The procedure for placement in a mental health treatment facility is as follows:[46]

- The warden files a petition with the court in the county where the inmate is housed. The petition must include the warden's recommendation supported by the expert opinion of a psychiatrist and the second opinion of a psychiatrist or psychological professional.
- A copy of the petition must be served to the inmate, accompanied by a written notice that an inmate may apply to have an attorney appointed if the inmate cannot afford one. The attorney must have access to the inmate and any records that are relevant to the representation of the inmate.
- The hearing must be held in the same county and one of the inmate's physicians at the facility must appear as a witness at the hearing.
- If the inmate is found mentally ill and in need of care, the court must order the inmate be placed in a mental health treatment facility or, if the inmate is at a mental health treatment facility, that he or she be retained there. The court must authorize the facility to retain the

[43] Section 945.42(6), F.S.
[44] Section 945.42(13), F.S.
[45] Section 945.49, F.S.
[46] Section 945.43(2), F.S.

inmate for up to six months. If continued placement is necessary, the warden shall apply to the Division of Administrative Hearings, for an order authorizing continued placement.

The current procedure for a hearing on the placement of an inmate in a mental health treatment facility provides:[47]

- The court must serve notice on the warden of the facility where the inmate is confined and serve the allegedly mentally ill inmate. The notice must specify the date, time, and place of the hearing; the basis for the allegation of mental illness; and the names of the examining experts. The hearing shall be held within 5 days, and the court may appoint a general or special magistrate to preside. One of the experts whose opinion supported the petition for placement must be present at the hearing.
- If, at the hearing, the court finds that the inmate is mentally ill and in need of care and treatment, the court must order that he or she be placed in a mental health treatment facility. The court must provide a copy of the order and all supporting documentation relating to the inmate's condition to the warden of the treatment facility. If the court finds that the inmate is not mentally ill, the petition for placement is dismissed.

The court may waive the presence of the inmate at the hearing if it is in the best interests of the inmate and the inmate's counsel does not object. The department may transport the inmate to the location of the hearing if it is not conducted at the facility or electronically.[48] The warden of an institution in which a mental health treatment facility is located may refuse to place any inmate in that treatment facility who is not accompanied by adequate court orders and documentation, as required in these sections.[49]

Procedure for Emergency Placement

An inmate may be placed in a mental health treatment facility on an emergency basis if he or she is mentally ill and in immediate need of care and treatment. If such care and treatment cannot be provided at the institution where the inmate is confined, he or she may be placed immediately in a mental health treatment facility accompanied by the recommendation of the warden of the institution where the inmate is confined. The recommendation must state the need for the emergency placement and include a written opinion of a physician verifying the need. Upon placement, the inmate shall be evaluated, if the inmate is determined to be in need of treatment or care, the warden initiates proceedings for placement.[50]

Procedure for Continued Placement

An inmate may be retained in a mental health treatment facility if he or she is mentally ill and continues to be in need of care and treatment. The procedure for continued placement is as follows:

- Prior to expiration of the period in which the inmate is being housed in a mental health treatment facility, the warden must file a petition with the Division of Administrative

[47] Section 945.43(3), F.S.
[48] Section 945.43(3)(a), F.S.
[49] Section 945.43(4), F.S.
[50] Section 945.44, F.S.

Hearings accompanied by a statement from the inmate's physician justifying the petition and providing a summary of the inmate's treatment and the individualized plan for the inmate.[51]

- Notification is mailed to the inmate, along with a waiver-of-hearing form and the completed petition, requesting the inmate's signature. The waiver-of-hearing form shall require express and informed consent and shall state the inmate is entitled to be represented by an attorney.[52]
- The hearing is an administrative hearing and conducted in accordance with ch. 120, F.S.,[53] except that an order entered by the administrative law judge is final and subject to judicial review. An administrative law judge shall be assigned by the Division of Administrative Hearings.[54]
- If the administrative law judge finds the inmate no longer meets the criteria for placement, the inmate will be transferred out of the mental health treatment facility.[55]
- If the inmate waives the hearing or if the administrative law judge finds the inmate is in need of continued placement, the administrative law judge will order continued placement for a period not to exceed one year. This procedure shall be repeated prior to the expiration of each additional one year period.[56]

The administrative law judge may appoint a private pro bono attorney in the circuit in which the treatment facility is located to represent the inmate.[57] The presence of the inmate at the hearing may be waived if such waiver is consistent with the best interest of the inmate and the inmate's counsel does not object.[58]

Involuntary Placement with Respect to Scheduled Release

If an inmate who is receiving mental health treatment is scheduled for release through expiration of sentence or any other means, but continues to be mentally ill and in need of care and treatment, the warden is authorized to initiate procedures for involuntary placement 60 days prior to release.[59] Additionally, the warden may initiate procedures for involuntary examination for any inmate who has a mental illness and meets the criteria under s. 394.463(1), F.S.[60,61]

[51] Section 945.45(2)(a), F.S.
[52] If the inmate does not sign the petition, or if the inmate does not sign a waiver within 15 days, the administrative law judge must notice a hearing with regard to the inmate involved in accordance with ss. 120.569 and 120.57(1), F.S. Section 945.45(2)(b), F.S.
[53] Chapter 120, F.S., provides procedure for all administrative hearings.
[54] Section 945.45(3)(a), F.S.
[55] Section 945.45(3)(d), F.S.
[56] Section 945.45(3)(e), F.S.
[57] Section 945.45(3)(b), F.S.
[58] Section 945.45(3)(c), F.S.
[59] Section 945.46(1), F.S.
[60] The Florida Mental Health Act finds a person may be ordered for involuntary inpatient placement for treatment if he or she has a mental illness and because of that illness has either refused voluntary placement or is unable to determine whether inpatient placement is necessary and is incapable for surviving alone or with the help of willing friends or family and is likely to suffer from neglect, refuse to take care of themselves, or there is substantial likelihood that in the near future he or she will inflict serious bodily harm on self or others.
[61] Section 945.46(2), F.S.

The DOC may transport an individual who is being released from its custody to a receiving or treatment facility for involuntary examination or placement. Transport must be made to a facility specified by the DCF, or the nearest receiving facility if not specified.[62]

Discharge of an Inmate from Mental Health Treatment

An inmate must be discharged from mental health treatment under the following conditions:[63]

- The inmate is no longer in need of care and treatment, he or she may be transferred out of the mental health treatment facility and provided with appropriate mental health services; or
- If the inmate's sentence expires during his or her treatment, but he or she is no longer in need of care as an inpatient, the inmate may be released with a recommendation for outpatient treatment.

At any time that an inmate who has received mental health treatment becomes eligible for release under supervision or upon end of sentence, a record of the inmate's mental health treatment may be provided to the FCOR and to the DCF upon request.[64]

Involuntary Treatment

An inmate in a mental health treatment facility has the right to receive treatment that is suited to his or her needs and that is provided in a humane psychological environment. Such treatment must be administered skillfully, safely, and humanely with respect for the inmate's dignity and personal integrity. An inmate must be asked to give his or her express and informed written consent for such treatment.[65]

If an inmate has refused to give express and informed consent for treatment, the warden of the mental health treatment facility must petition the circuit court serving the county in which the facility is located for an order authorizing the treatment of the inmate. The inmate must be provided a copy of the petition along with the proposed treatment, basis for treatment, names of examining experts, and the date, time, and location of the hearing.[66]

The hearing on the petition for involuntary treatment must be held within five days after the petition is filed. The inmate may have an attorney represent him or her, or if indigent, the court must appoint the office of the public defender. The inmate may testify or not, may cross-examine witnesses testifying on behalf of the facility, and may present his or her own witnesses. The inmate's presence may be waived. One of the inmate's physicians whose opinion supported the petition shall appear as a witness.[67]

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[62] Section 945.46(3), F.S.
[63] Section 945.47(1), F.S.
[64] Section 945.47(2), F.S.
[65] The "right to express and informed consent" as listed in s. 945.48, F.S., means to consent voluntarily given in writing after conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment; common side effects of the treatment, if any; the expected duration of the treatment; and the alternative treatment available. The explanation shall enable the inmate to make a knowing and willful decision without any element of fraud, deceit, or duress or any other form of constraint or coercion. Section 945.48(2), F.S.
[66] Section 945.48(3), F.S.
[67] Section 945.48(4)(a), F.S.

The court must determine by *clear and convincing evidence* whether the inmate is mentally ill, whether such treatment is essential to the care of the inmate, and whether the treatment is experimental or presents an unreasonable risk of serious, hazardous, or irreversible side effects. The court must consider at least the following:[68]

- The inmate's expressed preference regarding treatment;
- The probability of adverse side effects;
- The prognosis for the inmate without treatment; and
- The prognosis for the inmate with treatment.

An order authorizing involuntary treatment authorizes treatment for a period not to exceed 90 days following the date of the order. If the inmate is still in need of treatment, the warden must petition the court for an order authorizing the continuation of treatment for another 90-day period. This process is repeated until the inmate provides express and informed consent or is no longer in need of treatment.[69]

Emergency Treatment

In an emergency situation in which there is immediate danger to the health and safety of an inmate or other inmates, emergency treatment may be provided at a mental health treatment facility upon the written order of a physician for a period not to exceed 48 hours.

If, after the 48-hour period, the inmate has not given express and informed consent to the treatment initially refused, the warden must petition the circuit court within 48 hours, excluding weekends and legal holidays, for an order authorizing the continued treatment of the inmate.

In the interim, treatment may be continued upon the written order of a physician who has determined that the emergency situation continues to present a danger to the safety of the inmate or others. If an inmate must be isolated for mental health purposes, that decision must be reviewed within 72 hours by a different psychological professional or a physician other than the one making the original placement.[70]

Additionally, when the consent of an inmate cannot be obtained, the warden of a mental health treatment facility, or his or her designated representative, with the concurrence of the inmate's attending physician, may authorize emergency surgical or nonpsychiatric medical treatment if deemed lifesaving or there is a situation threating serious bodily harm to the inmate.[71]

Health Care Advance Directives

Health care advance directives as defined in ch. 765, F.S., do not directly address inmates in custody of the DOC.

[68] Section 945.48(4)(b), F.S.
[69] Section 945.48(4)(c), F.S.
[70] Section 945.48(5), F.S.
[71] Section 945.48(6), F.S.

Contractor-Operated Correctional Facilities

A contract entered into for the operation of contractor-operated correctional facilities, formerly known as private prisons, must maximize the cost savings[72] of such facilities and:

- Is not exempt from ch. 287, F.S., including the competitive solicitation requirements.
- Be executed with the contractor most qualified.
- Indemnify the state and the DOC against any and all liability.
- Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract.
- Require the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards and the requirements of all applicable court orders and state law.
- Establish operations standards for correctional facilities subject to the contract.
- Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the DOC in comparable facilities.
- Require the selection and appointment of a full-time contract monitor, appointed and supervised by the DOC.
- Be for a period of three years and may be renewed for successive two year periods thereafter.[73]

Florida Commission on Offender Review (FCOR)

The FCOR makes a variety of determinations regarding parole and other releases, and reviews releasees' supervision status every two years. In both parole and conditional medical release hearings, testimony and pertinent information may be provided by a representative of an inmate, an inmate's family, by victims of the offense, and the victim's family. During hearings, the commission conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The commission makes final determinations with regard to revocation of post release supervision, where a releasee may have violated conditions of their release.[74]

The FCOR consists of three commissioners[75] appointed by the Governor and Cabinet from a list of eligible applicants submitted by the parole qualifications committee. Each appointment must be certified to the Senate for confirmation. The membership of the commission must include

[72] The department may not enter into a contract or series of contracts unless the DOC determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Section 957.07, F.S.
[73] Section 957.04(1)(a)-(i), F.S.
[74] Florida Commission on Offender Review, *Organization*, available at: https://www.fcor.state.fl.us/overview.shtml (last visited March 20, 2025).
[75] The Florida Commission on Offender Review was created to consist of six members who are residents of the state. Effective July 1, 1996, the membership of the commission shall consist of three members. Section 947.01, F.S.

representation from minority persons.[76,77] Commissioners serve a term of six years, and no person is eligible to be appointed for more than two consecutive six year terms.[78]

The parole qualifications committee consists of five persons who are appointed by the Governor and Cabinet. The committee provides for the advertisement and the receiving of applications for any position or positions.[79] The committee is to submit a list of three eligible applicants which may include an incumbent commissioner. Upon receiving a list of eligible persons from the committee, the Governor and Cabinet may reject the list. If so, the committee must reinitiate the application and examination procedure.[80]

Whenever the Legislature decreases the membership of the FCOR, all terms of office expire. Under such circumstances, the Governor and Cabinet must expedite the appointment of commissioners. For expediated appointments, the commissioners will be directly appointed by the Governor and Cabinet. The commission must still include representation from minority persons.[81]

III. Effect of Proposed Changes:

The bill amends multiple sections of law regarding prepayment court costs and the statute of limitations on prisoners' lawsuits, execution methods for the death penalty, location tracking for inmates and other persons, the parole qualifications committee, contractor-operated correctional facilities, minority representation requirements, and the Corrections Mental Health Act.

Litigation and Fees

Section 57.085, F.S., is amended to specify that the deferral of prepayment of court costs and fees does not apply to challenges to prison disciplinary reports.

The bill amends s. 95.11, F.S., to provide a statute of limitations of one year to all petitions, extraordinary writs, tort actions, or other actions which concern any condition of confinement of a prisoner. Any petition, writ, or action brought pursuant to s. 95.11(6)(f), F.S., must be commenced within one year after the time the incident, conduct, or conditions occurred or within one year after the time the incident, conduct, or conditions were discovered, or should have been discovered.

[76] "Minority person" means a lawful, permanent resident of Florida who is: (a) an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; (b) a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; (c) an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asian, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; (d) a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; and (e) an American woman. Section 288.703(4), F.S.
[77] Section 947.02(1), F.S.
[78] Section 947.03, F.S.
[79] Section 947.02(2), F.S.
[80] Section 947.02(4), F.S.
[81] Section 947.021, F.S.

The bill creates s. 760.701, F.S., to restrict a prisoner from pursuing a civil action until all administrative remedies are fully exhausted. Additionally, the bill directs the court to dismiss any action by a prisoner if the court finds the action is frivolous, malicious, or fails to state a claim upon which relief can be granted or seeks monetary relief from a defendant who is immune from such relief.

Further, the bill prohibits a prisoner, or person on behalf of a prisoner, from filing a lawsuit, or any state tort action, relating to the conditions of confinement for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act. The bill provides any action concerning the condition of confinement is subjected to a one-year time limit.

Sentencing

The bill amends s. 775.087, F.S., to allow for a court to impose consecutive sentences for any person who is convicted for committing an offense listed under the 10-20-Life statute, in conjunction with any other felony offense, and mandates that the court impose any term of imprisonment under 10-20-Life consecutively.

The bill amends ss. 922.10 and 922.105, F.S., to allow for an inmate who has received the death sentence to be executed by a method not deemed unconstitutional nor cruel and unusual, if electrocution and lethal injection are deemed to be unconstitutional or cruel and unusual, or if the acquisition of chemicals necessary for lethal injection becomes impossible or impractical.

Tracking

The bill amends s. 934.425, F.S., to provide an exception to the criminal offense for the installation or use of a tracking device and allows for a correctional officer, correctional probation officer or any other officer or support personnel as defined in s. 943.10, F.S., juvenile probation officer, an authorized agent or designee, or delinquency program staff as defined in s. 985.03, F.S., to install, place, or use a tracking device or tracking application on a person within their care, custody, or control as part of his or her employment. Additionally, a person is allowed to install, place, or use a tracking device or application pursuant to a court order.

Corrections Mental Health Act

The bill amends and substantially rewords the Corrections Mental Health Act under ss. 945.41 – 945.49, F.S., to provide updated, clarifying, or technical language, as well as provide substantial changes to the procedure for placement and treatment of inmates.

The bill amends s. 945.41, F.S., to revise legislative intent and authorize the DOC to purchase treatment materials and equipment, and contract with entities, persons, or agencies qualified to provide mental health treatment and services to support inmate rehabilitation.

Inmates in the custody of the DOC must be offered the opportunity to participate in the development of a written individualized treatment plan. The bill requires that inmates who have mental illnesses that require intensive mental health inpatient treatment or services be offered an

inpatient setting designated for that purpose, and inmates who require intensive hospitalization to be transferred to a DOC mental health treatment facility. Inmates must be offered the least restrictive appropriate available treatment and services based on their assessed needs and best interests.

A mentally competent inmate must give his or her express and informed consent[82] for mental health treatment. The bill requires that before such consent is given, details of treatment must be explained in plain language to the inmate and that any consent given for treatment may be revoked orally or in writing before or during the treatment by the inmate or a person legally authorized to make those health care decisions.

Inmates who are incompetent to consent must receive treatment deemed necessary for their appropriate care and for the safety of the inmate or others.

The bill authorizes nonpsychiatric, emergency surgical treatment or routine medical treatment for an inmate placed in a mental health treatment facility when the express and informed consent cannot be obtained or the inmate is incompetent to consent to treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

The bill amends s. 945.42, F.S., to define the terms "express and informed consent,"[83] "gravely disabled,"[84] "incompetent to consent to treatment,"[85] "involuntary examination,"[86] "likelihood of serious harm,"[87] and treatment,[88] and removes the definition and procedure for inmates that are "in immediate need of care and treatment."

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[82] The following is required to be explained in plain language: the proposed treatment, purpose of the treatment, the common risks, benefits, and side effects of treatment and specific dosage of medication if applicable, alternative treatment modalities, the approximate length of treatment, the potential effects of stopping treatment, and how treatment will be monitored.

[83] "Express and informed consent" means consent voluntarily given in writing, by a competent inmate, after sufficient explanation and disclosure of the subject matter involved, to enable the inmate to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

[84] "Gravely disabled" means a condition in which an inmate, as a result of a diagnosed mental illness is either in danger of serious physical harm resulting from the inmates failure to provide for his or her essential physical needs of food, clothing, hygiene, health, or safety without the assistance of others, or experiencing a substantial deterioration in behavioral functioning evidenced by the inmate's unremitting decline in volitional control over his or her actions.

[85] "Incompetent to consent to treatment" means a state in which an inmate's judgement is so affected by mental illness that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical or mental health treatment and services. The term only refers to an inmate's inability to provide express and informed consent for medical and mental health treatment and services.

[86] "Involuntary examination" means a psychiatric examination performed at a mental health treatment facility to determine whether an inmate should be placed in the mental health treatment facility for inpatient mental health treatment and services.

[87] "Likelihood of serious harm" means the following: a substantial risk that the inmate will inflict serious physical harm upon his or her own person, as evidenced by threats or attempts to commit suicide or the actual infliction of serious physical harm on self; a substantial risk that the inmate will inflict physical harm upon another person, as evidenced by behavior which has caused such harm or which places any person in reasonable fear of sustaining such harm; or a reasonable degree of medical certainty that the inmate will suffer serious physical or mental harm as evidenced by the inmate's recent behavior demonstrating an inability to refrain from engaging in self-harm behavior.

[88] "Treatment" means psychotropic medication prescribed by a medical practitioner licensed pursuant to ch. 458 or 459, F.S., including those laboratory tests and related medical procedures that are essential for the safe and effective administration of psychotropic medication and psychological interventions and services such as group and individual psychotherapy, activity therapy, recreational therapy, and music therapy.

Involuntary Examination

The bill substantially rewords s. 945.43, F.S., to provide a process for involuntary examination. An inmate's treating clinician may refer the inmate to a mental health facility for an involuntary examination if there is reason to believe the inmate has a mental illness and is in need of care and treatment. Upon arrival, the inmate must be examined by a psychiatrist and a second psychiatrist or psychological professional to determine whether the inmate is in need of care and treatment. If there is a need for treatment, the psychiatrist will propose a recommended course of treatment and the warden will initiate proceedings for placement and for involuntary treatment as specified in s. 945.44, F.S.

The involuntary examination and initiation of court proceedings must be completed within 10 calendar days after arrival and may remain in the mental health treatment facility pending a hearing after the timely filing of a petition as described in s. 945.44, F.S. Pending such, necessary treatment may be provided as described in s. 945.44, F.S.

If the inmate is not in need of care and treatment, the inmate must be transferred out of the mental health treatment facility and provided with appropriate mental health services.

Placement and Treatment of an Inmate in a Mental Health Treatment Facility

The bill substantially rewords s. 945.44, F.S., to provide the criteria and hearing procedures for petitions relating to the placement and treatment of an inmate in a mental health treatment facility. This bill authorizes the DOC to place an inmate in a mental health treatment facility if he or she is mentally ill and is in need of care and treatment. An inmate may receive involuntary mental health treatment that is deemed to be essential for the appropriate care and safety of the inmate or others if the inmate is either gravely disabled or presents a likelihood of serious harm.

An inmate may be placed and involuntarily treated in a mental health treatment facility after notice and hearing. The procedure for petitions for placement and treatment are provided in the bill.

The bill provides that the court must find by clear and convincing evidence that the inmate is mentally ill and in need of care and treatment in order to place the inmate in a mental health treatment facility. The bill provides the court must make additional specified findings to administer treatment.

The bill authorizes status hearings and the continuation of placement until an inmate is no longer in need of care and treatment. The bill authorizes the court to dismiss the petition and transfer the inmate out of the mental health treatment facility if the criteria for placement and treatment are not satisfied.

The bill repeals s. 945.45, F.S., relating to the continued placement of inmates in mental health facilities. Language pertaining to continued placement is described in s. 945.44, F.S., under the bill.

Initiation of Involuntary Placement Proceedings with Inmates Scheduled for Release

The bill amends s. 945.46, F.S., to provide the process for involuntary placement when an inmate continues to be mentally ill and in need of care and treatment but is scheduled for release.

The warden must file a petition for involuntary inpatient placement for inmates scheduled to be released in the court in the county where the inmate is located. Upon filing, the clerk must provide copies of the petition to the DCF, the inmate, the state attorney and the public defender. The bill adds language to ensure a fee may not be charged for the filing of the petition.

The bill requires within one court working day after the filing of the petition for a public defender to be appointed, unless the inmate is otherwise represented. The state attorney for the circuit in which the inmate is located will represent the state in these proceedings rather than the warden. The bill provides the proceedings are governed by ch. 394, F.S.

The court may order that the hearing be conducted by electronic means, at the facility in person, or at another location.

The bill amends s. 945.47, F.S., to specify that at any time an inmate who has received mental health treatment while in the custody of the DOC becomes eligible for release, a record of the treatment may be provided to the FCOR and the DCF *for the purpose of arranging post release aftercare placement and to prospective recipient inpatient health care or residential facilities* upon request.

Emergency Treatment Orders and Use of Force

The bill substantially rewords s. 945.48, F.S., to authorize the DOC to involuntary administer psychotropic medication to an inmate on an emergency basis without following the procedure outlined in s. 945.43, F.S. Psychotropic medication may be administered only when the medication constitutes an appropriate treatment for a mental illness and its symptoms and alternative treatments are not available or indicated, or would not be effective.

An emergency exists when the inmate with a mental illness presents an immediate threat of:
- Bodily harm to self or others; or
- Extreme deterioration in behavior functioning secondary to the mental illness.

The bill authorizes the administration of psychotropic medication not to exceed 72 hours, after which the treating physician must refer the inmate for an involuntary examination in accordance with ss. 945.43 and 945.44, F.S. The warden must transfer the inmate to a mental health treatment facility within 48 hours, excluding weekends and legal holidays.

The DOC may use force when and to the extent that it reasonably appears necessary to effectuate the treatment, effectuate clinically necessary hygiene of an inmate, for the application of physical restraint, or pursuant to a valid court order.

Management and Treatment of Self-Injurious Behaviors

The bill creates s. 945.485, F.S., to provide procedures for when an inmate is engaging in active or ongoing self-injurious behavior and has refused to provide express and informed consent.

If an inmate is determined incompetent to consent to treatment, the inmate's treating physician is required to proceed as set forth in s. 945.6042, F.S, created under this bill. The bill provides proceedings for when an inmate is competent, refusing necessary surgical or medical treatment, and engaging in active or ongoing self-injurious behavior that presents a threat to the safety of the DOC staff, other inmates or the security, internal order, or discipline of the institution.

If the inmate is competent, refusing necessary surgical or medical treatment, and is engaging in active or ongoing self-injurious behavior that presents a threat, the warden must petition the court for an order compelling the inmate to submit to emergency surgical intervention or other medical services to the extent necessary to remedy the threat. An inmate must be provided with a copy of the petition and other specified information. The inmate is entitled to representation, and the court may appoint the public defender or private counsel to represent the inmate. The hearing must be held as expeditiously as possible, but no later than five calendar days after filing.

The bill provides considerations for the court and requires the court to determine whether the warden has established by clear and convincing evidence that the state interest is sufficient to outweigh the inmate's right to refuse treatment.

Inmate Health Care Advance Directives

The bill creates s. 945.6042, F.S., to provide the DOC must offer inmates an opportunity to sign an advance health care directive. The bill provides definitions for "health care facility,"[89] "incapacity,"[90] "informed consent,"[91] "inmate,"[92] ombudsman,[93] proxy,[94] and proxy review team.[95]

The bill provides procedure relating to the capacity of an inmate. An inmate's treating physician must evaluate the inmate's capacity and enter the evaluation in the inmate's medical record if the inmate lacks capacity. A second opinion is required if the evaluating physician has a question as

[89] "Health care facility" has the same meaning as in s. 765.101, F.S., and includes any correctional institution or facility where health care is provided.
[90] "Incapacity" or "Incompetent" means an inmate is physically or mentally unable to communicate a willful and knowing health care decision.
[91] "Informed consent" means consent voluntarily given by an inmate after a sufficient explanation and disclosure of the subject matter involved to enable the inmate to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures, and to make a knowing health care decision without coercion or undue influence.
[92] "Inmate" means any person committed to the custody of the DOC.
[93] "Ombudsman" means an individual designated and specifically trained by the department to identify conditions that may pose a threat to the rights, health, safety, and welfare of inmates in a health care facility and who may be appointed to serve as a proxy for an inmate who is physically or mentally unable to communicate a willful and knowing health care decision.
[94] "Proxy" means a competent adult who has not been expressly designated to make health care decisions for a particular incapacitated inmate, but who, nevertheless, is authorized pursuant to s. 765.401, F.S., to make health care decisions for such inmate.
[95] "Proxy review team" means a team of at least five members, appointed by the Assistant Secretary for Health Services. The team is composed of, at a minimum, one physician licensed pursuant to ch. 458 or ch. 459, F.S., one psychologist licensed pursuant to ch. 490, F.S., one nurse licensed pursuant to ch. 464, F.S., and one department chaplain.

to whether the inmate lacks capacity and both evaluations must be entered in the medical record. Incapacity cannot be inferred from an inmate's involuntary hospitalization for mental illness or from his or her intellectual disability.

If the inmate is found to be incapacitated and has a designated health care surrogate in accordance with ch. 765, F.S., the surrogate must be notified. If the inmate has not designated a health care surrogate, the facility must appoint a proxy to make health care decisions.

The bill requires the DOC to provide each inmate written information concerning advance directives and necessary forms to execute an advance directive, and document such in the inmate's medical records. An advance directive may be amended or revoked at any time by a competent inmate through various means such as written and spoken communication.

If the inmate has not designated a health care surrogate, health care decisions may be made for the inmate by any individuals specified in the priority order provided in s. 765.401(1)(a)-(g), F.S.,[96] as a proxy. If there are no individuals available, willing, or competent, the warden must notify the Assistant Secretary for Health Services or designee to appoint a DOC ombudsman to serve as a proxy until the inmate regains capacity or is no longer incarcerated in the custody of the DOC. The proxy must make any health care decision based on informed consent and that the proxy reasonable believes the inmate would have made that decision. If there is no indication of what decision the inmate would make, the proxy may consider the inmate's best interests.

The bill authorizes the use of force to administer medical treatment only by or under the clinical supervision of a physician or his or her designee and only to carry out a health care decision made. The bill also provides immunity from liability for a DOC health care provider, ombudsman, or other employees who act under the direction of a health care provider.

The bill amends s. 945.49, F.S., to remove the requirement for the DOC to work in cooperation with the Mental Health Program Office of the DCF to adopt rules necessary to administer sections under the Corrections Mental Health Act.

Additional Requirements

The bill amends s. 947.02, F.S., to eliminate the Parole Qualification Committee. The members of the FCOR are to be directly appointed by the Governor and Cabinet. The bill also removes the requirement for the membership of the FCOR commission to include representation from minority persons. Section 947.12 F.S., is amended to conform with the elimination of the Parole Qualifications Committee, and s. 947.021, F.S. is repealed.

The bill amends s. 957.04, F.S., to allow the DOC to exclude certain services from a contract for private correctional services and retain the responsibility for the delivery of such services whenever the DOC finds it to be in the best interest of the state. Additionally, the requirement for each contract to include substantial minority participation is removed.

[96] A judicially appointed guardian; spouse; adult child of the patient or a majority of adult children; a parent; the adult sibling or a majority of the adult siblings; an adult relative who has exhibited special care and concern and has maintained regular contact and is familiar with the patients activities, health, and religious or moral beliefs; or a close friend is authorized under this section to make health care decisions.

The bill amends s. 957.09, F.S., to remove language relating to the participation of minority business enterprises.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Some courts have found parts of the PLRA to be unconstitutional. This language may be subjected to litigation.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the DOC due to an increase in mental health services and treatment as well as transporting inmates to facilities to meet those needs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 57.085, 95.11, 775.087, 922.10, 922.105, 934.425, 945.41, 945.42. 945.43, 945.44, 945.46, 945.47, 945.48, 945.49, 947.02, 947.021, 947.12, 957.04, 957.09.
This bill creates the following sections of the Florida Statutes: 760.701, 945.485, 945.6402.
This bill repeals sections 945.45 and 947.021 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on March 25, 2025:
This committee substitute:

- Allows for a petition, writ, or other action to be filed within one year from the time the incident was discovered, or should have been discovered.
- Clarifies methods of execution used may not be deemed unconstitutional nor cruel and unusual.
- Allows for a correctional officer, correctional probation officer, or a juvenile probation officer to lawfully install, place, or use a tracking device or application on a person within their care, custody, or control as part of employment and provides the exception to allow a person to install, place, or use a tracking device or application pursuant to a court order.
- Restructures the language regarding criteria for involuntary placement or treatment but maintains the same policy.
- Repeals s. 947.021, F.S., regarding expedited appointments and adds the necessary language to s. 947.02, F.S. The statute for expedited appointments is no longer applicable with the removal of the parole qualifications committee.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
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The Committee on Criminal Justice (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (10) of section 57.085, Florida Statutes, is amended to read:

57.085 Deferral of prepayment of court costs and fees for indigent prisoners.—

(10) With the exception of challenges to prison disciplinary reports, this section does not apply to a criminal

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proceeding or a collateral criminal proceeding.

Section 2. Paragraph (b) of subsection (2) and paragraphs (f), (g), and (h) of subsection (6) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of paragraph (6)(e), s. 255.05(10), s. 337.18(1), or s. 713.23(1)(e), and except for an action for a deficiency judgment governed by paragraph (6)(g) ~~(6)(h)~~.

(6) WITHIN ONE YEAR.—

(f) Except for actions described in subsection (9), or a petition challenging a criminal conviction, all petitions; extraordinary writs; tort actions, including those under s. 768.28(14); or other actions which concern any condition of confinement of a prisoner ~~a petition for extraordinary writ, other than a petition challenging a criminal conviction,~~ filed by or on behalf of a prisoner as defined in s. 57.085. Any petition, writ, or action brought under this paragraph must be commenced within 1 year after the time the incident, conduct, or conditions occurred or within 1 year after the time the incident, conduct, or conditions were discovered, or should have been discovered.

~~(g) Except for actions described in subsection (9), an~~

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~~action brought by or on behalf of a prisoner, as defined in s. 57.085, relating to the conditions of the prisoner's confinement.~~

(g) ~~(h)~~ An action to enforce a claim of a deficiency related to a note secured by a mortgage against a residential property that is a one-family to four-family dwelling unit. The limitations period shall commence on the day after the certificate is issued by the clerk of court or the day after the mortgagee accepts a deed in lieu of foreclosure.

Section 3. Section 760.701, Florida Statutes, is created to read:

760.701 Lawsuits by prisoners.—

(1) For the purposes of this section, the term "prisoner" means any person incarcerated or detained in any jail, prison, or other correctional facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pretrial release, or a diversionary program.

(2) An action may not be brought by or on behalf of a prisoner relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any other state or federal law, until such administrative remedies as are available are fully exhausted.

(3) The court shall on its own motion or on the motion of a party dismiss any action brought relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any other state or federal law, by a prisoner if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from

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a defendant who is immune from such relief. The court shall review any such action pursuant to s. 57.085(6).

(4) An action may not be brought in state court by or on behalf of a prisoner relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any state tort action, for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act as defined in 18 U.S.C. s. 2246(2).

(5) The time for bringing an action that concerns any condition of confinement of a prisoner shall be the limitations period as described in s. 95.11(6)(f).

Section 4. Paragraph (d) of subsection (2) of section 775.087, Florida Statutes, is amended, paragraph (e) is added to that subsection, and paragraph (a) of that subsection is republished, to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for:

a. Murder;

b. Sexual battery;

c. Robbery;

d. Burglary;

e. Arson;

f. Aggravated battery;

g. Kidnapping;

h. Escape;

i. Aircraft piracy;

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j. Aggravated child abuse;
k. Aggravated abuse of an elderly person or disabled adult;
l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
m. Carjacking;
n. Home-invasion robbery;
o. Aggravated stalking;
p. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);
q. Possession of a firearm by a felon; or
r. Human trafficking

and during the commission of the offense, such person actually possessed a “firearm” or “destructive device” as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 years, except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance shall be sentenced to a minimum term of imprisonment of 3 years if such person possessed a “firearm” or “destructive device” during the commission of the offense. However, if an offender who is convicted of the offense of possession of a firearm by a felon has a previous conviction of committing or

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attempting to commit a felony listed in s. 775.084(1)(b)1. and actually possessed a firearm or destructive device during the commission of the prior felony, the offender shall be sentenced to a minimum term of imprisonment of 10 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-subparagraph 1.r., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-subparagraph 1.r., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

(d) It is the intent of the Legislature that offenders who actually possess, carry, display, use, threaten to use, or attempt to use firearms or destructive devices be punished to the fullest extent of the law, and the minimum terms of imprisonment imposed pursuant to this subsection shall be imposed for each qualifying felony count for which the person is convicted. The court shall impose any term of imprisonment provided for in this subsection consecutively ~~to any other term~~

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~~of imprisonment imposed for any other felony offense~~.

(e) If a conviction enumerated in subparagraph (a)1. is committed in conjunction with any other felony offense, the court may impose any term of imprisonment provided for in this subsection consecutively to any other term of imprisonment imposed for any other felony offense.

Section 5. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—A death sentence shall be executed by electrocution, ~~or~~ lethal injection, or a method not deemed unconstitutional nor cruel and unusual in accordance with s. 922.105. The warden of the state prison shall designate the executioner. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

Section 6. Subsection (3) of section 922.105, Florida Statutes, is amended to read:

922.105 Execution of death sentence; prohibition against reduction of death sentence as a result of determination that a method of execution is unconstitutional.—

(3) If electrocution or lethal injection is held to be unconstitutional or cruel and unusual by the Florida Supreme Court under the State Constitution, or held to be unconstitutional or cruel and unusual by the United States Supreme Court under the United States Constitution, or if the United States Supreme Court declines to review any judgment holding a method of execution to be unconstitutional or cruel and unusual under the United States Constitution made by the Florida Supreme Court or the United States Court of Appeals that



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has jurisdiction over Florida, or if the acquisition of chemicals necessary for lethal injection by the department becomes impossible or impractical, all persons sentenced to death for a capital crime shall be executed by a method not deemed unconstitutional nor cruel and unusual ~~any constitutional method of execution~~.

Section 7. Present paragraphs (b) through (e) of subsection (4) of section 934.425, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, and new paragraphs (b), (c), and (d) are added to that subsection, to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

(4) This section does not apply to:

(b) A correctional officer, a correctional probation officer, or any other officer or support personnel, as those terms are defined in s. 943.10, of the Department of Corrections who lawfully installs, places, or uses a tracking device or tracking application on a person in his or her care, custody, or control and in the course and scope of his or her employment.

(c) A juvenile probation officer, an authorized agent or designee, or delinquency program staff, as those terms are defined in s. 985.03, of the Department of Juvenile Justice who lawfully installs, places, or uses a tracking device or tracking application on a person in his or her care, custody, or control and in the course and scope of his or her employment.

(d) A person authorized to install, place, or use a tracking device or tracking application pursuant to a court order.

Section 8. Section 945.41, Florida Statutes, is amended to

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read:

945.41 Mental health treatment for inmates; legislative intent of ss. 945.40-945.49.—

(1) INTENT.—It is the intent of the Legislature that:

(a) ~~mentally ill~~ Inmates in the custody of the department who have a mental illness ~~of Corrections~~ receive an evaluation and appropriate treatment for their mental illness through a continuum of outpatient and inpatient mental health treatment and services.

(b) The department is authorized to purchase treatment materials and equipment to support inmate rehabilitation; to ameliorate disabling mental symptoms associated with impairment in behavioral functioning, sensory and motor skills, and impulse control; and to improve adaptive coping skills consistent with the department's jurisdiction as described in s. 945.025.

(c) Sections 945.40-945.49 do not supplement, amend, or change the responsibilities of the Department of Children and Families pursuant to chapter 916, the Forensic Client Services Act, which governs forensic services for persons who are incompetent to proceed as defined in s. 916.106.

(2) INDIVIDUAL DIGNITY AND TREATMENT.—

(a) An inmate in the custody of the department shall be offered treatment that is suited to his or her needs as determined by health care staff.

(b) The department shall provide mental health treatment and services to inmates and may contract with any entities, persons, or agencies qualified to provide such treatment and services.

(c) Inmates receiving mental health treatment and services


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shall be offered the opportunity to participate in the development of a written individualized treatment plan and be provided a copy of such plan before its implementation. ~~It is further the intent of the Legislature that:~~

(d) ~~(1)~~ Inmates ~~in the custody of the department~~ who have mental illnesses that require ~~hospitalization and~~ intensive mental health ~~psychiatric~~ inpatient treatment and services or care shall be offered ~~receive~~ appropriate treatment or care in an inpatient setting ~~Department of Corrections mental health treatment facilities~~ designated for that purpose. Inmates who have mental illnesses that require intensive hospitalization-level mental health inpatient treatment and services shall be transferred to a department mental health treatment facility designated for that purpose ~~The Department of Corrections shall provide mental health services to inmates committed to it and may contract with any entities, persons, or agencies qualified to provide such services~~.

(e) ~~(2)~~ Mental health treatment facilities shall be secure and adequately equipped and staffed for the provision of mental health treatment and services. Inmates shall be offered the least restrictive appropriate available treatment and services based on their assessed needs and best interests and consistent with improvement of their condition for facilitation of appropriate adjustment within the correctional environment ~~services and that, to the extent possible, such services be provided in the least restrictive manner consistent with optimum improvement of the inmate's condition~~.

(3) EXPRESS AND INFORMED CONSENT.—

(a) A mentally competent inmate offered mental health

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treatment within the department shall give his or her express and informed consent for such treatment. Before giving such consent, the following information shall be provided and explained in plain language to the inmate:

1. The proposed treatment.

2. The purpose of the treatment.

3. The common risks, benefits, and side effects of the treatment and the specific dosage range for a medication, if applicable.

4. Alternative treatment modalities.

5. The approximate length of treatment.

6. The potential effects of stopping treatment.

7. How treatment will be monitored.

8. That any consent given for treatment may be revoked orally or in writing before or during the treatment period by the inmate or by a person legally authorized to make health care decisions on behalf of the inmate.

(b) Inmates who are determined to be incompetent to consent to treatment shall receive treatment deemed to be necessary for their appropriate care and for the safety of the inmate or others in accordance with the procedures established in ss. 945.40-945.49.

(4) ~~(3)~~ PAROLE.—Inmates who are transferred to any facility for the purpose of mental health treatment and services shall be given consideration for parole and be eligible for release by reason of gain-time allowances as provided in s. 944.291 and release by expiration of sentence, consistent with guidelines established for that purpose by the department.

(5) ~~(4)~~ YOUTHFUL OFFENDERS.—Any inmate sentenced as a

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youthful offender, or designated as a youthful offender by the department under chapter 958, who is transferred pursuant to this act to a mental health treatment facility shall be separated from other inmates, if necessary, as determined by the warden of the mental health treatment facility.

(6) ~~(5)~~ TREATMENT FACILITIES.—The department may designate mental health treatment facilities for adult, youthful, and female offenders or may contract with other appropriate entities, persons, or agencies for such services.

(7) EMERGENCY MEDICAL TREATMENT.—Notwithstanding any other provision of this section, when the express and informed consent of an inmate placed in a mental health treatment facility in accordance with s. 945.44 cannot be obtained or the inmate is incompetent to consent to treatment, the warden of a mental health treatment facility, or his or her designated representative, under the direction of the inmate's attending physician, may authorize nonpsychiatric, emergency surgical treatment or other routine medical treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

Section 9. Section 945.42, Florida Statutes, is amended to read:

945.42 Definitions; ss. 945.40-945.49.—As used in ss. 945.40-945.49, the following terms shall have the meanings ascribed to them, unless the context shall clearly indicate otherwise:

(1) "Court" means the circuit court.

(2) "Crisis stabilization care" means an inpatient ~~a~~ level of care that is less restrictive and intensive ~~intense~~ than care

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provided in a mental health treatment facility, that includes a broad range of evaluation and treatment and services provided within a secure and highly structured residential setting ~~or locked residential setting~~, and that is intended for inmates who are experiencing acute psychological ~~emotional~~ distress and who cannot be adequately evaluated and treated in a transitional care unit or infirmary isolation management room. Such treatment and services are ~~is also~~ more intense than treatment and services provided in a transitional care unit and are ~~is~~ devoted principally toward rapid stabilization of acute symptoms and conditions.

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

(4) "Express and informed consent" means consent voluntarily given in writing by a competent inmate, after sufficient explanation and disclosure of the subject matter involved, to enable the inmate to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

(5) "Gravely disabled" means a condition in which an inmate, as a result of a diagnosed mental illness, is:

(a) In danger of serious physical harm resulting from the inmate's failure to provide for his or her essential physical needs of food, clothing, hygiene, health, or safety without the assistance of others; or

(b) Experiencing a substantial deterioration in behavioral functioning evidenced by the inmate's unremitting decline in volitional control over his or her actions.

(6) "Incompetent to consent to treatment" means a state in which an inmate's judgment is so affected by mental illness that


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he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical or mental health treatment and services. The term is distinguished from the term "incompetent to proceed," as defined in s. 916.106, and only refers to an inmate's inability to provide express and informed consent for medical or mental health treatment and services.

~~(4) "Director" means the Director for Mental Health Services of the Department of Corrections or his or her designee.~~

~~(5) "In immediate need of care and treatment" means that an inmate is apparently mentally ill and is not able to be appropriately cared for in the institution where he or she is confined and that, but for being isolated in a more restrictive and secure housing environment, because of the apparent mental illness:~~

~~(a)1. The inmate is demonstrating a refusal to care for himself or herself and without immediate treatment intervention is likely to continue to refuse to care for himself or herself, and such refusal poses an immediate, real, and present threat of substantial harm to his or her well-being; or~~

~~2. There is an immediate, real, and present threat that the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior involving causing, attempting, or threatening such harm;~~

~~(b) The inmate is unable to determine for himself or herself whether placement is necessary; and~~

~~(c) All available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's~~

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~~condition have been clinically determined to be inappropriate.~~

(7)~~(6)~~ "In need of care and treatment" means that an inmate has a mental illness for which inpatient services in a mental health treatment facility are necessary and ~~that, but for being isolated in a more restrictive and secure housing environment,~~ because of the mental illness:

(a) But for being isolated in a more restrictive and secure housing environment:

1. The inmate is demonstrating a refusal to care for himself or herself and without treatment is likely to continue to refuse to care for himself or herself, and such refusal poses a real and present threat of substantial harm to his or her well-being; or

2. There is a substantial likelihood that in the near future the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm.~~;~~

(b) The inmate is incompetent to consent to treatment and is unable or is refusing to provide express and informed consent to treatment.

(c)~~(b)~~ The inmate is unable to determine for himself or herself whether placement is necessary; and

(d)~~(c)~~ All available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.

(8)~~(7)~~ "Inmate" means any person committed to the custody of the Department of Corrections.

(9) "Involuntary examination" means a psychiatric


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examination performed at a mental health treatment facility to determine whether an inmate should be placed in the mental health treatment facility for inpatient mental health treatment and services.

(10) "Likelihood of serious harm" means:

(a) A substantial risk that the inmate will inflict serious physical harm upon his or her own person, as evidenced by threats or attempts to commit suicide or the actual infliction of serious physical harm on self;

(b) A substantial risk that the inmate will inflict physical harm upon another person, as evidenced by behavior which has caused such harm or which places any person in reasonable fear of sustaining such harm; or

(c) A reasonable degree of medical certainty that the inmate will suffer serious physical or mental harm as evidenced by the inmate's recent behavior demonstrating an inability to refrain from engaging in self-harm behavior.

(11) ~~(8)~~ "Mental health treatment facility" means any extended treatment or hospitalization-level unit within the corrections system which the Assistant Secretary for Health Services of the department specifically designates by rule to provide acute mental health ~~psychiatric~~ care and which may include involuntary treatment and therapeutic intervention in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care. The term does not include a forensic facility as defined in s. 916.106.

(12) ~~(9)~~ "Mental illness" or "mentally ill" means an impairment of the mental or emotional processes that exercise

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conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. However, for the purposes of transferring an inmate to a mental health treatment facility, the term does not include a developmental disability as defined in s. 393.063, simple intoxication, or conditions manifested only by antisocial behavior or substance abuse addiction. However, an individual who is developmentally disabled may also have a mental illness.

(13) ~~(10)~~ "Psychiatrist" means a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated nervous and mental disorders for a period of not less than 3 years inclusive of psychiatric residency.

(14) ~~(11)~~ "Psychological professional" means a behavioral practitioner who has an approved doctoral degree in psychology as defined in s. 490.003(3)(b) ~~s. 490.003(3)~~ and is employed by the department or who is licensed as a psychologist pursuant to chapter 490.

(15) ~~(12)~~ "Secretary" means the Secretary of Corrections.

(16) ~~(13)~~ "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis stabilization care, and is characterized by the provision of traditional mental health treatment and services ~~treatments~~ such as group and individual therapy, activity therapy, recreational therapy, and psychotropic medications in the context of a secure, structured residential setting. Transitional mental health care is indicated for an inmate ~~a person~~ with chronic or residual symptomatology who does

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not require crisis stabilization care or acute mental health ~~psychiatric~~ care, but whose impairment in functioning nevertheless renders him or her incapable of adjusting satisfactorily within the general inmate population.

(17) "Treatment" means psychotropic medications prescribed by a medical practitioner licensed pursuant to chapter 458 or chapter 459, including those laboratory tests and related medical procedures that are essential for the safe and effective administration of a psychotropic medication and psychological interventions and services, such as group and individual psychotherapy, activity therapy, recreational therapy, and music therapy. The term does not include forensic services for inmate defendants who are incompetent to proceed as defined in s. 916.106.

(18) ~~(14)~~ "Warden" means the warden of a state corrections facility or his or her designee.

Section 10. Section 13. Section 945.43, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.43, F.S., for present text.)

945.43 Involuntary examination.—

(1) If there is reason to believe that an inmate has a mental illness and the inmate is in need of care and treatment, the inmate's treating clinician may refer the inmate to a mental health treatment facility for an involuntary examination. Upon referral, the warden of the facility where the inmate is housed shall transfer the inmate to a mental health treatment facility.

(2) Upon arrival to the mental health treatment facility, the inmate shall be examined by a psychiatrist and a second

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psychiatrist or psychological professional to determine whether the inmate is in need of care and treatment.

(3) If, after the examination, the inmate is determined to be in need of care and treatment, the psychiatrist shall propose a recommended course of treatment that is essential to the care of the inmate, and the warden shall initiate proceedings for placement of the inmate in the mental health treatment facility and for involuntary treatment of the inmate as specified in s. 945.44. If the inmate is not in need of care and treatment, he or she shall be transferred out of the mental health treatment facility and provided with appropriate mental health services.

(4) The involuntary examination and initiation of court proceedings for the placement and applicable involuntary treatment of the inmate in the mental health treatment facility shall be completed within 10 calendar days after arrival.

(5) The inmate may remain in the mental health treatment facility pending a hearing after the timely filing of a petition as described in s. 945.44. Pending a hearing, necessary emergency treatment may be provided in the mental health treatment facility upon the written order of a physician as provided in s. 945.48.

Section 11. Section 945.44, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 945.44, F.S., for present text.)

945.44 Placement and treatment of an inmate in a mental health treatment facility.—

(1) CRITERIA FOR INVOLUNTARY PLACEMENT OR TREATMENT.—

(a) An inmate may be placed in a mental health treatment

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facility if he or she is mentally ill and is in need of care and treatment.

(b) An inmate may receive involuntary treatment for which the inmate is unable or has refused to provide express and informed consent, if all of the following apply:

1. The inmate is mentally ill;

2. The treatment is essential to the care of the inmate;

3. The treatment is not experimental and does not present an unreasonable risk of serious, hazardous, or irreversible side effects;

4. The inmate is gravely disabled or poses a likelihood of serious harm; and

5. The inmate is incompetent to consent to treatment.

(2) HEARING PROCEDURES FOR PETITIONS FOR PLACEMENT AND TREATMENT.—

(a) An inmate may be placed and involuntarily treated in a mental health treatment facility after notice and hearing upon the recommendation of the warden of the facility where the inmate is confined. The warden of the institution where the mental health treatment facility is located shall petition the circuit court serving the county for an order authorizing the placement and treatment of the inmate. The petition must be supported by the expert opinion of at least one of the inmate's treating psychiatrists.

(b) The inmate shall be provided with a copy of the petition along with the proposed treatment, the basis for the proposed treatment, the names of the examining experts, and the date, time, and location of the hearing. After considering the public safety and security concerns presented by transporting

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the inmate or in conducting onsite hearings, the court may order that the hearing be conducted by electronic means or in person at the facility or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the facility, the department is authorized to transport the inmate to the location of the hearing.

(c) The inmate may have an attorney represent him or her at the hearing, and, if the inmate is indigent, the court shall appoint the office of the public defender or private counsel pursuant to s. 27.40(1) to represent the inmate at the hearing. An attorney representing the inmate shall have access to the inmate and any records, including medical or mental health records, which are relevant to the representation of the inmate.

(d) The hearing on the petition for involuntary placement and treatment shall be held as expeditiously as possible after the petition is filed, but no later than 14 calendar days after filing. The court may appoint a general or special magistrate to preside. The inmate may testify or not, as he or she chooses, may cross-examine witnesses testifying on behalf of the facility, and may present his or her own witnesses.

(e) The court may waive the presence of the inmate at the hearing if the waiver is consistent with the best interests of the inmate and the inmate's counsel does not object. One of the inmate's physicians whose opinion supported the petition shall appear as a witness at the hearing.

(3) ORDERS FOR INVOLUNTARY PLACEMENT AND TREATMENT.—

(a) If the court finds by clear and convincing evidence that the inmate meets the criteria in paragraph (1)(a), the court must order that the inmate be involuntarily placed in the

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mental health treatment facility for a period not to exceed 6 months.

(b) If the court finds by clear and convincing evidence that the inmate meets the criteria in paragraph (1)(b), the court may order that the inmate be involuntarily treated for a period not to exceed 6 months, concurrent with an order for placement in the mental health treatment facility. In determining whether to order involuntary treatment under this paragraph, the court must consider the inmate's expressed preference regarding treatment; whether the inmate is able to express a preference; the probability of adverse side effects; the prognosis for the inmate without treatment; the prognosis for the inmate with treatment; and any other factors the court deems relevant.

(4) STATUS HEARINGS AND CONTINUING JURISDICTION.—An order authorizing involuntary placement and treatment must allow such placement and treatment for a period not to exceed 6 months following the date of the order. Unless the court is notified in writing that the inmate has been discharged from the mental health treatment facility because he or she is no longer in need of care and treatment, has been transferred to another institution of the department, or has been released from the department's custody, the warden shall, before the expiration of the initial order, file a notice with the court to set a status hearing for an order authorizing the continuation of placement and treatment for another period not to exceed 6 months. This procedure shall be repeated until the inmate is no longer in need of care and treatment. Placement and treatment may be continued pending a hearing after the timely filing of any

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petition.

(5) COPIES OF ORDERS.—The court shall provide a copy of its order authorizing placement and treatment along with all supporting documentation relating to the inmate's condition to the warden of the mental health treatment facility.

(6) DISMISSAL OF PETITIONS.—If the court finds that criteria for placement and treatment are not satisfied, it shall dismiss the petition and the inmate shall be transferred out of the mental health treatment facility and provided with appropriate mental health services.

Section 12. Section 945.45, Florida Statutes, is repealed.

Section 13. Present subsection (3) of section 945.46, Florida Statutes, is renumbered as subsection (5) and amended, and new subsection (3) and subsection (4) are added to that section, to read:

945.46 Initiation of involuntary placement proceedings with respect to a mentally ill inmate scheduled for release.—

(3) The warden shall file, in the court in the county where the inmate is located, petitions for involuntary inpatient placement for inmates scheduled to be released. Upon filing, the clerk of the court shall provide copies to the Department of Children and Families, the inmate, and the state attorney and public defender of the judicial circuit in which the inmate is located. A fee may not be charged for the filing of a petition under chapter 394. Within 1 court working day after the filing of a petition for involuntary inpatient placement, the court shall appoint the public defender to represent the inmate who is the subject of the petition, unless the inmate is otherwise represented by counsel. The clerk of the court shall immediately

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notify the public defender of such appointment. Any attorney representing the inmate shall have access to the inmate, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the inmate, regardless of the source of payment to the attorney. The state attorney for the circuit in which the inmate is located shall represent the state, rather than the petitioning warden, as the real party in interest in the proceeding. The remainder of the proceedings shall be governed by chapter 394.

(4) After considering the public safety and security concerns presented by transporting a mentally ill inmate or in conducting an onsite hearing, the court may order that the hearing be conducted by electronic means, at the facility in person, or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the facility, the department is authorized to transport the inmate to the location of the hearing.

(5)~~(3)~~ The department may transport an individual who is being released from its custody to a receiving or mental health treatment facility for involuntary examination or placement. Such transport shall be made to a facility that is specified by the Department of Children and Families as able to meet the specific needs of the individual. If the Department of Children and Families does not specify a facility, transport shall ~~may~~ be made to the nearest receiving facility.

Section 14. Section 945.47, Florida Statutes, is amended to read:

945.47 Discharge of inmate from mental health treatment.—

(1) An inmate who has been placed in a mental health

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treatment facility ~~transferred~~ for the purpose of mental health treatment shall be discharged from treatment by the warden under the following conditions:

(a) If the inmate is no longer in need of care and treatment, as defined in s. 945.42, he or she may be transferred out of the mental health treatment facility and provided with appropriate mental health services; or

(b) If the inmate's sentence expires during his or her treatment, but he or she is no longer in need of care and treatment as an inpatient, the inmate may be released with a recommendation for outpatient treatment, pursuant to ~~the provisions of~~ ss. 945.40-945.49.

(2) At any time that an inmate who has received mental health treatment while in the custody of the department becomes eligible for release under supervision or upon end of sentence, a record of the inmate's mental health treatment may be provided to the Florida Commission on Offender Review and to the Department of Children and Families to arrange postrelease aftercare placement and to prospective recipient inpatient health care or residential facilities upon request. The record shall include, at a minimum, a summary of the inmate's diagnosis, length of stay in treatment, clinical history, prognosis, prescribed medication, treatment plan, and recommendations for aftercare services.

Section 15. Section 18. Section 945.48, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.48, F.S., for present text.)

945.48 Emergency treatment orders and use of force.—

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(1) EMERGENCY MEDICATION.—The department is authorized to involuntarily administer psychotropic medication to an inmate on an emergency basis without following the procedure outlined in s. 945.43 only as specified in this section. An emergency treatment order for psychotropic medication may be provided to the inmate upon the written order of a physician licensed pursuant to chapter 458 or chapter 459 in an emergency not exceeding 72 hours, excluding weekends and legal holidays. An emergency exists when an inmate with a mental illness presents an immediate threat of:

(a) Bodily harm to self or others; or

(b) Extreme deterioration in behavioral functioning secondary to the mental illness.

(2) PSYCHOTROPIC MEDICATION.—Psychotropic medication may be administered only when the medication constitutes an appropriate treatment for a mental illness and its symptoms and alternative treatments are not available or indicated, or would not be effective. If after the 72-hour period the inmate has not given express and informed consent to the medication initially refused, the inmate’s treating physician shall refer the inmate to a mental health treatment facility for an involuntary examination in accordance with the procedures described in s. 945.43. Upon such referral, the warden shall, within 48 hours, excluding weekends and legal holidays, transfer the inmate to a mental health treatment facility. Upon transfer of the inmate for an involuntary examination, the emergency treatment order may be continued upon the written order of a physician as long as the physician has determined that the emergency continues to present a danger to the safety of the inmate or others and the

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criteria described in this subsection are satisfied. If psychotropic medication is still recommended after the emergency, it may only be administered after following the procedures outlined in s. 945.44.

(3) USE OF FORCE.—An employee or agent of the department is authorized to apply physical force upon an inmate when and to the extent that it reasonably appears necessary to effectuate the treatment of an inmate as described in this section, for the application of psychiatric restraint, to effectuate clinically necessary hygiene, or pursuant to a valid court order issued under s. 945.44 or s. 945.485. The requirements of s. 944.35 shall be followed when using force to effectuate such treatment, apply such restraint, or effectuate such hygiene.

Section 16. Section 945.485, Florida Statutes, is created to read:

945.485 Management and treatment for self-injurious behaviors.—

(1) The Legislature finds that nonsuicidal self-injurious behaviors in correctional institutions, or acts intended to cause bodily harm but not death, have increased in the correctional environment. Self-injurious behavior may include nonsuicidal self-injury or self-mutilation, such as cutting, reopening wounds, and ingesting or inserting foreign objects or dangerous instruments into the body. These behaviors pose a significant threat to inmates, staff, and, in many cases, the safe and secure operation of the correctional institution. In addition, self-injurious behaviors, coupled with the inmate's repeated refusals to provide express and informed consent for medical treatment and care, are a significant challenge for

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correctional medical and mental health professionals, resulting in higher costs for medical services, and may result in inadvertent mortality in the incarcerated population.

(2) In accordance with s. 945.6042, the Legislature finds that an inmate retains the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment or life-saving medical procedures. However, the inmate's right to privacy and decisionmaking regarding medical treatment may be outweighed by compelling state interests.

(3) When an inmate is engaging in active or ongoing self-injurious behavior and has refused to provide express and informed consent for treatment related to the self-injurious behavior, the warden of the facility where the inmate is housed shall consult with the inmate's treating physician regarding the inmate's medical and mental health status, current medical and mental health treatment needs, and competency to provide express and informed consent for treatment. The warden shall also determine whether the inmate's self-injurious behavior presents a danger to the safety of department staff or other inmates or the security, internal order, or discipline of the institution.

(a) If the inmate's treating physician determines that the inmate has a mental illness and is incompetent to consent to treatment, the physician shall proceed in accordance with s. 945.6042 for any necessary surgical or medical services. If the inmate is in need of care and treatment as defined in s. 945.42, the inmate shall be referred to a mental health treatment facility for an involuntary examination in accordance with s. 945.44.

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(b) If the inmate is competent, refusing necessary surgical or medical treatment, and engaging in active or ongoing self-injurious behavior that presents a threat to the safety of department staff or other inmates or the security, internal order, or discipline of the institution, the warden shall follow the procedure set forth in subsection (4).

(4)(a) The warden, or his or her designated representative, shall, on behalf of the state, petition the circuit court of the county in which the inmate is residing or the county in which the inmate is hospitalized for an order compelling the inmate to submit to emergency surgical intervention or other medical services to the extent necessary to remedy the threat to the safety of staff or other inmates or the security, internal order, or discipline of the institution. The petition must be supported by the expert opinion of at least one of the inmate's treating physicians and may be supported by other staff as necessary.

(b) The inmate shall be provided with a copy of the petition along with the proposed intervention, the basis for the proposed intervention, the names of the testifying experts and witnesses, and the date, time, and location of the hearing. After considering the medical status of the inmate, public safety, and security concerns presented by transporting the inmate, the court may order that the hearing be conducted by electronic means or in person at the institution or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the institution, the department is authorized to transport the inmate to the location of the hearing.

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(c) The inmate may have an attorney represent him or her at the hearing, and, if the inmate is indigent, the court shall appoint the office of the public defender or private counsel pursuant to s. 27.40(1) to represent the inmate at the hearing. An attorney representing the inmate shall have access to the inmate and any records, including medical or mental health records, which are relevant to the representation of the inmate.

(d) The hearing on the petition shall be held as expeditiously as possible after the petition is filed, but no later than 5 calendar days after filing. The court may appoint a general or special magistrate to preside. The inmate may testify or not, as he or she chooses, may cross-examine witnesses testifying on behalf of the institution, and may present his or her own witnesses.

(e) The court may waive the presence of the inmate at the hearing if the waiver is consistent with the best interests of the inmate and the inmate's counsel does not object.

(f) The court shall determine whether the warden has established, by clear and convincing evidence, a compelling state interest sufficient to outweigh the inmate's right to refuse treatment. The court shall consider all of the following:

1. Preservation of the life of the inmate.

2. Prevention of suicide.

3. Protection of innocent third parties.

4. Maintenance of the ethical integrity of the medical profession.

5. Preservation of the security, internal order, or discipline of the institution.

6. Rehabilitation of the inmate.

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7. Any other compelling state interest.

(g) If the court determines that there are compelling state interests sufficient to override the inmate's right to refuse treatment, the court shall enter an order authorizing emergency surgical intervention or other medical services, narrowly tailored and in the least intrusive manner possible, only as necessary to remedy the threat to the safety of third parties or the security, internal order, or discipline of the institution. Emergency surgical intervention or other medical services authorized by the court may be carried out at the institution or at a licensed hospital, as applicable.

(5) This section does not repeal by implication any provision of s. 766.103, the Florida Medical Consent Law, or s. 768.13, the Good Samaritan Act. For all purposes, the Florida Medical Consent Law and the Good Samaritan Act shall be considered alternatives to this section.

Section 17. Subsection (2) of section 945.49, Florida Statutes, is amended to read:

945.49 Operation and administration.—

(2) RULES.—The department~~, in cooperation with the Mental Health Program Office of the Department of Children and Families,~~ shall adopt rules necessary for administration of ss. 945.40-945.49 in accordance with chapter 120.

Section 18. Section 945.6402, Florida Statutes, is created to read:

945.6402 Inmate health care advance directives.—

(1) DEFINITIONS.—The terms used in this section have the same meanings as in s. 765.101 unless otherwise specified in this section. For purposes of this section, the term:

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(a) "Health care facility" has the same meaning as in s. 765.101 and includes any correctional institution or facility where health care is provided.

(b) "Incapacity" or "incompetent" means an inmate is physically or mentally unable to communicate a willful and knowing health care decision.

(c) "Informed consent" means consent voluntarily given by an inmate after a sufficient explanation and disclosure of the subject matter involved to enable the inmate to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures, and to make a knowing health care decision without coercion or undue influence.

(d) "Inmate" means any person committed to the custody of the department.

(e) "Ombudsman" means an individual designated and specifically trained by the department to identify conditions that may pose a threat to the rights, health, safety, and welfare of inmates in a health care facility and who may be appointed to serve as a proxy for an inmate who is physically or mentally unable to communicate a willful and knowing health care decision.

(f) "Proxy" means a competent adult who has not been expressly designated to make health care decisions for a particular incapacitated inmate, but who, nevertheless, is authorized pursuant to s. 765.401 and as specified in this section to make health care decisions for such inmate.

(g) "Proxy review team" means a team of at least five

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members, appointed by the Assistant Secretary for Health Services. The team shall be composed of, at a minimum, one physician licensed pursuant to chapter 458 or chapter 459, one psychologist licensed pursuant to chapter 490, one nurse licensed pursuant to chapter 464, and one department chaplain.

(2) LEGISLATIVE FINDINGS AND INTENT.-

(a) In accordance with chapter 765, the Legislature finds that an inmate retains the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment. In accordance with chapter 765, this right is subject to certain institutional interests, including the protection of human life, the preservation of ethical standards in the medical profession, and, for inmates committed to the custody of the department, the security and good order of the institutional setting.

(b) To ensure that such right is not lost or diminished by virtue of later physical or mental incapacity, the Legislature intends that the procedures specified in chapter 765, and as modified in this section for the institutional health care setting, apply to incarcerated inmates. These procedures should be less expensive and less restrictive than guardianship and allow an inmate to plan for incapacity by executing a document or orally designating another person to direct the course of his or her health care or receive his or her health information, or both, upon his or her incapacity. These procedures permit a previously incapacitated inmate to exercise his or her full right to make health care decisions as soon as the capacity to make such decisions has been regained.

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(c) In order to ensure that the rights and intentions of an inmate are respected when the inmate is not able to participate actively in decisions concerning himself or herself, and to encourage communication among such inmate, his or her family, and his or her treating physicians, the Legislature declares that the laws of this state recognize the right of a competent incarcerated adult to make an advance directive instructing his or her physicians to provide, withhold, or withdraw life-prolonging procedures or to designate another person to make the health care decision for him or her in the event that such incarcerated person should become incapacitated and unable to personally direct his or her health care. It is further the intent of the Legislature that the department provide the opportunity for inmates to make advance directives as specified in this section.

(d) The Legislature further recognizes that incarcerated inmates may not avail themselves of the opportunity to make an advance directive or, because of incarceration, may not have a surrogate, as defined in s. 765.101, willing, able, or reasonably available to make health care decisions on their behalf. Additionally, because of incarceration, the individuals designated in s. 765.401 who are eligible to serve as an appointed proxy may not be reasonably available, willing, or competent to make health care decisions for the inmate in the event of incapacity. Thus, it is the intent of the Legislature that the department have an efficient process that is less expensive and less restrictive than guardianship for the appointment of a proxy to allow for the expedient delivery of necessary health care to an incarcerated inmate.

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(e) This section does not supersede the process for inmate involuntary mental health treatment in ss. 945.40-945.49.

(3) CAPACITY OF INMATE; PROCEDURE.—

(a) An inmate is presumed to be capable of making health care decisions for himself or herself unless he or she is determined to be incapacitated. When an inmate has decisionmaking capacity, the inmate's wishes are controlling. Each physician or health care provider must clearly communicate the treatment plan and any change to the treatment plan before implementation of the plan or any change to the plan. Incapacity may not be inferred from an inmate's involuntary hospitalization for mental illness or from his or her intellectual disability.

(b) If an inmate's capacity to make health care decisions for himself or herself or provide informed consent is in question, the inmate's treating physician at the health care facility where the inmate is located shall evaluate the inmate's capacity and, if the evaluating physician concludes that the inmate lacks capacity, enter that evaluation in the inmate's medical record. If the evaluating physician has a question as to whether the inmate lacks capacity, another physician shall also evaluate the inmate's capacity, and if the second physician finds that the inmate lacks the capacity to make health care decisions for himself or herself or provide informed consent, both physicians' evaluations shall be entered in the inmate's medical record.

(c) If the inmate is found to be incapacitated and has designated a health care surrogate in accordance with chapter 765, the institution's or facility's health care staff shall notify the surrogate and proceed as specified in chapter 765. If

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the incapacitated inmate has not designated a health care surrogate, the health care facility shall appoint a proxy to make health care decisions for the inmate as specified in this section.

(d) A determination made pursuant to this section that an inmate lacks the capacity to make health care decisions for himself or herself may not be construed as a finding that an inmate lacks capacity for any other purpose.

(4) HEALTH CARE ADVANCE DIRECTIVE; PROCEDURE.—

(a) In accordance with chapter 765, the department shall offer inmates the opportunity to execute an advance directive as defined in s. 765.101.

(b) The department shall provide to each inmate written information concerning advance directives and necessary forms to allow inmates to execute an advance directive. The department and its health care providers shall document in the inmate's medical records whether the inmate has executed an advance directive. Neither the department nor its health care providers may require an inmate to execute an advance directive using the department's forms. The inmate's advance directive shall travel with the inmate within the department as part of the inmate's medical record.

(c) An advance directive may be amended or revoked at any time by a competent inmate by means of:

1. A signed, dated writing of intent to amend or revoke;

2. The physical cancellation or destruction of the advance directive by the inmate or by another person in the inmate's presence and at the inmate's direction;

3. An oral expression of intent to amend or revoke; or

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4. A subsequently executed advance directive that is materially different from a previously executed advance directive.

(5) PROXY.—

(a) If an incapacitated inmate has not executed an advance directive, or designated a health care surrogate in accordance with the procedures specified in chapter 765 or the designated health care surrogate is no longer available to make health care decisions, health care decisions may be made for the inmate by any of the individuals specified in the priority order provided in s. 765.401(1)(a)-(g) as proxy. Documentation of the efforts to locate a proxy from the classes specified in s. 765.401(1)(a)-(g) shall be recorded in the inmate's medical file.

(b) If there are no individuals as specified in s. 765.401(1)(a)-(g) available, willing, or competent to act on behalf of the inmate, and the inmate is housed in a correctional institution or facility where health care is provided in a nonhospital setting, the warden of the institution where the inmate is housed, or the warden's designee, shall consult with the Assistant Secretary for Health Services or his or her designee, who shall appoint a department ombudsman to serve as the proxy. This appointment terminates when the inmate regains capacity or is no longer incarcerated in the custody of the department. In accordance with chapter 765 and as provided in this section, decisions to withhold or withdraw life-prolonging procedures will be reviewed by the department's proxy review team for compliance with chapter 765 and the requirements of this section.

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(c) The ombudsman appointed to serve as the proxy is authorized to request the assistance of the treating physician and, upon request, a second physician not involved in the inmate's care to assist the proxy in evaluating the inmate's treatment.

(d) In accordance with chapter 765, any health care decision made by any appointed proxy under this section must be based on the proxy's informed consent and on the decision that the proxy reasonably believes the inmate would have made under the circumstances. If there is no indication of what decision the inmate would have made, the proxy may consider the inmate's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.

(e) Before exercising the incapacitated inmate's rights to select or decline health care, the proxy must comply with ss. 765.205 and 765.305, except that any proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the inmate would have made had he or she been competent or, if there is no indication of what decision the inmate would have made, that the decision is in the inmate's best interest.

(f) Notwithstanding s. 456.057 and pursuant to s. 945.10 and 45 C.F.R. part 164, subpart E, relevant protected health information and mental health and medical records of an incapacitated inmate may be disclosed to a proxy appointed to make health care decisions for an inmate.

(6) USE OF FORCE.—In addition to s. 944.35(1), an employee

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of the department may apply reasonable physical force upon an incapacitated inmate to administer medical treatment only by or under the clinical supervision of a physician or his or her designee and only to carry out a health care decision made in accordance with this section and chapter 765.

(7) IMMUNITY FROM LIABILITY.—A department health care provider, ombudsman, or other employee who acts under the direction of a health care provider as authorized in this section or chapter 765 is not subject to criminal prosecution or civil liability and may not be deemed to have engaged in unprofessional conduct as a result of carrying out a health care decision made in accordance with this section or chapter 765 on an inmate's behalf.

Section 19. Section 947.02, Florida Statutes, is amended to read:

947.02 Florida Commission on Offender Review; members, appointment.—

(1) ~~Except as provided in s. 947.021,~~ The members of the ~~Florida~~ commission ~~on Offender Review~~ shall be directly appointed by the Governor and Cabinet ~~from a list of eligible applicants submitted by a parole qualifications committee~~. The appointments of members of the commission shall be certified to the Senate by the Governor and Cabinet for confirmation~~, and the membership of the commission shall include representation from minority persons as defined in s. 288.703~~.

(2) If the Legislature decreases the membership of the commission, all commission member terms of office shall expire and new members of the commission must be appointed in accordance with subsection (1). Members appointed to the



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commission may be selected from incumbents ~~A parole qualifications committee shall consist of five persons who are appointed by the Governor and Cabinet. One member shall be designated as chair by the Governor and Cabinet. The committee shall provide for statewide advertisement and the receiving of applications for any position or positions on the commission and shall devise a plan for the determination of the qualifications of the applicants by investigations and comprehensive evaluations, including, but not limited to, investigation and evaluation of the character, habits, and philosophy of each applicant. Each parole qualifications committee shall exist for 2 years. If additional vacancies on the commission occur during this 2-year period, the committee may advertise and accept additional applications; however, all previously submitted applications shall be considered along with the new applications according to the previously established plan for the evaluation of the qualifications of applicants~~.

~~(3) Within 90 days before an anticipated vacancy by expiration of term pursuant to s. 947.03 or upon any other vacancy, the Governor and Cabinet shall appoint a parole qualifications committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the commission seat, including the application of an incumbent commissioner if he or she applies, according to subsection (2). The committee shall submit a list of three eligible applicants, which may include the incumbent if the committee so decides, without recommendation, to the Governor and Cabinet for appointment to the commission. In the case of an unexpired term, the appointment must be for the remainder of the~~

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~~unexpired term and until a successor is appointed and qualified. If more than one seat is vacant, the committee shall submit a list of eligible applicants, without recommendation, containing a number of names equal to three times the number of vacant seats; however, the names submitted may not be distinguished by seat, and each submitted applicant shall be considered eligible for each vacancy.~~

~~(4) Upon receiving a list of eligible persons from the parole qualifications committee, the Governor and Cabinet may reject the list. If the list is rejected, the committee shall reinitiate the application and examination procedure according to subsection (2).~~

~~(5) Section 120.525 and chapters 119 and 286 apply to all activities and proceedings of a parole qualifications committee.~~

Section 20. Section 947.021, Florida Statutes, is repealed.

Section 21. Subsection (2) of section 947.12, Florida Statutes, is amended to read:

947.12 Members, employees, expenses.—

~~(2) The members of the examining board created in s. 947.02 shall each be paid per diem and travel expenses pursuant to s. 112.061 when traveling in the performance of their duties.~~

Section 22. Paragraph (g) of subsection (1) and subsection (5) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of contractor-operated correctional facilities shall maximize the cost savings of such facilities and:

(g) Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education;

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and work programs at least equal to those provided by the department in comparable facilities. The work and education programs must be designed to reduce recidivism, and include opportunities to participate in such work programs as authorized pursuant to s. 946.523. However, with respect to the dental, medical, psychological, and dietary services, the department is authorized to exclude any or all of these services from a contract for private correctional services entered into under this chapter and retain responsibility for the delivery of those services, if the department finds it to be in the best interests of the state.

~~(5) Each contract entered into by the department must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the department considers necessary and appropriate for carrying out the purposes of this chapter.~~

Section 23. Subsection (3) of section 957.09, Florida Statutes, is amended to read:

957.09 Applicability of chapter to other provisions of law.—

~~(3) The provisions of law governing the participation of minority business enterprises are applicable to this chapter.~~

Section 24. Subsection (2) of section 20.32, Florida Statutes, is amended to read:

20.32 Florida Commission on Offender Review.—

(2) All powers, duties, and functions relating to the appointment of the Florida Commission on Offender Review as provided in s. 947.02 ~~or s. 947.021~~ shall be exercised and


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performed by the Governor and Cabinet. ~~Except as provided in s. 947.021,~~ Each appointment shall be made from among the first three eligible persons on the list of the persons eligible for said position.

Section 25. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to corrections; amending s. 57.085, F.S.; revising provisions relating to deferral of prepayment of court costs and fees for indigent prisoners for actions involving challenges to prison disciplinary reports; amending s. 95.11, F.S.; providing for a 1-year period of limitation for bringing certain actions relating to the condition of confinement of prisoners; creating s. 760.701, F.S.; defining the term "prisoner"; requiring exhaustion of administrative remedies before certain actions concerning confinement of prisoners may be brought; providing for dismissal of certain actions involving prisoner confinement in certain circumstances; requiring a showing of physical injury or the commission of a certain act as a condition precedent for bringing certain actions relating to prisoner confinement; specifying a time limitation period for bringing an action concerning any condition of

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confinement; amending s. 775.087, F.S.; providing that prison terms for certain offenses committed in conjunction with another felony offense may be sentenced to be served consecutively; amending ss. 922.10 and 922.105, F.S.; revising provisions concerning methods of execution of death sentences; amending s. 934.425, F.S.; exempting persons working for the Department of Corrections or the Department of Juvenile Justice, or persons authorized pursuant to a court order, from provisions regulating the use of tracking devices or tracking applications; amending s. 945.41, F.S.; revising legislative intent; revising provisions relating to mental health treatment for inmates; providing that an inmate must give his or her express and informed consent to such treatment; specifying information an inmate must receive regarding treatment; authorizing the warden to authorize certain emergency medical treatment under the direction of the inmate's attending physician under certain circumstances; amending s. 945.42, F.S.; revising and providing definitions; amending s. 945.43, F.S.; revising provisions concerning involuntary examinations; amending s. 945.44, F.S.; revising provisions concerning involuntary placement and treatment of an inmate in a mental health treatment facility; repealing s. 945.45 F.S., relating to continued placement of inmates in mental health treatment facilities; amending s. 945.46, F.S.; providing requirements for filing petitions for

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involuntary inpatient placement for certain inmates; authorizing the court to order alternative means and venues for certain hearings; requiring, rather than authorizing, inmates to be transported to the nearest receiving facility in certain circumstances; amending s. 945.47, F.S.; specifying purposes for which an inmate's mental health treatment records may be provided to the Florida Commission on Offender Review and the Department of Children and Families; authorizing such records to be provided to certain facilities upon request; amending s. 945.48, F.S.; substantially rewording provisions relating to emergency treatment orders and use of force and providing requirements therefore; providing requirements for emergency and psychotropic medications and use of force; creating s. 945.485, F.S.; providing legislative findings; providing requirements for management and treatment for an inmate's self-injurious behaviors; requiring facility wardens to consult with an inmate's treating physician in certain circumstances and make certain determinations; providing for petitions to compel an inmate to submit to medical treatment in certain circumstances; providing construction; amending s. 945.49, F.S.; deleting a requirement that the Department of Corrections adopt certain rules in cooperation with the Mental Health Program Office of the Department of Children and Families; creating s. 945.6402, F.S.; providing definitions; providing


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legislative findings and intent; providing requirements for inmate capacity, health care advance directives, and proxies; authorizing the use of force on incapacitated inmates in certain circumstances; providing immunity from liability for certain persons in certain circumstances; amending s. 947.02, F.S.; revising the manner in which the membership of the Florida Commission on Offender Review is appointed; repealing s. 947.021, F.S., relating to expedited appointments of the Florida Commission on Offender Review; amending s. 947.12, F.S.; conforming provisions to changes made by the act; amending s. 957.04, F.S.; revising requirements for contracting for certain services; amending s. 957.09, F.S.; deleting a provision relating to minority business enterprises; amending s. 20.32, F.S.; conforming provisions to changes made by the act; providing an effective date.

By Senator Martin

33-00635A-25 20251604__

A bill to be entitled

An act relating to corrections; amending s. 57.085, F.S.; revising provisions relating to deferral of prepayment of court costs and fees for indigent prisoners for actions involving challenges to prison disciplinary reports; amending s. 95.11, F.S.; providing for a 1-year limitation of actions period for certain actions concerning the condition of confinement of prisoners; creating s. 760.701, F.S.; defining the term "prisoner"; requiring exhaustion of administrative remedies before certain actions concerning confinement of prisoners may be brought; providing for dismissal of certain actions involving prisoner confinement in certain circumstances; requiring a showing of physical injury or the commission of a certain act as a condition precedent for bringing certain actions relating to prisoner confinement; specifying a time limitation period for bringing an action concerning any condition of confinement; amending s. 775.087, F.S.; providing that prison terms for certain offenses committed in conjunction with another felony offense may be sentenced to be served consecutively; amending ss. 922.10 and 922.105, F.S.; revising provisions concerning methods of execution of death sentences; amending s. 934.425, F.S.; defining the term "confinement center"; exempting persons working for or at a confinement center from provisions regulating the use of tracking devices or tracking applications;

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amending s. 945.41, F.S.; revising legislative intent; revising provisions relating to mental health treatment for inmates; providing that an inmate must give his or her express and informed consent to such treatment; specifying information an inmate must receive regarding treatment; authorizing the warden to authorize certain emergency medical treatment under the direction of the inmate's attending physician under certain circumstances; amending s. 945.42, F.S.; revising and providing definitions; amending s. 945.43, F.S.; revising provisions concerning involuntary examinations; amending s. 945.44, F.S.; revising provisions concerning placement and treatment of an inmate in a mental health treatment facility; repealing s. 945.45 F.S., relating to continued placement of inmates in mental health treatment facilities; amending s. 945.46, F.S.; providing requirements for filing petitions for involuntary inpatient placement for certain inmates; authorizing the court to order alternative means and venues for certain hearings; requiring, rather than authorizing, inmates to be transported to the nearest receiving facility in certain circumstances; amending s. 945.47, F.S.; specifying purposes for which an inmate's mental health treatment records may be provided to the Florida Commission on Offender Review and the Department of Children and Families; authorizing such records to be provided to certain facilities upon request; amending s. 945.48, F.S.; substantially

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

rewording provisions relating to emergency treatment orders and use of force and providing requirements therefore; providing requirements for emergency and psychotropic medications and use of force; creating s. 945.485, F.S.; providing legislative findings; providing requirements for management and treatment for an inmate's self-injurious behaviors; requiring facility wardens to consult with an inmate's treating physician in certain circumstances and make certain determinations; providing for petitions to compel an inmate to submit to medical treatment in certain circumstances; providing construction; amending s. 945.49, F.S.; deleting a requirement that the Department of Corrections adopt certain rules in cooperation with the Mental Health Program Office of the Department of Children and Families; creating s. 945.6402, F.S.; providing definitions; providing legislative findings and intent; providing requirements for inmate capacity, health care advance directives, and proxies; authorizing the use of force on incapacitated inmates in certain circumstances; providing immunity from liability for certain persons in certain circumstances; amending s. 947.02, F.S.; changing the membership of the Florida Commission on Offender Review; amending s. 947.021, F.S.; revising provisions for expedited appointment of commission members in certain circumstances; amending s. 947.12, F.S.; conforming provisions to changes made by the act; amending s. 957.04, F.S.; revising requirements

for contracting for certain services; amending s. 957.09, F.S.; deleting a provision relating to minority business enterprises; providing an effective date.

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

Section 1. Subsection (10) of section 57.085, Florida Statutes, is amended to read:

57.085 Deferral of prepayment of court costs and fees for indigent prisoners.—

(10) With the exception of challenges to prison disciplinary reports, this section does not apply to a criminal proceeding or a collateral criminal proceeding.

Section 2. Paragraph (b) of subsection (2) and paragraphs (f), (g), and (h) of subsection (6) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of paragraph (6)(e), s. 255.05(10), s. 337.18(1), or s. 713.23(1)(e), and except for an action for a deficiency judgment governed by paragraph (6)(g) ~~(6)(h)~~.

(6) WITHIN ONE YEAR.—

(f) Except for actions described in subsection (9), or a petition challenging a criminal conviction, all petitions; extraordinary writs; tort actions, including those under s. 768.28(14); or other actions which concern any condition of confinement of a prisoner ~~a petition for extraordinary writ, other than a petition challenging a criminal conviction,~~ filed by or on behalf of a prisoner as defined in s. 57.085.

~~(g) Except for actions described in subsection (9), an action brought by or on behalf of a prisoner, as defined in s. 57.085, relating to the conditions of the prisoner's confinement.~~

(g)~~(h)~~ An action to enforce a claim of a deficiency related to a note secured by a mortgage against a residential property that is a one-family to four-family dwelling unit. The limitations period shall commence on the day after the certificate is issued by the clerk of court or the day after the mortgagee accepts a deed in lieu of foreclosure.

Section 3. Section 760.701, Florida Statutes, is created to read:

760.701 Lawsuits by prisoners.—

(1) For the purposes of this section, the term "prisoner" means any person incarcerated or detained in any jail, prison, or other correctional facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pretrial release, or a diversionary program.

(2) An action may not be brought by or on behalf of a prisoner relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any other state or

federal law, until such administrative remedies as are available are fully exhausted.

(3) The court shall on its own motion or on the motion of a party dismiss any action brought relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any other state or federal law, by a prisoner if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. The court shall review any such action pursuant to s. 57.085(6).

(4) An action may not be brought in state court by or on behalf of a prisoner relating to the conditions of the prisoner's confinement under 42 U.S.C. s. 1983, or any state tort action, for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act as defined in 18 U.S.C. s. 2246(2).

(5) The time for bringing an action which concerns any condition of confinement of a prisoner shall be the limitations period as described in s. 95.11(6)(f).

Section 4. Paragraph (d) of subsection (2) of section 775.087, Florida Statutes, is amended, paragraph (e) is added to that subsection, and paragraph (a) of that subsection is republished, to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for:

a. Murder;

b. Sexual battery;
c. Robbery;
d. Burglary;
e. Arson;
f. Aggravated battery;
g. Kidnapping;
h. Escape;
i. Aircraft piracy;
j. Aggravated child abuse;
k. Aggravated abuse of an elderly person or disabled adult;
l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
m. Carjacking;
n. Home-invasion robbery;
o. Aggravated stalking;
p. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);
q. Possession of a firearm by a felon; or
r. Human trafficking

and during the commission of the offense, such person actually possessed a "firearm" or "destructive device" as those terms are

defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 years, except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance shall be sentenced to a minimum term of imprisonment of 3 years if such person possessed a "firearm" or "destructive device" during the commission of the offense. However, if an offender who is convicted of the offense of possession of a firearm by a felon has a previous conviction of committing or attempting to commit a felony listed in s. 775.084(1)(b)1. and actually possessed a firearm or destructive device during the commission of the prior felony, the offender shall be sentenced to a minimum term of imprisonment of 10 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-subparagraph 1.r., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-subparagraph 1.r., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

(d) It is the intent of the Legislature that offenders who actually possess, carry, display, use, threaten to use, or attempt to use firearms or destructive devices be punished to the fullest extent of the law, and the minimum terms of imprisonment imposed pursuant to this subsection shall be imposed for each qualifying felony count for which the person is convicted. The court shall impose any term of imprisonment provided for in this subsection consecutively ~~to any other term of imprisonment imposed for any other felony offense~~.

(e) If a conviction enumerated in subparagraph (a)1. is committed in conjunction with any other felony offense, the court may impose any term of imprisonment provided for in this subsection consecutively to any other term of imprisonment imposed for any other felony offense.

Section 5. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—A death sentence shall be executed by electrocution, ~~or~~ lethal injection, or a method not deemed unconstitutional in accordance with s. 922.105. The warden of the state prison shall designate the executioner. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

Section 6. Subsection (3) of section 922.105, Florida Statutes, is amended to read:

922.105 Execution of death sentence; prohibition against reduction of death sentence as a result of determination that a method of execution is unconstitutional.—

(3) If electrocution or lethal injection is held to be unconstitutional by the Florida Supreme Court under the State

Constitution, or held to be unconstitutional by the United States Supreme Court under the United States Constitution, or if the United States Supreme Court declines to review any judgment holding a method of execution to be unconstitutional under the United States Constitution made by the Florida Supreme Court or the United States Court of Appeals that has jurisdiction over Florida, or if the acquisition of chemicals necessary for lethal injection becomes impossible or impractical, all persons sentenced to death for a capital crime shall be executed by a method not deemed unconstitutional ~~any constitutional method of execution~~.

Section 7. Present paragraphs (b) through (d) of subsection (1) of section 934.425, Florida Statutes, are redesignated as paragraphs (c) through (e), respectively, a new paragraph (b) is added to that subsection, present paragraphs (b) through (e) of subsection (4) are redesignated as paragraphs (c) through (f), respectively, and a new paragraph (b) is added to that subsection, to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

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

(b) "Confinement center" means a jail, center, facility, or institution designed to house a person or confine a person's movements in accordance with chapter 394, chapter 908, chapter 941, chapter 944, chapter 945, chapter 950, chapter 951, chapter 957, chapter 958, chapter 984, or chapter 985.

(4) This section does not apply to:

(b) A person who while working for or at a confinement center installs, places, or uses a tracking device or tracking

application on a person within their care, custody, or control as part of his or her employment.

Section 8. Section 945.41, Florida Statutes, is amended to read:

945.41 Mental health treatment for inmates; legislative intent of ss. 945.40-945.49.—

(1) INTENT.—It is the intent of the Legislature that:

(a) ~~mentally ill~~ Inmates in the custody of the department who have a mental illness ~~of Corrections~~ receive an evaluation and appropriate treatment for their mental illness through a continuum of outpatient and inpatient mental health treatment and services.

(b) The department is authorized to purchase treatment materials and equipment to support inmate rehabilitation; to ameliorate disabling mental symptoms associated with impairment in behavioral functioning, sensory and motor skills, and impulse control; and to improve adaptive coping skills consistent with the department's jurisdiction as described in s. 945.025.

(c) Sections 945.40-945.49 do not supplement, amend, or change the responsibilities of the Department of Children and Families pursuant to chapter 916, the Forensic Client Services Act, which governs forensic services for persons who are incompetent to proceed as defined in s. 916.106.

(2) INDIVIDUAL DIGNITY AND TREATMENT.—

(a) An inmate in the custody of the department shall be offered treatment that is suited to his or her needs as determined by health care staff and that is provided in a humane psychological environment. Such treatment shall be administered skillfully, safely, and humanely with respect for the inmate's

dignity and personal integrity.

(b) The department shall provide mental health treatment and services to inmates and may contract with any entities, persons, or agencies qualified to provide such treatment and services.

(c) Inmates receiving mental health treatment and services shall be offered the opportunity to participate in the development of a written individualized treatment plan and be provided a copy of such plan before its implementation. ~~It is further the intent of the Legislature that:~~

(d) ~~(1)~~ Inmates ~~in the custody of the department~~ who have mental illnesses that require ~~hospitalization and~~ intensive mental health ~~psychiatric~~ inpatient treatment and services or care shall be offered ~~receive~~ appropriate treatment or care in an inpatient setting ~~Department of Corrections mental health treatment facilities~~ designated for that purpose. Inmates who have mental illnesses that require intensive hospitalization-level mental health inpatient treatment and services shall be transferred to a department mental health treatment facility designated for that purpose ~~The Department of Corrections shall provide mental health services to inmates committed to it and may contract with any entities, persons, or agencies qualified to provide such services~~.

(e) ~~(2)~~ Mental health treatment facilities shall be secure and adequately equipped and staffed for the provision of mental health treatment and services. Inmates shall be offered the least restrictive appropriate available treatment and services based on their assessed needs and best interests and consistent with improvement of their condition for facilitation of

appropriate adjustment within the correctional environment ~~services and that, to the extent possible, such services be provided in the least restrictive manner consistent with optimum improvement of the inmate's condition~~.

(3) EXPRESS AND INFORMED CONSENT.—

(a) A mentally competent inmate offered mental health treatment within the department shall give his or her express and informed consent for such treatment. Before giving such consent, the following information shall be provided and explained in plain language to the inmate:

1. The proposed treatment.

2. The purpose of the treatment.

3. The common risks, benefits, and side effects of the treatment and the specific dosage range for a medication, if applicable.

4. Alternative treatment modalities.

5. The approximate length of treatment.

6. The potential effects of stopping treatment.

7. How treatment will be monitored.

8. That any consent given for treatment may be revoked orally or in writing before or during the treatment period by the inmate or by a person legally authorized to make health care decisions on behalf of the inmate.

(b) Inmates who are determined to be incompetent to consent to treatment shall receive treatment deemed to be necessary for their appropriate care and for the safety of the inmate or others in accordance with the procedures established in ss. 945.40-945.49.

(4)~~(3)~~ PAROLE.—Inmates who are transferred to any facility

for the purpose of mental health treatment and services shall be given consideration for parole and be eligible for release by reason of gain-time allowances as provided in s. 944.291 and release by expiration of sentence, consistent with guidelines established for that purpose by the department.

(5)~~(4)~~ YOUTHFUL OFFENDERS.—Any inmate sentenced as a youthful offender, or designated as a youthful offender by the department under chapter 958, who is transferred pursuant to this act to a mental health treatment facility shall be separated from other inmates, if necessary, as determined by the warden of the mental health treatment facility.

(6)~~(5)~~ TREATMENT FACILITIES.—The department may designate mental health treatment facilities for adult, youthful, and female offenders or may contract with other appropriate entities, persons, or agencies for such services.

(7) EMERGENCY MEDICAL TREATMENT.—Notwithstanding any other provision of this section, when the express and informed consent of an inmate placed in a mental health treatment facility in accordance with s. 945.44 cannot be obtained or the inmate is incompetent to consent to treatment, the warden of a mental health treatment facility, or his or her designated representative, under the direction of the inmate's attending physician, may authorize nonpsychiatric, emergency surgical treatment or other routine medical treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

Section 9. Section 945.42, Florida Statutes, is amended to read:

945.42 Definitions; ss. 945.40-945.49.—As used in ss.

945.40-945.49, the following terms shall have the meanings ascribed to them, unless the context shall clearly indicate otherwise:

(1) "Court" means the circuit court.

(2) "Crisis stabilization care" means an inpatient ~~a~~ level of care that is less restrictive and intensive ~~intense~~ than care provided in a mental health treatment facility, that includes a broad range of evaluation and treatment and services provided within a secure and highly structured residential setting ~~or locked residential setting~~, and that is intended for inmates who are experiencing acute psychological ~~emotional~~ distress and who cannot be adequately evaluated and treated in a transitional care unit or infirmary isolation management room. Such treatment and services are ~~is also~~ more intense than treatment and services provided in a transitional care unit and are ~~is~~ devoted principally toward rapid stabilization of acute symptoms and conditions.

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

(4) "Express and informed consent" means consent voluntarily given in writing, by a competent inmate, after sufficient explanation and disclosure of the subject matter involved, to enable the inmate to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

(5) "Gravely disabled" means a condition in which an inmate, as a result of a diagnosed mental illness, is:

(a) In danger of serious physical harm resulting from the inmate's failure to provide for his or her essential physical needs of food, clothing, hygiene, health, or safety without the

assistance of others; or

(b) Experiencing a substantial deterioration in behavioral functioning evidenced by the inmate's unremitting decline in volitional control over his or her actions.

(6) "Incompetent to consent to treatment" means a state in which an inmate's judgment is so affected by mental illness that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical or mental health treatment and services. The term is distinguished from the term "incompetent to proceed," as defined in s. 916.106, and only refers to an inmate's inability to provide express and informed consent for medical or mental health treatment and services.

~~(4) "Director" means the Director for Mental Health Services of the Department of Corrections or his or her designee.~~

~~(5) "In immediate need of care and treatment" means that an inmate is apparently mentally ill and is not able to be appropriately cared for in the institution where he or she is confined and that, but for being isolated in a more restrictive and secure housing environment, because of the apparent mental illness:~~

~~(a)1. The inmate is demonstrating a refusal to care for himself or herself and without immediate treatment intervention is likely to continue to refuse to care for himself or herself, and such refusal poses an immediate, real, and present threat of substantial harm to his or her well-being; or~~

~~2. There is an immediate, real, and present threat that the inmate will inflict serious bodily harm on himself or herself or~~

~~another person, as evidenced by recent behavior involving causing, attempting, or threatening such harm;~~

~~(b) The inmate is unable to determine for himself or herself whether placement is necessary; and~~

~~(c) All available less restrictive treatment alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.~~

(7)~~(6)~~ "In need of care and treatment" means that an inmate has a mental illness for which inpatient services in a mental health treatment facility are necessary and ~~that, but for being isolated in a more restrictive and secure housing environment,~~ because of the mental illness:

(a) But for being isolated in a more restrictive and secure housing environment:

1. The inmate is demonstrating a refusal to care for himself or herself and without treatment is likely to continue to refuse to care for himself or herself, and such refusal poses a real and present threat of substantial harm to his or her well-being.~~; or~~

2. There is a substantial likelihood that in the near future the inmate will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm.~~;~~

(b) The inmate is incompetent to consent to treatment and is unable or is refusing to provide express and informed consent to treatment.

(c)~~(b)~~ The inmate is unable to determine for himself or herself whether placement is necessary; and

(d)~~(c)~~ All available less restrictive treatment

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alternatives that would offer an opportunity for improvement of the inmate's condition have been clinically determined to be inappropriate.

(8)~~(7)~~ "Inmate" means any person committed to the custody of the Department of Corrections.

(9) "Involuntary examination" means a psychiatric examination performed at a mental health treatment facility to determine whether an inmate should be placed in the mental health treatment facility for inpatient mental health treatment and services.

(10) "Likelihood of serious harm" means:

(a) A substantial risk that the inmate will inflict serious physical harm upon his or her own person, as evidenced by threats or attempts to commit suicide or the actual infliction of serious physical harm on self;

(b) A substantial risk that the inmate will inflict physical harm upon another person, as evidenced by behavior which has caused such harm or which places any person in reasonable fear of sustaining such harm; or

(c) A reasonable degree of medical certainty that the inmate will suffer serious physical or mental harm as evidenced by the inmate's recent behavior demonstrating an inability to refrain from engaging in self-harm behavior.

(11)~~(8)~~ "Mental health treatment facility" means any extended treatment or hospitalization-level unit within the corrections system which the Assistant Secretary for Health Services of the department specifically designates by rule to provide acute mental health ~~psychiatric~~ care and which may include involuntary treatment and therapeutic intervention in

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contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care. The term does not include a forensic facility as defined in s. 916.106.

(12) ~~(9)~~ "Mental illness" or "mentally ill" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. However, for the purposes of transferring an inmate to a mental health treatment facility, the term does not include a developmental disability as defined in s. 393.063, simple intoxication, or conditions manifested only by antisocial behavior or substance abuse addiction. However, an individual who is developmentally disabled may also have a mental illness.

(13) ~~(10)~~ "Psychiatrist" means a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated nervous and mental disorders for a period of not less than 3 years inclusive of psychiatric residency.

(14) ~~(11)~~ "Psychological professional" means a behavioral practitioner who has an approved doctoral degree in psychology as defined in s. 490.003(3)(b) ~~s. 490.003(3)~~ and is employed by the department or who is licensed as a psychologist pursuant to chapter 490.

(15) ~~(12)~~ "Secretary" means the Secretary of Corrections.

(16) ~~(13)~~ "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis stabilization care, and is characterized

by the provision of traditional mental health treatment and services ~~treatments~~ such as group and individual therapy, activity therapy, recreational therapy, and psychotropic medications in the context of a secure, structured residential setting. Transitional mental health care is indicated for an inmate ~~a person~~ with chronic or residual symptomatology who does not require crisis stabilization care or acute mental health ~~psychiatric~~ care, but whose impairment in functioning nevertheless renders him or her incapable of adjusting satisfactorily within the general inmate population.

(17) "Treatment" means psychotropic medications prescribed by a medical practitioner licensed pursuant to chapter 458 or chapter 459, including those laboratory tests and related medical procedures that are essential for the safe and effective administration of a psychotropic medication and psychological interventions and services, such as group and individual psychotherapy, activity therapy, recreational therapy, and music therapy. The term does not include forensic services for inmate defendants who are incompetent to proceed as defined in s. 916.106.

(18) ~~(14)~~ "Warden" means the warden of a state corrections facility or his or her designee.

Section 10. Section 13. Section 945.43, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.43, F.S., for present text.)

945.43 Involuntary examination.—

(1) If there is reason to believe that an inmate has a mental illness and the inmate is in need of care and treatment,

the inmate's treating clinician may refer the inmate to a mental health treatment facility for an involuntary examination. Upon referral, the warden of the facility where the inmate is housed shall transfer the inmate to a mental health treatment facility.

(2) Upon arrival to the mental health treatment facility, the inmate shall be examined by a psychiatrist and a second psychiatrist or psychological professional to determine whether the inmate is in need of care and treatment.

(3) If, after the examination, the inmate is determined to be in need of care and treatment, the psychiatrist shall propose a recommended course of treatment that is essential to the care of the inmate, and the warden shall initiate proceedings for placement of the inmate in the mental health treatment facility and for involuntary treatment of the inmate as specified in s. 945.44. If the inmate is not in need of care and treatment, he or she shall be transferred out of the mental health treatment facility and provided with appropriate mental health services.

(4) The involuntary examination and initiation of court proceedings for the placement and applicable involuntary treatment of the inmate in the mental health treatment facility shall be completed within 10 calendar days after arrival.

(5) The inmate may remain in the mental health treatment facility pending a hearing after the timely filing of a petition as described in s. 945.44. Pending a hearing, necessary emergency treatment may be provided in the mental health treatment facility upon the written order of a physician as provided in s. 945.48.

Section 11. Section 945.44, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.44, F.S., for present text.)

945.44 Placement and treatment of an inmate in a mental health treatment facility.—

(1) CRITERIA.—An inmate may be placed in a mental health treatment facility if he or she is mentally ill and is in need of care and treatment. Involuntary mental health treatment that is deemed to be essential for the appropriate care of the inmate and the safety of the inmate or others may be provided at the mental health treatment facility if the inmate is either gravely disabled or presents a likelihood of serious harm.

(2) HEARING PROCEDURES FOR PETITIONS FOR PLACEMENT AND TREATMENT.—

(a) An inmate may be placed and involuntarily treated in a mental health treatment facility after notice and hearing upon the recommendation of the warden of the facility where the inmate is confined. The warden of the institution where the mental health treatment facility is located shall petition the circuit court serving the county for an order authorizing the placement and treatment of the inmate. The petition must be supported by the expert opinion of at least one of the inmate's treating psychiatrists.

(b) The inmate shall be provided with a copy of the petition along with the proposed treatment, the basis for the proposed treatment, the names of the examining experts, and the date, time, and location of the hearing. After considering the public safety and security concerns presented by transporting the inmate or in conducting onsite hearings, the court may order that the hearing be conducted by electronic means or in person

at the facility or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the facility, the department is authorized to transport the inmate to the location of the hearing.

(c) The inmate may have an attorney represent him or her at the hearing, and, if the inmate is indigent, the court shall appoint the office of the public defender or private counsel pursuant to s. 27.40(1) to represent the inmate at the hearing. An attorney representing the inmate shall have access to the inmate and any records, including medical or mental health records, which are relevant to the representation of the inmate.

(d) The hearing on the petition for involuntary placement and treatment shall be held as expeditiously as possible after the petition is filed, but no later than 14 calendar days after filing. The court may appoint a general or special magistrate to preside. The inmate may testify or not, as he or she chooses, may cross-examine witnesses testifying on behalf of the facility, and may present his or her own witnesses.

(e) The court may waive the presence of the inmate at the hearing if the waiver is consistent with the best interests of the inmate and the inmate's counsel does not object. One of the inmate's physicians whose opinion supported the petition shall appear as a witness at the hearing.

(f) If the court finds by clear and convincing evidence that the inmate is mentally ill and in need of care and treatment, the court shall order that he or she be placed in the mental health treatment facility for a period not to exceed 6 months.

(g) On the issue of whether the court should authorize

treatment for which an inmate is unable or has refused to provide express and informed consent, the court shall determine by clear and convincing evidence whether:

1. The inmate is mentally ill.

2. The treatment is essential to the care of the inmate.

3. The treatment is not experimental and does not present an unreasonable risk of serious, hazardous, or irreversible side effects.

4. The inmate is gravely disabled or poses a likelihood of serious harm.

5. The inmate is incompetent to consent to treatment.

(h) The court must consider at least all of the following:

1. The inmate's expressed preference regarding treatment, if the inmate is able to express a preference.

2. The probability of adverse side effects.

3. The prognosis for the inmate without treatment.

4. The prognosis for the inmate with treatment.

(3) ORDERS FOR TREATMENT.—If the court finds by clear and convincing evidence that the inmate is mentally ill and that the inmate meets the criteria in subsection (2), the court shall order that the inmate be involuntarily treated for a period not to exceed 6 months, concurrent with an order for placement in the mental health treatment facility.

(4) STATUS HEARINGS AND CONTINUING JURISDICTION.—An order authorizing involuntary placement and treatment must allow such placement and treatment for a period not to exceed 6 months following the date of the order. Unless the court is notified in writing that the inmate has been discharged from the mental health treatment facility because he or she is no longer in need

of care and treatment, has been transferred to another institution of the department, or has been released from the department's custody, the warden shall, before the expiration of the initial order, file a notice with the court to set a status hearing for an order authorizing the continuation of placement and treatment for another period not to exceed 6 months. This procedure shall be repeated until the inmate is no longer in need of care and treatment. Placement and treatment may be continued pending a hearing after the timely filing of any petition.

(5) COPIES OF ORDERS.—The court shall provide a copy of its order authorizing placement and treatment along with all supporting documentation relating to the inmate's condition to the warden of the mental health treatment facility.

(6) DISMISSAL OF PETITIONS.—If the court finds that criteria for placement and treatment are not satisfied, it shall dismiss the petition and the inmate shall be transferred out of the mental health treatment facility and provided with appropriate mental health services.

Section 12. Section 945.45, Florida Statutes, is repealed.

Section 13. Present subsection (3) of section 945.46, Florida Statutes, is renumbered as subsection (5) and amended, and new subsections (3) and (4) are added to that section, to read:

945.46 Initiation of involuntary placement proceedings with respect to a mentally ill inmate scheduled for release.—

(3) The warden shall file, in the court in the county where the inmate is located, petitions for involuntary inpatient placement for inmates scheduled to be released. Upon filing, the

clerk of the court shall provide copies to the Department of Children and Families, the inmate, and the state attorney and public defender of the judicial circuit in which the inmate is located. A fee may not be charged for the filing of a petition under chapter 394. Within 1 court working day after the filing of a petition for involuntary inpatient placement, the court shall appoint the public defender to represent the inmate who is the subject of the petition, unless the inmate is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of such appointment. Any attorney representing the inmate shall have access to the inmate, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the inmate, regardless of the source of payment to the attorney. The state attorney for the circuit in which the inmate is located shall represent the state, rather than the petitioning warden, as the real party in interest in the proceeding. The remainder of the proceedings shall be governed by chapter 394.

(4) After considering the public safety and security concerns presented by transporting a mentally ill inmate or in conducting an onsite hearing, the court may order that the hearing be conducted by electronic means, at the facility in person, or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the facility, the department is authorized to transport the inmate to the location of the hearing.

(5)~~(3)~~ The department may transport an individual who is being released from its custody to a receiving or mental health treatment facility for involuntary examination or placement.

Such transport shall be made to a facility that is specified by the Department of Children and Families as able to meet the specific needs of the individual. If the Department of Children and Families does not specify a facility, transport shall ~~may~~ be made to the nearest receiving facility.

Section 14. Section 945.47, Florida Statutes, is amended to read:

945.47 Discharge of inmate from mental health treatment.—

(1) An inmate who has been placed in a mental health treatment facility ~~transferred~~ for the purpose of mental health treatment shall be discharged from treatment by the warden under the following conditions:

(a) If the inmate is no longer in need of care and treatment, as defined in s. 945.42, he or she may be transferred out of the mental health treatment facility and provided with appropriate mental health services; or

(b) If the inmate's sentence expires during his or her treatment, but he or she is no longer in need of care and treatment as an inpatient, the inmate may be released with a recommendation for outpatient treatment, pursuant to ~~the provisions of~~ ss. 945.40-945.49.

(2) At any time that an inmate who has received mental health treatment while in the custody of the department becomes eligible for release under supervision or upon end of sentence, a record of the inmate's mental health treatment may be provided to the Florida Commission on Offender Review and to the Department of Children and Families to arrange postrelease aftercare placement and to prospective recipient inpatient health care or residential facilities upon request. The record

shall include, at a minimum, a summary of the inmate's diagnosis, length of stay in treatment, clinical history, prognosis, prescribed medication, treatment plan, and recommendations for aftercare services.

Section 15. Section 18. Section 945.48, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 945.48, F.S., for present text.)

945.48 Emergency treatment orders and use of force.—

(1) EMERGENCY MEDICATION.—The department is authorized to involuntarily administer psychotropic medication to an inmate on an emergency basis without following the procedure outlined in s. 945.43 only as specified in this section. An emergency treatment order for psychotropic medication may be provided to the inmate upon the written order of a physician licensed pursuant to chapter 458 or chapter 459 in an emergency not exceeding 72 hours, excluding weekends and legal holidays. An emergency exists when an inmate with a mental illness presents an immediate threat of:

(a) Bodily harm to self or others; or

(b) Extreme deterioration in behavioral functioning secondary to the mental illness.

(2) PSYCHOTROPIC MEDICATION.—Psychotropic medication may be administered only when the medication constitutes an appropriate treatment for a mental illness and its symptoms and alternative treatments are not available or indicated, or would not be effective. If after the 72-hour period the inmate has not given express and informed consent to the medication initially refused, the inmate's treating physician shall refer the inmate

to a mental health treatment facility for an involuntary examination in accordance with the procedures described in s. 945.43. Upon such referral, the warden shall, within 48 hours, excluding weekends and legal holidays, transfer the inmate to a mental health treatment facility. Upon transfer of the inmate for an involuntary examination, the emergency treatment order may be continued upon the written order of a physician as long as the physician has determined that the emergency continues to present a danger to the safety of the inmate or others and the criteria described in this subsection are satisfied. If psychotropic medication is still recommended after the emergency, it may only be administered after following the procedures outlined in s. 945.44.

(3) USE OF FORCE.—An employee or agent of the department is authorized to apply physical force upon an inmate when and to the extent that it reasonably appears necessary to effectuate the treatment of an inmate as described in this section, for the application of psychiatric restraint, to effectuate clinically necessary hygiene, or pursuant to a valid court order issued under s. 945.44 or s. 945.485. The requirements of s. 944.35 shall be followed when using force to effectuate such treatment, apply such restraint, or effectuate such hygiene.

Section 16. Section 945.485, Florida Statutes, is created to read:

945.485 Management and treatment for self-injurious behaviors.—

(1) The Legislature finds that nonsuicidal self-injurious behaviors in correctional institutions, or acts intended to cause bodily harm but not death, have increased in the

correctional environment. Self-injurious behavior may include nonsuicidal self-injury or self-mutilation, such as cutting, reopening wounds, and ingesting or inserting foreign objects or dangerous instruments into the body. These behaviors pose a significant threat to inmates, staff, and, in many cases, the safe and secure operation of the correctional institution. In addition, self-injurious behaviors, coupled with the inmate's repeated refusals to provide express and informed consent for medical treatment and care, are a significant challenge for correctional medical and mental health professionals, resulting in higher costs for medical services, and may result in inadvertent mortality in the incarcerated population.

(2) In accordance with s. 945.6042, the Legislature finds that an inmate retains the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment or life-saving medical procedures. However, the inmate's right to privacy and decisionmaking regarding medical treatment may be outweighed by compelling state interests.

(3) When an inmate is engaging in active or ongoing self-injurious behavior and has refused to provide express and informed consent for treatment related to the self-injurious behavior, the warden of the facility where the inmate is housed shall consult with the inmate's treating physician regarding the inmate's medical and mental health status, current medical and mental health treatment needs, and competency to provide express and informed consent for treatment. The warden shall also determine whether the inmate's self-injurious behavior presents a danger to the safety of department staff or other inmates or

the security, internal order, or discipline of the institution.

(a) If the inmate's treating physician determines that the inmate has a mental illness and is incompetent to consent to treatment, the physician shall proceed in accordance with s. 945.6042 for any necessary surgical or medical services. If the inmate is in need of care and treatment as defined in s. 945.42, the inmate shall be referred to a mental health treatment facility for an involuntary examination in accordance with s. 945.44.

(b) If the inmate is competent, refusing necessary surgical or medical treatment, and engaging in active or ongoing self-injurious behavior that presents a threat to the safety of department staff or other inmates or the security, internal order, or discipline of the institution, the warden shall follow the procedure set forth in subsection (4).

(4)(a) The warden, or his or her designated representative, shall, on behalf of the state, petition the circuit court of the county in which the inmate is residing or the county in which the inmate is hospitalized for an order compelling the inmate to submit to emergency surgical intervention or other medical services to the extent necessary to remedy the threat to the safety of staff or other inmates or the security, internal order, or discipline of the institution. The petition must be supported by the expert opinion of at least one of the inmate's treating physicians and may be supported by other staff as necessary.

(b) The inmate shall be provided with a copy of the petition along with the proposed intervention, the basis for the proposed intervention, the names of the testifying experts and

witnesses, and the date, time, and location of the hearing. After considering the medical status of the inmate, public safety, and security concerns presented by transporting the inmate, the court may order that the hearing be conducted by electronic means or in person at the institution or at another location designated by the court. If the hearing is ordered by the court to be conducted at a location other than the institution, the department is authorized to transport the inmate to the location of the hearing.

(c) The inmate may have an attorney represent him or her at the hearing, and, if the inmate is indigent, the court shall appoint the office of the public defender or private counsel pursuant to s. 27.40(1) to represent the inmate at the hearing. An attorney representing the inmate shall have access to the inmate and any records, including medical or mental health records, which are relevant to the representation of the inmate.

(d) The hearing on the petition shall be held as expeditiously as possible after the petition is filed, but no later than 5 calendar days after filing. The court may appoint a general or special magistrate to preside. The inmate may testify or not, as he or she chooses, may cross-examine witnesses testifying on behalf of the institution, and may present his or her own witnesses.

(e) The court may waive the presence of the inmate at the hearing if the waiver is consistent with the best interests of the inmate and the inmate's counsel does not object.

(f) The court shall determine whether the warden has established, by clear and convincing evidence, a compelling state interest sufficient to outweigh the inmate's right to

refuse treatment. The court shall consider all of the following:

1. Preservation of the life of the inmate.

2. Prevention of suicide.

3. Protection of innocent third parties.

4. Maintenance of the ethical integrity of the medical profession.

5. Preservation of the security, internal order, or discipline of the institution.

6. Rehabilitation of the inmate.

7. Any other compelling state interest.

(g) If the court determines that there are compelling state interests sufficient to override the inmate's right to refuse treatment, the court shall enter an order authorizing emergency surgical intervention or other medical services, narrowly tailored and in the least intrusive manner possible, only as necessary to remedy the threat to the safety of third parties or the security, internal order, or discipline of the institution. Emergency surgical intervention or other medical services authorized by the court may be carried out at the institution or at a licensed hospital, as applicable.

(5) This section does not repeal by implication any provision of s. 766.103, the Florida Medical Consent Law, or s. 768.13, the Good Samaritan Act. For all purposes, the Florida Medical Consent Law and the Good Samaritan Act shall be considered alternatives to this section.

Section 17. Subsection (2) of section 945.49, Florida Statutes, is amended to read:

945.49 Operation and administration.—

(2) RULES.—The department~~, in cooperation with the Mental~~

~~Health Program Office of the Department of Children and Families,~~ shall adopt rules necessary for administration of ss. 945.40-945.49 in accordance with chapter 120.

Section 18. Section 945.6402, Florida Statutes, is created to read:

945.6402 Inmate health care advance directives.—

(1) DEFINITIONS.—The terms used in this section have the same meanings as in s. 765.101 unless otherwise specified in this section. For purposes of this section, the term:

(a) "Health care facility" has the same meaning as in s. 765.101 and includes any correctional institution or facility where health care is provided.

(b) "Incapacity" or "incompetent" means an inmate is physically or mentally unable to communicate a willful and knowing health care decision.

(c) "Informed consent" means consent voluntarily given by an inmate after a sufficient explanation and disclosure of the subject matter involved to enable the inmate to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures, and to make a knowing health care decision without coercion or undue influence.

(d) "Inmate" means any person committed to the custody of the department.

(e) "Ombudsman" means an individual designated and specifically trained by the department to identify conditions that may pose a threat to the rights, health, safety, and welfare of inmates in a health care facility and who may be

appointed to serve as a proxy for an inmate who is physically or mentally unable to communicate a willful and knowing health care decision.

(f) "Proxy" means a competent adult who has not been expressly designated to make health care decisions for a particular incapacitated inmate, but who, nevertheless, is authorized pursuant to s. 765.401 and as specified in this section to make health care decisions for such inmate.

(g) "Proxy review team" means a team of at least five members, appointed by the Assistant Secretary for Health Services. The team shall be composed of, at a minimum, one physician licensed pursuant to chapter 458 or chapter 459, one psychologist licensed pursuant to chapter 490, one nurse licensed pursuant to chapter 464, and one department chaplain.

(2) LEGISLATIVE FINDINGS AND INTENT.-

(a) In accordance with chapter 765, the Legislature finds that an inmate retains the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment. In accordance with chapter 765, this right is subject to certain institutional interests, including the protection of human life, the preservation of ethical standards in the medical profession, and, for inmates committed to the custody of the department, the security and good order of the institutional setting.

(b) To ensure that such right is not lost or diminished by virtue of later physical or mental incapacity, the Legislature intends that the procedures specified in chapter 765, and as modified in this section for the institutional health care

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setting, apply to incarcerated inmates. These procedures should be less expensive and less restrictive than guardianship and allow an inmate to plan for incapacity by executing a document or orally designating another person to direct the course of his or her health care or receive his or her health information, or both, upon his or her incapacity. These procedures permit a previously incapacitated inmate to exercise his or her full right to make health care decisions as soon as the capacity to make such decisions has been regained.

(c) In order to ensure that the rights and intentions of an inmate are respected when the inmate is not able to participate actively in decisions concerning himself or herself, and to encourage communication among such inmate, his or her family, and his or her treating physicians, the Legislature declares that the laws of this state recognize the right of a competent incarcerated adult to make an advance directive instructing his or her physicians to provide, withhold, or withdraw life-prolonging procedures or to designate another person to make the health care decision for him or her in the event that such incarcerated person should become incapacitated and unable to personally direct his or her health care. It is further the intent of the Legislature that the department provide the opportunity for inmates to make advance directives as specified in this section.

(d) The Legislature further recognizes that incarcerated inmates may not avail themselves of the opportunity to make an advance directive or, because of incarceration, may not have a surrogate, as defined in s. 765.101, willing, able, or reasonably available to make health care decisions on their

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behalf. Additionally, because of incarceration, the individuals designated in s. 765.401 who are eligible to serve as an appointed proxy may not be reasonably available, willing, or competent to make health care decisions for the inmate in the event of incapacity. Thus, it is the intent of the Legislature that the department have an efficient process that is less expensive and less restrictive than guardianship for the appointment of a proxy to allow for the expedient delivery of necessary health care to an incarcerated inmate.

(e) This section does not supersede the process for inmate involuntary mental health treatment in ss. 945.40-945.49.

(3) CAPACITY OF INMATE; PROCEDURE.—

(a) An inmate is presumed to be capable of making health care decisions for himself or herself unless he or she is determined to be incapacitated. When an inmate has decisionmaking capacity, the inmate's wishes are controlling. Each physician or health care provider must clearly communicate the treatment plan and any change to the treatment plan before implementation of the plan or any change to the plan. Incapacity may not be inferred from an inmate's involuntary hospitalization for mental illness or from his or her intellectual disability.

(b) If an inmate's capacity to make health care decisions for himself or herself or provide informed consent is in question, the inmate's treating physician at the health care facility where the inmate is located shall evaluate the inmate's capacity and, if the evaluating physician concludes that the inmate lacks capacity, enter that evaluation in the inmate's medical record. If the evaluating physician has a question as to whether the inmate lacks capacity, another physician shall also

evaluate the inmate's capacity, and if the second physician finds that the inmate lacks the capacity to make health care decisions for himself or herself or provide informed consent, both physicians' evaluations shall be entered in the inmate's medical record.

(c) If the inmate is found to be incapacitated and has designated a health care surrogate in accordance with chapter 765, the institution's or facility's health care staff shall notify the surrogate and proceed as specified in chapter 765. If the incapacitated inmate has not designated a health care surrogate, the health care facility shall appoint a proxy to make health care decisions for the inmate as specified in this section.

(d) A determination made pursuant to this section that an inmate lacks the capacity to make health care decisions for himself or herself may not be construed as a finding that an inmate lacks capacity for any other purpose.

(4) HEALTH CARE ADVANCE DIRECTIVE; PROCEDURE.—

(a) In accordance with chapter 765, the department shall offer inmates the opportunity to execute an advance directive as defined in s. 765.101.

(b) The department shall provide to each inmate written information concerning advance directives and necessary forms to allow inmates to execute an advance directive. The department and its health care providers shall document in the inmate's medical records whether the inmate has executed an advance directive. Neither the department nor its health care providers may require an inmate to execute an advance directive using the department's forms. The inmate's advance directive shall travel

with the inmate within the department as part of the inmate's medical record.

(c) An advance directive may be amended or revoked at any time by a competent inmate by means of:

1. A signed, dated writing of intent to amend or revoke;

2. The physical cancellation or destruction of the advance directive by the inmate or by another person in the inmate's presence and at the inmate's direction;

3. An oral expression of intent to amend or revoke; or

4. A subsequently executed advance directive that is materially different from a previously executed advance directive.

(5) PROXY.—

(a) If an incapacitated inmate has not executed an advance directive, or designated a health care surrogate in accordance with the procedures specified in chapter 765 or the designated health care surrogate is no longer available to make health care decisions, health care decisions may be made for the inmate by any of the individuals specified in the priority order provided in s. 765.401(1)(a)-(g) as proxy. Documentation of the efforts to locate a proxy from the classes specified in s. 765.401(1)(a)-(g) shall be recorded in the inmate's medical file.

(b) If there are no individuals as specified in s. 765.401(1)(a)-(g) available, willing, or competent to act on behalf of the inmate, and the inmate is housed in a correctional institution or facility where health care is provided in a nonhospital setting, the warden of the institution where the inmate is housed, or the warden's designee, shall consult with

the Assistant Secretary for Health Services or his or her designee, who shall appoint a department ombudsman to serve as the proxy. This appointment terminates when the inmate regains capacity or is no longer incarcerated in the custody of the department. In accordance with chapter 765 and as provided in this section, decisions to withhold or withdraw life-prolonging procedures will be reviewed by the department's proxy review team for compliance with chapter 765 and the requirements of this section.

(c) The ombudsman appointed to serve as the proxy is authorized to request the assistance of the treating physician and, upon request, a second physician not involved in the inmate's care to assist the proxy in evaluating the inmate's treatment.

(d) In accordance with chapter 765, any health care decision made by any appointed proxy under this section must be based on the proxy's informed consent and on the decision that the proxy reasonably believes the inmate would have made under the circumstances. If there is no indication of what decision the inmate would have made, the proxy may consider the inmate's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.

(e) Before exercising the incapacitated inmate's rights to select or decline health care, the proxy must comply with ss. 765.205 and 765.305, except that any proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the inmate would have made had he or she

been competent or, if there is no indication of what decision the inmate would have made, that the decision is in the inmate's best interest.

(f) Notwithstanding s. 456.057 and pursuant to s. 945.10 and 45 C.F.R. part 164, subpart E, relevant protected health information and mental health and medical records of an incapacitated inmate may be disclosed to a proxy appointed to make health care decisions for an inmate.

(6) USE OF FORCE.—In addition to s. 944.35(1), an employee of the department may apply reasonable physical force upon an incapacitated inmate to administer medical treatment only by or under the clinical supervision of a physician or his or her designee and only to carry out a health care decision made in accordance with this section and chapter 765.

(7) IMMUNITY FROM LIABILITY.—A department health care provider, ombudsman, or other employee who acts under the direction of a health care provider as authorized in this section or chapter 765 is not subject to criminal prosecution or civil liability and may not be deemed to have engaged in unprofessional conduct as a result of carrying out a health care decision made in accordance with this section or chapter 765 on an inmate's behalf.

Section 19. Section 947.02, Florida Statutes, is amended to read:

947.02 Florida Commission on Offender Review; members, appointment.—

~~(1)~~ Except as provided in s. 947.021, the members of the Florida Commission on Offender Review shall be directly appointed by the Governor and Cabinet ~~from a list of eligible~~

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

~~applicants submitted by a parole qualifications committee~~. The appointments of members of the commission shall be certified to the Senate by the Governor and Cabinet for confirmation~~, and the membership of the commission shall include representation from minority persons as defined in s. 288.703~~.

~~(2) A parole qualifications committee shall consist of five persons who are appointed by the Governor and Cabinet. One member shall be designated as chair by the Governor and Cabinet. The committee shall provide for statewide advertisement and the receiving of applications for any position or positions on the commission and shall devise a plan for the determination of the qualifications of the applicants by investigations and comprehensive evaluations, including, but not limited to, investigation and evaluation of the character, habits, and philosophy of each applicant. Each parole qualifications committee shall exist for 2 years. If additional vacancies on the commission occur during this 2-year period, the committee may advertise and accept additional applications; however, all previously submitted applications shall be considered along with the new applications according to the previously established plan for the evaluation of the qualifications of applicants.~~

~~(3) Within 90 days before an anticipated vacancy by expiration of term pursuant to s. 947.03 or upon any other vacancy, the Governor and Cabinet shall appoint a parole qualifications committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the commission seat, including the application of an incumbent commissioner if he or she applies, according to subsection (2). The committee shall submit a list of three~~

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

~~eligible applicants, which may include the incumbent if the committee so decides, without recommendation, to the Governor and Cabinet for appointment to the commission. In the case of an unexpired term, the appointment must be for the remainder of the unexpired term and until a successor is appointed and qualified. If more than one seat is vacant, the committee shall submit a list of eligible applicants, without recommendation, containing a number of names equal to three times the number of vacant seats; however, the names submitted may not be distinguished by seat, and each submitted applicant shall be considered eligible for each vacancy.~~

~~(4) Upon receiving a list of eligible persons from the parole qualifications committee, the Governor and Cabinet may reject the list. If the list is rejected, the committee shall reinitiate the application and examination procedure according to subsection (2).~~

~~(5) Section 120.525 and chapters 119 and 286 apply to all activities and proceedings of a parole qualifications committee.~~

Section 20. Section 947.021, Florida Statutes, is amended to read:

947.021 Florida Commission on Offender Review; expedited appointments.—Whenever the Legislature decreases the membership of the commission, all terms of office shall expire, notwithstanding any law to the contrary. Under such circumstances, the Governor and Cabinet shall expedite the appointment of commissioners. Pursuant to ~~Notwithstanding the parole qualifications committee procedure in~~ s. 947.02, members shall be directly appointed by the Governor and Cabinet. Members appointed to the commission may be selected from incumbents.

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

Members shall be certified to the Senate by the Governor and Cabinet for confirmation~~, and the membership of the commission shall include representation from minority persons as defined in s. 288.703~~.

Section 21. Subsection (2) of section 947.12, Florida Statutes, is amended to read:

947.12 Members, employees, expenses.—

~~(2) The members of the examining board created in s. 947.02 shall each be paid per diem and travel expenses pursuant to s. 112.061 when traveling in the performance of their duties.~~

Section 22. Paragraph (g) of subsection (1) and subsection (5) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of contractor-operated correctional facilities shall maximize the cost savings of such facilities and:

(g) Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the department in comparable facilities. The work and education programs must be designed to reduce recidivism, and include opportunities to participate in such work programs as authorized pursuant to s. 946.523. However, with respect to the dental, medical, psychological, and dietary services, the department is authorized to exclude any or all of these services from a contract for private correctional services entered into under this chapter and retain responsibility for the delivery of those services, whenever the department finds it to be in the best interests of the state.

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

~~(5) Each contract entered into by the department must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the department considers necessary and appropriate for carrying out the purposes of this chapter.~~

Section 23. Subsection (3) of section 957.09, Florida Statutes, is amended to read:

957.09 Applicability of chapter to other provisions of law.—

~~(3) The provisions of law governing the participation of minority business enterprises are applicable to this chapter.~~

Section 24. This act shall take effect July 1, 2025.

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

The Florida Senate

APPEARANCE RECORD

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

March 25, 2025
Meeting Date

Criminal Justice
Committee

1604
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Criminal Justice
Committee

SB 1604
Bill Number or Topic

Amendment Barcode (if applicable)

Name Katherine Shea

Phone (850) 488-7436

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Street

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Tallahassee FL 32399
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Department of Corrections

☐ 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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Senate professional staff conducting the meeting

03/25/25
Meeting Date

Senate CJ
Committee

SB1604
Bill Number or Topic

Amendment Barcode (if applicable)

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Email grace ellen hanna@gmail.com

TLH FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Criminal Justice
Committee

SB 1604
Bill Number or Topic

628088
Amendment Barcode (if applicable)

Name Katherine Shea

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Street

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Tallahassee FL 32399
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Department of Corrections

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 1660
INTRODUCER:	Criminal Justice Committee and Senator Grall
SUBJECT:	Prostitution and Related Acts
DATE:	March 26, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.			ACJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1660 creates and amends several statutes relating to prostitution and related acts.

Prostitution

The bill creates s. 796.011, F.S., to provide definitions for the terms "Adult," "Assignation," "Commercial Sex," "Female genitals," "Lewdness," "Prostitution," and "Sexual Activity."

The bill creates s. 796.031, F.S., to prohibit an adult from offering to commit, committing, or engaging in prostitution, lewdness, or assignation. The bill permits testimony at trial concerning certain reputation evidence. A person who violates this offense commits a second degree misdemeanor.[1]

In addition to any other penalty imposed, the court must order a person sentenced from a violation of this offense to attend an educational program about the negative effects of commercial sex and human trafficking.

A judicial circuit may establish an educational program for persons convicted or charged with a violation of this offense. The bill provides what such programs may include.

[1] A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to $10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

The bill amends s. 796.06, F.S., to prohibit the owning, establishing, maintaining, operating, using, letting, or renting of a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, when such person knows, or should have known that it will be used for the purpose of commercial sex.

This bill prohibits the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer, or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose.

A person who commits this offense commits a third degree felony[2] for a first offense. A second or subsequent violation of this offense is a second degree felony.[3]

The bill permits testimony at trial concerning certain reputation evidence.

The bill provides for the reclassification of offenses if a building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment.

The bill amends s. 796.07, F.S., to prohibit providing or offering to provide something of value in exchange for sexual activity. It eliminates provisions related to a police officer testimony, and other crimes related to prostitution.

A person who violates this section commits a:
- Third degree felony for a first violation.
- Third degree felony for a second violation.
- Second degree felony[4] for a third violation.

If a violation of this section results in any judicial disposition other than an acquittal or dismissal, the court must order the defendant to:
- Perform 100 hours of community service;
- Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity;
- Pay a civil penalty of $5,000. Of the proceeds from each penalty assessed under this section, the first $500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes; and
- Receive sexually transmitted disease testing at a recognized medical facility.

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

A judicial circuit may establish an education program for persons convicted of or charged with a violation of this section, to include education on:

- The relationship between demand for commercial sex and human trafficking;
- The impact of human trafficking on victims;
- Coercion, consent, and sexual violence;
- The health and legal consequences of commercial sex;
- The negative impact of commercial sex on prostituted person and the community; and
- The reasons and motivations for engaging in prostitution.

The bill amends s. 921.0022, F.S., to provide penalties for specified prostitution and related acts in the offense severity ranking chart (OSRC) of the Criminal Punishment Code.

The bill provides conforming changes to ss. 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.

The bill repeals s. 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute.

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

The bill takes effect on October 1, 2025.

II. Present Situation:

Prostitution and related acts

Chapter 796, F.S., provides for the criminalization of various acts relating to prostitution and establishes penalties for violations. As currently defined, "prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses. Current law provides that it is unlawful:

- For anyone to force, compel, or coerce another to become a prostitute and those in violation will be guilty of third degree felony.[5]
- For any person with reasonable belief or knowing another person is engaged in prostitution to live or derive support or maintenance in whole or in part from what is believed to be earnings or proceeds of such person's prostitution.[6] A person who violates such law commits a second degree felony, a first degree felony for a second offense, and a first degree felony for a third offense with a mandatory minimum term of imprisonment of 10 years.[7]
- To let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used for the purpose of lewdness, assignation, or prostitution. A

[5] Section 796.04, F.S.
[6] Section 796.05(1), F.S.
[7] Section 796.05(2), F.S.

person who violates such commits a first degree misdemeanor[8] or a third degree felony for a second or subsequent violation.[9]

Section 796.07(2), F.S., makes it unlawful to:

- To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.[10]
- To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.[11]
- To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.[12]
- To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.[13]
- For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.[14]
- To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.[15]
- To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.[16]
- To aid, abet, or participate in any of the acts or things enumerated in this subsection.[17]
- To purchase the services of any person engaged in prostitution.[18]

In the trial of a person charged with a violation of the above laws, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.[19]

A person who violates any provision of this statute other than to solicit, induce, entice or procure another to commit prostitution, lewdness or assignation commits a:

- Second degree misdemeanor for a first violation;[20]

[8] A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a $1,000 fine, as provided in s. 775.082 and s. 775.083, F.S.
[9] Section 796.06, F.S.
[10] Section 796.07(2)(a), F.S.
[11] Section 796.07(2)(b), F.S.
[12] Section 796.07(2)(c), F.S.
[13] Section 796.07(2)(d), F.S.
[14] Section 796.07(2)(e), F.S.
[15] Section 796.07(2)(f), F.S.
[16] Section 796.07(2)(g), F.S.
[17] Section 796.07(2)(h), F.S.
[18] Section 796.07(2)(i), F.S.
[19] Section 796.07(3)(a), F.S.
[20] Section 796.07(4)(a)1., F.S.

- First degree misdemeanor for a second violation;[21] or
- Third degree felony for a third or subsequent violation.[22]

A person who is charged with a third or subsequent violation shall be offered admission to a pretrial intervention program or a substance abuse treatment program.[23]

A person convicted of soliciting, enticing, or procuring another person to commit prostitution, lewdness, or assignation commits a:
- First degree misdemeanor for a first violation;[24]
- Third degree felony for a second violation;[25] or
- Second degree felony for a third violation.[26]

In addition to any other penalty imposed, the court must order a person convicted of a violation of this section to:
- Perform 100 hours of community service[27]
- Pay for and attend an educational program, if such a program exists in the judicial circuit in which the offender is sentenced.[28]
- Sentence such person convicted of a *second or subsequent* violation to a minimum mandatory period of incarceration of 10 days.[29]

If a person who violates the offense of soliciting, enticing, or procuring another person to commit prostitution, lewdness, or assignation, uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. [30]

In 2014, the Legislature added legislative intent to ch. 796, F.S., directing the prosecutions of adults who involve minors in prostitution to be prosecuted under other chapters of law as minors are unable to consent to an act of prostitution.[31] Adults who use minors in any act prohibited under ch. 796, F.S., should not be prosecuted under ch. 796, F.S., but should rather be prosecuted under other criminal laws, such as, but not limited to s. 787.06, F.S. (human trafficking), ch. 794, F.S. (sexual battery), ch. 800, F.S. (lewdness and indecent exposure), s. 810.145, F.S. (video voyeurism), ch. 827, F.S. (abuse of children), and ch. 847, F.S. (obscenity).

[21] Section 796.07(4)(a)2., F.S.
[22] Section 796.07(4)(a)3., F.S.
[23] Section 796.07(4)(b), F.S.
[24] Section 796.07(5)(a)1., F.S.
[25] Section 796.07(5)(a)2., F.S.
[26] Section 796.07(5)(a)3., F.S.
[27] Section 796.07(5)(b)1., F.S.
[28] Section 796.07(5)(b)2., F.S.
[29] Section 796.07(5)(c), F.S.
[30] Section 796.07(5)(d), F.S.
[31] Chapter 2014-160, L.O.F.

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code[32] are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.[33,34] A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.[35]

III. Effect of Proposed Changes:

The bill creates and amends several statutes relating to prostitution and related acts.

Prostitution, lewdness, and assignation

The bill creates s. 796.031, F.S., to prohibit an adult from offering to commit, committing, or engaging in prostitution, lewdness, or assignation. The bill permits testimony at trial concerning certain reputation evidence. A person who violates this offense commits a second degree misdemeanor.

In addition to any other penalty imposed, the court shall order a person sentenced from a violation of this offense to attend an educational program about the negative effects of commercial sex and human trafficking.

A judicial circuit may establish an educational program for persons convicted or charged with a violation of the above offense, to include education on:

- The relationship between demand for commercial sex and human trafficking;
- The impact of human trafficking on victims;
- Coercion, consent, and sexual violence;
- The health and legal consequences of commercial sex;
- The negative impact of commercial sex on prostituted persons and the community; and
- The reasons and motivations for engaging in prostitution.

Maintaining space to be used for commercial sex

The bill amends s. 796.06, F.S., to prohibit the owning, establishing, maintaining, operating, using, letting, or renting of a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, when such person knows, or should have known, that it will be used for the purpose of commercial sex.

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

This bill prohibits the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer, or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose.

A person who violates this offense commits a third degree felony. A second or subsequent violation of this offense is a second degree felony.

In the trial of a person charged with a violation of this offense, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

The bill provides that if such building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment, the offense must be reclassified to the next higher degree, as follows:
- A third degree felony is reclassified as a second degree felony.
- A second degree felony is reclassified as a first degree felony.

Prohibiting Prostitution and related acts

The bill amends s. 796.07, F.S., to prohibit providing or offering to provide something of value in exchange for sexual activity.

A person who violates this section commits a:
- Third degree felony for a first violation.
- Third degree felony for a second violation.
- Second degree felony for a third violation.

If a violation of this section results in any judicial disposition other than an acquittal or dismissal, the court must order the defendant to:
- Perform 100 hours of community service
- Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity;
- Pay a civil penalty of $5,000. Of the proceeds from each penalty assessed under this section, the first $500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes; and
- Receive sexually transmitted disease testing at a recognized medical facility.

A judicial circuit may establish an education program for persons convicted of or charged with a violation of this section, to include education on:
- The relationship between demand for commercial sex and human trafficking;
- The impact of human trafficking on victims;
- Coercion, consent, and sexual violence;

- The health and legal consequences of commercial sex;
- The negative impact of commercial sex on prostituted person and the community; and
- The reasons and motivations for engaging in prostitution.

The bill removes provisions relating to law enforcement test and current crimes of prostitution.[36]

Definitions

The bill creates s. 796.011, F.S., to provide definitions for the terms:
- "Adult" to mean an individual 18 years of age or older.
- "Assignation" to mean the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.
- "Commercial sex" to mean engaging in sexual activity in exchange for something of value. The term includes prostitution.
- "Female genitals" to include the labia minora, labia majora, clitoris, vulva, hymen, and vagina.
- "Lewdness" to mean any indecent or obscene act.
- "Prostitution" to mean voluntarily engaging in, agreeing to engage in, or offering to engage in commercial sex.
- "Sexual activity" to mean oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation. The term does not include acts done for bona fide medical reasons.

Forcing, compelling, or coercing another to become a prostitute

The bill repeals s. 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute.

Offense Severity Ranking Chart (OSRC)

The bill amends s. 921.0022, F.S., to provide increased penalties for a second violation of prostitution or related acts, such a violation is a third degree felony, ranked a Level 4 on the OSRC.

The bill provides conforming changes to ss. 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.

The bill takes effect on October 1, 2025.

[36] *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate fiscal impact on the jail and prison bed population by providing enhanced penalties that may result in sentences including longer terms of incarceration for persons convicted of such offenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 796.06, 796.07, 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, 921.0022, and 938.085.
This bill creates the following sections of the Florida Statutes: 796.011 and 796.031.
This bill repeals section 796.04 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

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

- Incorporates technical and clarifying changes.
- Removes "human trafficking" from the definition of commercial sex and includes a human trafficking component in the educational program that a person may be ordered to take.
- Revises language for owning, establishing, etc a place that will be used for the purpose of commercial sex, to provide that a person must know, or should have known that such place would be used for commercial sex.
- Revises penalties for a violation of the offense of providing or offering to provide something of value in exchange for sexual activity. A person who violates this offense commits:
  - A third degree felony for a 1st violation.
  - A third degree felony for a 2nd violation, ranked as a Level 4 on the Offense Severity Ranking chart.
  - A second degree felony for a 3rd violation.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/25/2025	.	
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The Committee on Criminal Justice (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 349

and insert:

exchange for something of value. The term includes prostitution.

(4) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(5) "Lewdness" means any indecent or obscene act.

(6) "Prostitution" means voluntarily engaging in, agreeing to engage in, or offering to engage in commercial sex.

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(7) "Sexual activity" means oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation. The term does not include acts done for bona fide medical purposes.

Section 2. Section 796.031, Florida Statutes, is created to read:

796.031 Prostitution, lewdness, and assignation prohibited; penalties.—

(1) It is unlawful for an adult to offer to commit, to commit, or to engage in prostitution, lewdness, or assignation.

(2) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

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

(b) In addition to any other penalty imposed, the court shall order a person sentenced for a violation of this section to attend an educational program about the negative effects of commercial sex and human trafficking. The educational program may be offered by a secular or faith-based provider.

(c) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of this

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section, to include education on:

1. The relationship between demand for commercial sex and human trafficking;

2. The impact of human trafficking on victims;

3. Coercion, consent, and sexual violence;

4. The health and legal consequences of commercial sex;

5. The negative impact of commercial sex on prostituted persons and the community; and

6. The reasons and motivations for engaging in prostitution.

Section 3. Section 796.04, Florida Statutes, is repealed.

Section 4. Section 796.06, Florida Statutes, is amended to read:

796.06 Maintaining ~~Renting~~ space to be used for commercial sex ~~lewdness, assignation, or prostitution~~.—

(1) It is unlawful for a person to:

(a) Own, establish, maintain, operate, use, let, or rent a building, residence, ~~any~~ place, or structure, in whole or in ~~or~~ part ~~thereof~~, or a trailer or any other conveyance, when such person knows, or should have known, ~~with the knowledge~~ that it will be used for the purpose of commercial sex ~~lewdness, assignation, or prostitution~~.

(b) Receive, or to offer or agree to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sex or to allow a person to remain there for such purpose.

(2) A person who violates this section commits:

(a) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a first violation, punishable as provided in s. 775.082 or s.



775.083.

(b) A felony of the second ~~third~~ degree for a second or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

(4) If such building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment that is or should be licensed under s. 480.043, the offense must be reclassified to the next higher degree, as follows:

(a) A felony of the third degree is reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A felony of the second degree is reclassified as a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution and related acts.—

(1) ~~As used in this section:~~

~~(a) "Assignation" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.~~

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~~(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.~~

~~(c) "Lewdness" means any indecent or obscene act.~~

~~(d) "Prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.~~

~~(e) "Sexual activity" means oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.~~

~~(2)~~ It is unlawful for a person~~:~~

~~(a)~~ to provide, or offer to provide, something of value in exchange for sexual activity ~~own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution~~.

~~(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.~~

~~(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.~~

~~(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or~~

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~~assignation.~~

~~(c) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.~~

~~(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.~~

~~(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.~~

~~(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.~~

~~(i) To purchase the services of any person engaged in prostitution.~~

(2) ~~(3)(a)~~ In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

~~(b) Notwithstanding any other provision of law, a police officer may testify as an offended party in an action regarding charges filed pursuant to this section.~~

(3)(a) ~~(4)(a)~~ A person who violates ~~any provision of~~ this section~~, other than paragraph (2)(f),~~ commits:

1. A felony ~~misdemeanor~~ of the third ~~second~~ degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

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2. A felony ~~misdemeanor~~ of the third ~~first~~ degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

3. A felony of the second ~~third~~ degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(b) A person who is charged with a third or subsequent violation of this section, other than paragraph (2)(f), shall be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.~~

~~(5)(a) A person who violates paragraph (2)(f) commits:~~

~~1. A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.~~

~~2. A felony of the third degree for a second violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~3. A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) In addition to any other penalty imposed, if a violation of this section results in any judicial disposition other than acquittal or dismissal, the court must ~~shall~~ order the defendant ~~a person convicted of a violation of paragraph (2)(f)~~ to:

1. Perform 100 hours of community service;~~.~~

2. Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity; ~~as described in subsection (8), if such a program exists in the judicial circuit in which the offender is sentenced~~



3. Pay a civil penalty of $5,000. Of the proceeds from each penalty assessed under this subparagraph, the first $500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678; and

4. Receive sexually transmitted disease testing at a recognized medical facility.

(c) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of this section, to include education on:

1. The relationship between demand for commercial sex and human trafficking;

2. The impact of human trafficking on victims;

3. Coercion, consent, and sexual violence;

4. The health and legal consequences of commercial sex;

5. The negative impact of commercial sex on prostituted persons and the community; and

6. The reasons and motivations for engaging in prostitution ~~In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days~~.

(d)1. If a person who violates this section ~~paragraph (2)(f)~~ uses a vehicle in the course of the violation, the judge, upon the person’s conviction, may issue an order for the



impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

2. The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

a. The owner’s family has no other private or public means of transportation;

b. The vehicle was stolen at the time of the offense;

c. The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or

d. The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

3. If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-subparagraphs 2.a.-d. ~~sub-subparagraphs (d)2.a.-d.~~, the court must dismiss the order and



the owner of the vehicle will incur no costs.

~~(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of $5,000 if the violation results in any judicial disposition other than acquittal or dismissal. Of the proceeds from each penalty assessed under this subsection, the first $500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678.~~

~~(7) If the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of paragraph (2)(a) is a massage establishment that is or should be licensed under s. 480.043, the offense shall be reclassified to the next higher degree as follows:~~

~~(a) A misdemeanor of the second degree for a first violation is reclassified as a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) A misdemeanor of the first degree for a second violation is reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(c) A felony of the third degree for a third or subsequent violation is reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(8)(a) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of paragraph (2)(f), to include education on:~~

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~~1. The relationship between demand for commercial sex and human trafficking.~~

~~2. The impact of human trafficking on victims.~~

~~3. Coercion, consent, and sexual violence.~~

~~4. The health and legal consequences of commercial sex.~~

~~5. The negative impact of commercial sex on prostituted persons and the community.~~

~~6. The reasons and motivations for engaging in prostitution.~~

~~(b) An educational program may include a program offered by a faith-based provider.~~

Section 6. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton



			disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
292			
	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
293			
	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
294			
	517.07(1)	3rd	Failure to register securities.
295			
	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
296			
	784.031	3rd	Battery by

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		strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.

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784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

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787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
796.07(3)(a)2.	3rd	Second violation of prostitution of related acts.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial



		or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014	3rd	Grand theft, 3rd

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(2)(c)4. & 6.-10.		degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

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817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with



		intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.



843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.



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

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934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

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

And the title is amended as follows:

Delete lines 15 - 51

and insert:

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prostitute; amending s. 796.06, F.S.; prohibiting persons from owning, establishing, maintaining, operating, using, letting, or renting a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, when such person knows or should have known that it will be used for the purpose of commercial sex; prohibiting the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose; providing criminal penalties; providing enhanced criminal penalties for second or subsequent violations; providing that specified testimony concerning reputation is admissible in evidence in the trial of persons charged with certain offenses; requiring the reclassification of offenses under specified circumstances; amending s. 796.07, F.S.; deleting definitions; prohibiting a person from providing, or offering to provide, something of value in exchange for sexual activity; deleting prohibited acts relating to prostitution and related acts; deleting a provision authorizing a police officer to testify under certain circumstances; providing criminal penalties; providing enhanced criminal penalties for second or subsequent violations; deleting a requirement that a person charged with a third or subsequent violation be offered admission into certain programs; requiring a

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court to order that certain defendants perform community service, pay for and attend an educational program, pay a civil penalty, and receive sexually transmitted disease testing; providing requirements for the proceeds of the civil penalty; deleting a minimum mandatory period of incarceration for the commission of a certain offense; conforming provisions to changes made by the act; amending s. 921.0022, F.S.; ranking on level 4 of the offense severity ranking chart a second violation of prostitution or related acts; amending ss. 60.05, 322.28, 397.4073, 397.417,

559024

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
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The Committee on Criminal Justice (Grall) recommended the following:

Senate Substitute for Amendment (193322) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 796.011, Florida Statutes, is created to read:

796.011 Definitions.—As used in this chapter, the term:

(1) "Adult" means an individual 18 years of age or older.

(2) "Assignation" means the making of any appointment or

559024

engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.

(3) "Commercial sex" means engaging in sexual activity in exchange for something of value. The term includes prostitution.

(4) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(5) "Lewdness" means any indecent or obscene act.

(6) "Prostitution" means voluntarily engaging in, agreeing to engage in, or offering to engage in commercial sex.

(7) "Sexual activity" means oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation. The term does not include acts done for bona fide medical purposes.

Section 2. Section 796.031, Florida Statutes, is created to read:

796.031 Prostitution, lewdness, and assignation prohibited; penalties.—

(1) It is unlawful for an adult to offer to commit, to commit, or to engage in prostitution, lewdness, or assignation.

(2) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

(3)(a) A person who violates this section commits a

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misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) In addition to any other penalty imposed, the court shall order a person sentenced for a violation of this section to attend an educational program about the negative effects of commercial sex and human trafficking. The educational program may be offered by a secular or faith-based provider.

(c) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of this section, to include education on:

1. The relationship between demand for commercial sex and human trafficking;

2. The impact of human trafficking on victims;

3. Coercion, consent, and sexual violence;

4. The health and legal consequences of commercial sex;

5. The negative impact of commercial sex on prostituted persons and the community; and

6. The reasons and motivations for engaging in prostitution.

Section 3. Section 796.04, Florida Statutes, is repealed.

Section 4. Section 796.06, Florida Statutes, is amended to read:

796.06 Maintaining ~~Renting~~ space to be used for commercial sex ~~lewdness, assignation, or prostitution~~.—

(1) It is unlawful for a person to:

(a) Own, establish, maintain, operate, use, let, or rent a building, residence, ~~any~~ place, or structure, in whole or in ~~or~~ part ~~thereof~~, or a trailer or any other conveyance, when such person knows, or should have known, ~~with the knowledge~~ that it

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will be used for the purpose of commercial sex ~~lewdness, assignation, or prostitution~~.

(b) Receive, or to offer or agree to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sex or to allow a person to remain there for such purpose.

(2) A person who violates this section commits:

(a) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A felony of the second ~~third~~ degree for a second or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

(4) If such building, residence, place, structure, or trailer or any other conveyance that is owned, established, maintained, or operated is a massage establishment that is or should be licensed under s. 480.043, the offense must be reclassified to the next higher degree, as follows:

(a) A felony of the third degree is reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A felony of the second degree is reclassified as a

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felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution and related acts.—

(1) ~~As used in this section:~~

~~(a) "Assignation" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.~~

~~(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.~~

~~(c) "Lewdness" means any indecent or obscene act.~~

~~(d) "Prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.~~

~~(e) "Sexual activity" means oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.~~

~~(2)~~ It is unlawful for a person~~:~~

~~(a)~~ to provide, or offer to provide, something of value in exchange for sexual activity ~~own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution~~.

~~(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.~~

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~~(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.~~

~~(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.~~

~~(e) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.~~

~~(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.~~

~~(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.~~

~~(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.~~

~~(i) To purchase the services of any person engaged in prostitution.~~

(2)~~(3)(a)~~ In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the

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charge.

~~(b) Notwithstanding any other provision of law, a police officer may testify as an offended party in an action regarding charges filed pursuant to this section.~~

(3)(a)~~(4)(a)~~ A person who violates ~~any provision of~~ this section~~, other than paragraph (2)(f),~~ commits:

1. A felony ~~misdemeanor~~ of the third ~~second~~ degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

2. A felony ~~misdemeanor~~ of the third ~~first~~ degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

3. A felony of the second ~~third~~ degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(b) A person who is charged with a third or subsequent violation of this section, other than paragraph (2)(f), shall be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.~~

~~(5)(a) A person who violates paragraph (2)(f) commits:~~

~~1. A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.~~

~~2. A felony of the third degree for a second violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~3. A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) In addition to any other penalty imposed, if a violation of this section results in any judicial disposition

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other than acquittal or dismissal, the court must ~~shall~~ order the defendant ~~a person convicted of a violation of paragraph (2)(f)~~ to:

1. Perform 100 hours of community service;~~.~~

2. Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity; ~~as described in subsection (8), if such a program exists in the judicial circuit in which the offender is sentenced~~

3. Pay a civil penalty of $5,000. Of the proceeds from each penalty assessed under this subparagraph, the first $500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678; and

4. Receive sexually transmitted disease testing at a recognized medical facility.

(c) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of this section, to include education on:

1. The relationship between demand for commercial sex and human trafficking;

2. The impact of human trafficking on victims;

3. Coercion, consent, and sexual violence;

4. The health and legal consequences of commercial sex;

5. The negative impact of commercial sex on prostituted

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persons and the community; and

6. The reasons and motivations for engaging in prostitution

~~In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days~~.

(d)1. If a person who violates this section ~~paragraph (2)(f)~~ uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

2. The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

a. The owner's family has no other private or public means of transportation;

b. The vehicle was stolen at the time of the offense;

c. The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and

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allow the defendant continued access to the vehicle; or

d. The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

3. If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-subparagraphs 2.a.-d. ~~sub-subparagraphs (d)2.a.-d.~~, the court must dismiss the order and the owner of the vehicle will incur no costs.

~~(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of $5,000 if the violation results in any judicial disposition other than acquittal or dismissal. Of the proceeds from each penalty assessed under this subsection, the first $500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678.~~

~~(7) If the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of paragraph (2)(a) is a massage establishment that is or should be licensed under s. 480.043, the offense shall be reclassified to the next higher degree as follows:~~

~~(a) A misdemeanor of the second degree for a first violation is reclassified as a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

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~~(b) A misdemeanor of the first degree for a second violation is reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(c) A felony of the third degree for a third or subsequent violation is reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(8)(a) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of paragraph (2)(f), to include education on:~~

~~1. The relationship between demand for commercial sex and human trafficking.~~

~~2. The impact of human trafficking on victims.~~

~~3. Coercion, consent, and sexual violence.~~

~~4. The health and legal consequences of commercial sex.~~

~~5. The negative impact of commercial sex on prostituted persons and the community.~~

~~6. The reasons and motivations for engaging in prostitution.~~

~~(b) An educational program may include a program offered by a faith-based provider.~~

Section 6. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description

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104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

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517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

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

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787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
796.07(3)(a)2.	3rd	Prostitution or related

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		acts; second violation.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.

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817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or



			permanent breeding disability to any registered horse or cattle.
343			
	836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
344			
	836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
345			
	837.02(1)	3rd	Perjury in official proceedings.
346			
	837.021(1)	3rd	Make contradictory statements in official proceedings.
347			
	838.022	3rd	Official misconduct.
348			
	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

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

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		computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.

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916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention



facility.

Section 7. Subsection (5) of section 60.05, Florida Statutes, is amended to read:

60.05 Abatement of nuisances.—

(5) On trial if the existence of a nuisance is shown, the court shall issue a permanent injunction and order the costs to be paid by the persons establishing or maintaining the nuisance and shall adjudge that the costs are a lien on all personal property found in the place of the nuisance and on the failure of the property to bring enough to pay the costs, then on the real estate occupied by the nuisance. A lien may not attach to the real estate of any other than such persons unless a second written notice has been given in accordance with paragraph (3)(a) to the owner or his or her agent who fails to begin to abate the nuisance within the time specified therein. In a proceeding abating a nuisance pursuant to s. 823.10 or s. 823.05, if a tenant has been convicted of an offense under chapter 893, s. 796.06, or s. 796.07, the court may order the tenant to vacate the property within 72 hours if the tenant and owner of the premises are parties to the nuisance abatement action and the order will lead to the abatement of the nuisance.

Section 8. Subsection (7) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(7) Following a second or subsequent violation of s. 796.07(1) ~~s. 796.07(2)(f)~~ which involves a motor vehicle and which results in any judicial disposition other than acquittal

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or dismissal, in addition to any other sentence imposed, the court shall revoke the person's driver license or driving privilege, effective upon the date of the disposition, for a period of at least 1 year. A person sentenced under this subsection may request a hearing under s. 322.271.

Section 9. Paragraph (b) of subsection (4) of section 397.4073, Florida Statutes, is amended to read:

397.4073 Background checks of service provider personnel.—

(4) EXEMPTIONS FROM DISQUALIFICATION.—

(b) For service providers that treat adolescents 13 years of age and older, service provider personnel whose background checks indicate crimes under s. 796.031, s. 796.07(2)(e), Florida Statutes 2024, s. 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related criminal attempt, solicitation, or conspiracy under s. 777.04:

1. Shall be exempted from disqualification from employment for such offenses pursuant to this paragraph if:

a. At least 5 years, or at least 3 years in the case of an individual seeking certification as a peer specialist under s. 397.417, have elapsed since the applicant requesting an exemption has completed or has been lawfully released from any confinement, supervision, or nonmonetary condition imposed by a court for the applicant's most recent disqualifying offense under this paragraph.

b. The applicant for an exemption has not been arrested for any offense during the 5 years, or 3 years in the case of a peer specialist, before the request for exemption.

2. May be exempted from disqualification from employment

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for such offenses without a waiting period as provided under s. 435.07(2).

Section 10. Paragraph (e) of subsection (4) of section 397.417, Florida Statutes, is amended to read:

397.417 Peer specialists.—

(4) BACKGROUND SCREENING.—

(e) The background screening conducted under this subsection must ensure that a peer specialist has not been arrested for and is awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.

4. Section 415.111, relating to abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

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8. Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

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20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to providing, or offering to provide, something of value in exchange for sexual activity ~~procuring another to commit prostitution~~, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.

25. Chapter 800, relating to lewdness and indecent exposure.

26. Section 806.01, relating to arson.

27. Section 810.02, relating to burglary, if the offense was a felony of the first degree.

28. Section 810.14, relating to voyeurism, if the offense was a felony.

29. Section 810.145, relating to digital voyeurism, if the offense was a felony.

30. Section 812.13, relating to robbery.

31. Section 812.131, relating to robbery by sudden snatching.

32. Section 812.133, relating to carjacking.

33. Section 812.135, relating to home-invasion robbery.

34. Section 817.034, relating to communications fraud, if the offense was a felony of the first degree.

35. Section 817.234, relating to false and fraudulent insurance claims, if the offense was a felony of the first or

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second degree.

36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.

37. Section 817.505, relating to patient brokering.

38. Section 817.568, relating to fraudulent use of personal identification, if the offense was a felony of the first or second degree.

39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.

40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.

41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense was a felony.

42. Section 826.04, relating to incest.

43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

44. Section 827.04, relating to contributing to the delinquency or dependency of a child.

45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.

47. Section 831.30, relating to fraud in obtaining medicinal drugs.

48. Section 831.31, relating to the sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver of any counterfeit controlled substance, if the offense

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was a felony.

49. Section 843.01, relating to resisting arrest with violence.

50. Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.

51. Section 843.12, relating to aiding in an escape.

52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.

53. Chapter 847, relating to obscenity.

54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

55. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

56. Section 895.03, relating to racketeering and collection of unlawful debts.

57. Section 896.101, relating to the Florida Money Laundering Act.

58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

60. Section 944.40, relating to escape.

61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

62. Section 944.47, relating to introduction of contraband into a correctional institution.

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63. Section 985.701, relating to sexual misconduct in juvenile justice programs.

64. Section 985.711, relating to introduction of contraband into a detention facility.

Section 11. Subsection (2) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(2) Persons employed, or applicants for employment, by treatment providers who treat adolescents 13 years of age and older who are disqualified from employment solely because of crimes under s. 796.031, s. 796.07(2)(e), Florida Statutes 2024, s. 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any related criminal attempt, solicitation, or conspiracy under s. 777.04, may be exempted from disqualification from employment pursuant to this chapter without application of the waiting period in subparagraph (1)(a)1.

Section 12. Subsection (4) and paragraphs (o) and (q) of subsection (5) of section 456.074, Florida Statutes, are amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(4) The department shall issue an emergency order suspending the license of a massage therapist and establishment

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as those terms are defined in chapter 480 upon receipt of information that the massage therapist; the designated establishment manager as defined in chapter 480; an employee of the establishment; a person with an ownership interest in the establishment; or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been arrested for committing or attempting, soliciting, or conspiring to commit, or convicted or found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.06(1) that is reclassified under s. 796.06(4) ~~s. 796.07~~ or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to the selling or buying of minors into prostitution.

(j) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the

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proceeds of prostitution.

(l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating to a felony of the second ~~third~~ degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o) Section 827.071, relating to sexual performance by a child.

(p) Section 847.0133, relating to the protection of minors.

(q) Section 847.0135, relating to computer pornography.

(r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

(5) The department shall issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of any of the following criminal offenses in this state or similar offenses in another jurisdiction:

(o) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(q) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating

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to a felony of the second ~~third~~ degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

Section 13. Subsection (6) of section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

(6) The board shall deny an application for a new or renewal license if an applicant has been convicted or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.06(1) ~~s. 796.07(2)(a)~~ which is reclassified under s. 796.06(4) ~~s. 796.07(7)~~ or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to the selling or buying of minors into prostitution.

(j) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

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(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

(l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating to a felony of the second ~~third~~ degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o) Section 827.071, relating to sexual performance by a child.

(p) Section 847.0133, relating to the protection of minors.

(q) Section 847.0135, relating to computer pornography.

(r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

Section 14. Subsection (8) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.—

(8) The department shall deny an application for a new or renewal license if an establishment owner or a designated establishment manager or, for a corporation that has more than $250,000 of business assets in this state, an establishment

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owner, a designated establishment manager, or any individual directly involved in the management of the establishment has been convicted of or entered a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.06 or s. 796.07 or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to selling or buying of minors into prostitution.

(j) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

(l) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(m) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or

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disabled person.

(n) Section 827.071, relating to sexual performance by a child.

(o) Section 847.0133, relating to the protection of minors.

(p) Section 847.0135, relating to computer pornography.

(q) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(r) Section 847.0145, relating to the selling or buying of minors.

Section 15. Paragraph (c) of subsection (3) of section 480.046, Florida Statutes, is amended to read:

480.046 Grounds for disciplinary action by the board.—

(3) The board shall revoke or suspend the license of a massage establishment licensed under this act, or deny subsequent licensure of such an establishment, if any of the following occurs:

(c) The establishment owner, the designated establishment manager, or any individual providing massage therapy services for the establishment has had the entry in any jurisdiction of:

1. A final order or other disciplinary action taken for sexual misconduct involving prostitution;

2. A final order or other disciplinary action taken for crimes related to the practice of massage therapy involving prostitution; or

3. A conviction or a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.06 or s. 796.07.

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Section 16. Paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to

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real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, former s. 796.04, s. 796.05, s. 796.06, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.

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849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 17. Paragraph (a) of subsection (3) of section 787.01, Florida Statutes, is amended to read:

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or former s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g), relating to human trafficking,

commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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Section 18. Paragraph (a) of subsection (3) of section 787.02, Florida Statutes, is amended to read:

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-6. ~~subparagraphs 1.-5.~~, commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or former s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) relating to human trafficking.

Section 19. Subsection (1) of section 794.056, Florida Statutes, is amended to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be

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used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; former s. 796.04; s. 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 20. Subsection (3) of section 796.08, Florida Statutes, is amended to read:

796.08 Screening for HIV and sexually transmissible diseases; providing penalties.—

(3) A person convicted under s. 796.07 of providing, or offering to provide, something of value in exchange for sexual activity ~~prostitution or procuring another to commit prostitution~~ must undergo screening for a sexually transmissible disease, including, but not limited to, screening to detect exposure to the human immunodeficiency virus, under direction of

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the Department of Health. If the person is infected, he or she must submit to treatment and counseling prior to release from probation, community control, or incarceration. Notwithstanding the provisions of s. 384.29, the results of tests conducted pursuant to this subsection shall be made available by the Department of Health to the offender, medical personnel, appropriate state agencies, state attorneys, and courts of appropriate jurisdiction in need of such information in order to enforce the provisions of this chapter.

Section 21. Subsection (2) of section 796.09, Florida Statutes, is amended to read:

796.09 Coercion; civil cause of action; evidence; defenses; attorney's fees.—

(2) As used in this section, the term "prostitution" has the same meaning as in s. 796.011 ~~s. 796.07~~.

Section 22. 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. 796.06 or 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,

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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;

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019, relating to dealing in stolen property;

(f) On two or more occasions within a 6-month period, as the site of a violation of chapter 499;

(g) On more than two occasions within a 6-month period, as the site of a violation of any combination of the following:

1. Section 782.04, relating to murder;

2. Section 782.051, relating to attempted felony murder;

3. Section 784.045(1)(a)2., relating to aggravated battery with a deadly weapon;

4. Section 784.021(1)(a), relating to aggravated assault with a deadly weapon without intent to kill; or

(h) On more than two occasions within a 12-month period, as the site of a violation of s. 562.12, relating to the unlicensed or unlawful sale of alcoholic beverages,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

Section 23. Paragraph (a) of subsection (8) of section 895.02, Florida Statutes, as amended by chapter 2025-1, Laws of Florida, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(8) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:



(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 104.155(2), relating to aiding or soliciting a noncitizen in voting.

2. Section 210.18, relating to evasion of payment of cigarette taxes.

3. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

4. Chapter 379, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes.

5. Section 403.727(3)(b), relating to environmental control.

6. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

7. Section 414.39, relating to public assistance fraud.

8. Section 440.105 or s. 440.106, relating to workers' compensation.

9. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

10. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

11. Section 499.0051, relating to crimes involving contraband, adulterated, or misbranded drugs.

12. Part IV of chapter 501, relating to telemarketing.

13. Chapter 517, relating to sale of securities and investor protection.

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14. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

15. Chapter 550, relating to jai alai frontons.

16. Section 551.109, relating to slot machine gaming.

17. Chapter 552, relating to the manufacture, distribution, and use of explosives.

18. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

19. Chapter 562, relating to beverage law enforcement.

20. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

21. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

22. Chapter 687, relating to interest and usurious practices.

23. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

24. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

25. Section 777.03, relating to commission of crimes by accessories after the fact.

26. Chapter 782, relating to homicide.

27. Chapter 784, relating to assault and battery.

28. Chapter 787, relating to kidnapping, human smuggling,

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or human trafficking.

29. Chapter 790, relating to weapons and firearms.

30. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

31. Former s. 796.03, former s. 796.035, former s. 796.04, s. 796.05, s. 796.06, or s. 796.07, relating to prostitution.

32. Chapter 806, relating to arson and criminal mischief.

33. Chapter 810, relating to burglary and trespass.

34. Chapter 812, relating to theft, robbery, and related crimes.

35. Chapter 815, relating to computer-related crimes.

36. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, credit card crimes, and patient brokering.

37. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

38. Section 827.071, relating to commercial sexual exploitation of children.

39. Section 828.122, relating to fighting or baiting animals.

40. Chapter 831, relating to forgery and counterfeiting.

41. Chapter 832, relating to issuance of worthless checks and drafts.

42. Section 836.05, relating to extortion.

43. Chapter 837, relating to perjury.

44. Chapter 838, relating to bribery and misuse of public

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office.

45. Chapter 843, relating to obstruction of justice.

46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

47. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

48. Chapter 874, relating to criminal gangs.

49. Chapter 893, relating to drug abuse prevention and control.

50. Chapter 896, relating to offenses related to financial transactions.

51. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

52. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 24. Section 938.085, Florida Statutes, is amended to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; former s. 796.04; s. 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s. 800.03; s.

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800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of $151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of $150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain $1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 25. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to prostitution and related acts; creating s. 796.011, F.S.; defining terms; creating s. 796.031, F.S.; prohibiting adults from offering to commit, committing, or engaging in prostitution, lewdness, or assignation; providing that specified testimony concerning reputation is admissible in evidence in the trial of persons charged with certain offenses; providing criminal penalties; requiring a court to order that a person sentenced for certain violations attend an educational program; authorizing

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judicial circuits to establish certain educational programs; repealing s. 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute; amending s. 796.06, F.S.; prohibiting persons from owning, establishing, maintaining, operating, using, letting, or renting a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, when such person knows or should have known that it will be used for the purpose of commercial sex; prohibiting the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose; providing criminal penalties; providing enhanced criminal penalties for second or subsequent violations; providing that specified testimony concerning reputation is admissible in evidence in the trial of persons charged with certain offenses; requiring the reclassification of offenses under specified circumstances; amending s. 796.07, F.S.; deleting definitions; prohibiting a person from providing, or offering to provide, something of value in exchange for sexual activity; deleting prohibited acts relating to prostitution and related acts; deleting a provision authorizing a police officer to testify under certain circumstances; providing criminal penalties; providing enhanced criminal penalties for second or subsequent

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violations; deleting a requirement that a person charged with a third or subsequent violation be offered admission into certain programs; requiring a court to order that certain defendants perform community service, pay for and attend an educational program, pay a civil penalty, and receive sexually transmitted disease testing; providing requirements for the proceeds of the civil penalty; deleting a minimum mandatory period of incarceration for the commission of a certain offense; conforming provisions to changes made by the act; amending s. 921.0022, F.S.; ranking on level 4 of the offense severity ranking chart a second violation of prostitution or related acts; amending ss. 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.; conforming provisions to changes made by the act; conforming cross-references; providing an effective date.

By Senator Grall

29-00717-25 20251660__

A bill to be entitled

An act relating to prostitution and related acts; creating s. 796.011, F.S.; defining terms; creating s. 796.031, F.S.; prohibiting adults from offering to commit, committing, or engaging in prostitution, lewdness, or assignation; providing that specified testimony concerning reputation is admissible in evidence in the trial of persons charged with certain offenses; providing criminal penalties; requiring a court to order that a person sentenced for certain violations attend an educational program; authorizing judicial circuits to establish certain educational programs; repealing s. 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute; amending s. 796.06, F.S.; prohibiting the owning, establishing, maintaining, operating, using, letting, or renting of a building, residence, place, or structure, in whole or in part, or a trailer or any other conveyance, with knowledge or reckless disregard that it will be used for the purpose of commercial sex; prohibiting the receiving, or offering or agreeing to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sexual activity or to allow a person to remain there for such purpose; providing criminal penalties; providing enhanced criminal penalties for second or subsequent violations; providing that specified testimony concerning reputation is admissible in evidence in the

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trial of persons charged with certain offenses; requiring the reclassification of offenses under specified circumstances; amending s. 796.07, F.S.; deleting definitions; prohibiting a person from providing, or offering to provide, something of value in exchange for sexual activity; deleting prohibited acts relating to prostitution and related acts; deleting a provision authorizing a police officer to testify under certain circumstances; providing criminal penalties; providing enhanced criminal penalties for second or subsequent violations; deleting a requirement that a person charged with a third or subsequent violation be offered admission into certain programs; requiring a court to order that certain defendants perform community service, pay for and attend an educational program, pay a civil penalty, and receive sexually transmitted disease testing; providing requirements for the proceeds of the civil penalty; deleting a minimum mandatory period of incarceration for the commission of a certain offense; conforming provisions to changes made by the act; amending ss. 60.05, 322.28, 397.4073, 397.417, 435.07, 456.074, 480.041, 480.043, 480.046, 772.102, 787.01, 787.02, 794.056, 796.08, 796.09, 893.138, 895.02, and 938.085, F.S.; conforming provisions to changes made by the act; conforming cross-references; providing an effective date.

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

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Section 1. Section 796.011, Florida Statutes, is created to read:

796.011 Definitions.—As used in this chapter, the term:

(1) "Adult" means an individual 18 years of age or older.

(2) "Assignation" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.

(3) "Commercial sex" means engaging in sexual activity in exchange for something of value. The term includes prostitution and human trafficking.

(4) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(5) "Lewdness" means any indecent or obscene act.

(6) "Prostitution" means voluntarily engaging in, agreeing to engage in, or offering to engage in commercial sex.

(7) "Sexual activity" means oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation. The term does not include acts done for bona fide medical purposes.

Section 2. Section 796.031, Florida Statutes, is created to read:

796.031 Prostitution, lewdness, and assignation prohibited; penalties.—

(1) It is unlawful for an adult to offer to commit, to commit, or to engage in prostitution, lewdness, or assignation.

(2) In the trial of a person charged with a violation of

this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

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

(b) In addition to any other penalty imposed, the court shall order a person sentenced for a violation of this section to attend an educational program about the negative effects of commercial sex. The educational program may be offered by a secular or faith-based provider.

(c) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of this section, to include education on:

1. The relationship between demand for commercial sex and human trafficking;

2. The impact of human trafficking on victims;

3. Coercion, consent, and sexual violence;

4. The health and legal consequences of commercial sex;

5. The negative impact of commercial sex on prostituted persons and the community; and

6. The reasons and motivations for engaging in prostitution.

Section 3. Section 796.04, Florida Statutes, is repealed.

Section 4. Section 796.06, Florida Statutes, is amended to read:

796.06 Maintaining ~~Renting~~ space to be used for commercial sex ~~lewdness, assignation, or prostitution~~.—

(1) It is unlawful to:

(a) Own, establish, maintain, operate, use, let, or rent a building, residence, ~~any~~ place, or structure, in whole or in ~~or~~ part ~~thereof~~, or a trailer or any other conveyance, with ~~the~~ knowledge or reckless disregard that it will be used for the purpose of commercial sex ~~lewdness, assignation, or prostitution~~.

(b) Receive, or to offer or agree to receive, a person into a building, residence, place, or structure, or a trailer or any other conveyance, for the purpose of commercial sex or to allow a person to remain there for such purpose.

(2) A person who violates this section commits:

(a) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A felony of the second ~~third~~ degree for a second or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge; testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance; and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

(4) If such building, residence, place, structure, or trailer or any other conveyance that is owned, established,

maintained, or operated is a massage establishment that is or should be licensed under s. 480.043, the offense must be reclassified to the next higher degree, as follows:

(a) A felony of the third degree is reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A felony of the second degree is reclassified as a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A felony of the first degree is reclassified as a felony of the first degree punishable by life in prison, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution and related acts.—

(1) ~~As used in this section:~~

~~(a) "Assignation" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.~~

~~(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.~~

~~(c) "Lewdness" means any indecent or obscene act.~~

~~(d) "Prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.~~

~~(e) "Sexual activity" means oral, anal, or female genital penetration by, or union with, the sexual organ of another; anal or female genital penetration of another by any other object; or the handling or fondling of the sexual organ of another for the~~

~~purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.~~

~~(2)~~ It is unlawful for a person~~:~~

~~(a)~~ to provide, or offer to provide, something of value in exchange for sexual activity ~~own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution~~.

~~(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.~~

~~(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.~~

~~(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.~~

~~(e) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.~~

~~(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.~~

~~(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.~~

~~(h) To aid, abet, or participate in any of the acts or~~

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~~things enumerated in this subsection.~~

~~(i) To purchase the services of any person engaged in prostitution.~~

(2)~~(3)(a)~~ In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

~~(b) Notwithstanding any other provision of law, a police officer may testify as an offended party in an action regarding charges filed pursuant to this section.~~

(3)(a)~~(4)(a)~~ A person who violates ~~any provision of~~ this section~~, other than paragraph (2)(f),~~ commits:

1. A felony ~~misdemeanor~~ of the third ~~second~~ degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

2. A felony ~~misdemeanor~~ of the second ~~first~~ degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

3. A felony of the first ~~third~~ degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(b) A person who is charged with a third or subsequent violation of this section, other than paragraph (2)(f), shall be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.~~

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~~(5)(a) A person who violates paragraph (2)(f) commits:~~

~~1. A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.~~

~~2. A felony of the third degree for a second violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~3. A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) In addition to any other penalty imposed, if a violation of this section results in any judicial disposition other than acquittal or dismissal, the court must ~~shall~~ order the defendant ~~a person convicted of a violation of paragraph (2)(f)~~ to:

1. Perform 100 hours of community service;~~.~~

2. Pay for and attend an educational program, which may be offered by a secular or faith-based provider, on the negative effects of commercial sexual activity; ~~as described in subsection (8), if such a program exists in the judicial circuit in which the offender is sentenced~~

3. Pay a civil penalty of $5,000. Of the proceeds from each penalty assessed under this subparagraph, the first $500 must be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed must be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678; and

4. Receive sexually transmitted disease testing at a

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recognized medical facility.

(c) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of this section, to include education on:

1. The relationship between demand for commercial sex and human trafficking;

2. The impact of human trafficking on victims;

3. Coercion, consent, and sexual violence;

4. The health and legal consequences of commercial sex;

5. The negative impact of commercial sex on prostituted persons and the community; and

6. The reasons and motivations for engaging in prostitution ~~In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days~~.

(d)1. If a person who violates this section ~~paragraph (2)(f)~~ uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

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2. The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

a. The owner's family has no other private or public means of transportation;

b. The vehicle was stolen at the time of the offense;

c. The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or

d. The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

3. If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-subparagraphs 2.a.-d. ~~sub-subparagraphs (d)2.a.-d.~~, the court must dismiss the order and the owner of the vehicle will incur no costs.

~~(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of $5,000 if the violation results in any judicial disposition other than acquittal or dismissal. Of the proceeds from each penalty assessed under this subsection, the first $500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of~~

~~Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678.~~

~~(7) If the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of paragraph (2)(a) is a massage establishment that is or should be licensed under s. 480.043, the offense shall be reclassified to the next higher degree as follows:~~

~~(a) A misdemeanor of the second degree for a first violation is reclassified as a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) A misdemeanor of the first degree for a second violation is reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(c) A felony of the third degree for a third or subsequent violation is reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(8)(a) A judicial circuit may establish an educational program for persons convicted of or charged with a violation of paragraph (2)(f), to include education on:~~

~~1. The relationship between demand for commercial sex and human trafficking.~~

~~2. The impact of human trafficking on victims.~~

~~3. Coercion, consent, and sexual violence.~~

~~4. The health and legal consequences of commercial sex.~~

~~5. The negative impact of commercial sex on prostituted persons and the community.~~

~~6. The reasons and motivations for engaging in prostitution.~~

~~(b) An educational program may include a program offered by~~

~~a faith-based provider.~~

Section 6. Subsection (5) of section 60.05, Florida Statutes, is amended to read:

60.05 Abatement of nuisances.—

(5) On trial if the existence of a nuisance is shown, the court shall issue a permanent injunction and order the costs to be paid by the persons establishing or maintaining the nuisance and shall adjudge that the costs are a lien on all personal property found in the place of the nuisance and on the failure of the property to bring enough to pay the costs, then on the real estate occupied by the nuisance. A lien may not attach to the real estate of any other than such persons unless a second written notice has been given in accordance with paragraph (3)(a) to the owner or his or her agent who fails to begin to abate the nuisance within the time specified therein. In a proceeding abating a nuisance pursuant to s. 823.10 or s. 823.05, if a tenant has been convicted of an offense under chapter 893, s. 796.06, or s. 796.07, the court may order the tenant to vacate the property within 72 hours if the tenant and owner of the premises are parties to the nuisance abatement action and the order will lead to the abatement of the nuisance.

Section 7. Subsection (7) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(7) Following a second or subsequent violation of s. 796.07(1) ~~s. 796.07(2)(f)~~ which involves a motor vehicle and which results in any judicial disposition other than acquittal or dismissal, in addition to any other sentence imposed, the court shall revoke the person's driver license or driving

privilege, effective upon the date of the disposition, for a period of at least 1 year. A person sentenced under this subsection may request a hearing under s. 322.271.

Section 8. Paragraph (b) of subsection (4) of section 397.4073, Florida Statutes, is amended to read:

397.4073 Background checks of service provider personnel.—

(4) EXEMPTIONS FROM DISQUALIFICATION.—

(b) For service providers that treat adolescents 13 years of age and older, service provider personnel whose background checks indicate crimes under s. 796.07(1) ~~s. 796.07(2)(c)~~, s. 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related criminal attempt, solicitation, or conspiracy under s. 777.04:

1. Shall be exempted from disqualification from employment for such offenses pursuant to this paragraph if:

a. At least 5 years, or at least 3 years in the case of an individual seeking certification as a peer specialist under s. 397.417, have elapsed since the applicant requesting an exemption has completed or has been lawfully released from any confinement, supervision, or nonmonetary condition imposed by a court for the applicant's most recent disqualifying offense under this paragraph.

b. The applicant for an exemption has not been arrested for any offense during the 5 years, or 3 years in the case of a peer specialist, before the request for exemption.

2. May be exempted from disqualification from employment for such offenses without a waiting period as provided under s. 435.07(2).

Section 9. Paragraph (e) of subsection (4) of section

397.417, Florida Statutes, is amended to read:

397.417 Peer specialists.—

(4) BACKGROUND SCREENING.—

(e) The background screening conducted under this subsection must ensure that a peer specialist has not been arrested for and is awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.

4. Section 415.111, relating to abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

8. Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter

of an officer, a firefighter, an emergency medical technician, or a paramedic.

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity

with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to providing, or offering to provide, something of value in exchange for sexual activity ~~procuring another to commit prostitution~~, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.

25. Chapter 800, relating to lewdness and indecent exposure.

26. Section 806.01, relating to arson.

27. Section 810.02, relating to burglary, if the offense was a felony of the first degree.

28. Section 810.14, relating to voyeurism, if the offense was a felony.

29. Section 810.145, relating to digital voyeurism, if the offense was a felony.

30. Section 812.13, relating to robbery.

31. Section 812.131, relating to robbery by sudden snatching.

32. Section 812.133, relating to carjacking.

33. Section 812.135, relating to home-invasion robbery.

34. Section 817.034, relating to communications fraud, if the offense was a felony of the first degree.

35. Section 817.234, relating to false and fraudulent insurance claims, if the offense was a felony of the first or second degree.

36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports

of a communicable disease.

37. Section 817.505, relating to patient brokering.

38. Section 817.568, relating to fraudulent use of personal identification, if the offense was a felony of the first or second degree.

39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.

40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.

41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense was a felony.

42. Section 826.04, relating to incest.

43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

44. Section 827.04, relating to contributing to the delinquency or dependency of a child.

45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.

47. Section 831.30, relating to fraud in obtaining medicinal drugs.

48. Section 831.31, relating to the sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver of any counterfeit controlled substance, if the offense was a felony.

49. Section 843.01, relating to resisting arrest with violence.

50. Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.

51. Section 843.12, relating to aiding in an escape.

52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.

53. Chapter 847, relating to obscenity.

54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

55. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

56. Section 895.03, relating to racketeering and collection of unlawful debts.

57. Section 896.101, relating to the Florida Money Laundering Act.

58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

60. Section 944.40, relating to escape.

61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

62. Section 944.47, relating to introduction of contraband into a correctional institution.

63. Section 985.701, relating to sexual misconduct in juvenile justice programs.

64. Section 985.711, relating to introduction of contraband

into a detention facility.

Section 10. Subsection (2) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(2) Persons employed, or applicants for employment, by treatment providers who treat adolescents 13 years of age and older who are disqualified from employment solely because of crimes under s. 796.07(1) ~~s. 796.07(2)(c)~~, s. 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any related criminal attempt, solicitation, or conspiracy under s. 777.04, may be exempted from disqualification from employment pursuant to this chapter without application of the waiting period in subparagraph (1)(a)1.

Section 11. Subsection (4) and paragraphs (o) and (q) of subsection (5) of section 456.074, Florida Statutes, are amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(4) The department shall issue an emergency order suspending the license of a massage therapist and establishment as those terms are defined in chapter 480 upon receipt of information that the massage therapist; the designated establishment manager as defined in chapter 480; an employee of

the establishment; a person with an ownership interest in the establishment; or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been arrested for committing or attempting, soliciting, or conspiring to commit, or convicted or found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.06(1) that is reclassified under s. 796.06(4) ~~s. 796.07~~ or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to the selling or buying of minors into prostitution.

(j) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

(l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating to a felony of the first ~~third~~ degree for a third or subsequent

violation of s. 796.07, relating to prohibiting prostitution and related acts.

(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o) Section 827.071, relating to sexual performance by a child.

(p) Section 847.0133, relating to the protection of minors.

(q) Section 847.0135, relating to computer pornography.

(r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

(5) The department shall issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of any of the following criminal offenses in this state or similar offenses in another jurisdiction:

(o) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(q) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating to a felony of the first ~~third~~ degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

Section 12. Subsection (6) of section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

(6) The board shall deny an application for a new or renewal license if an applicant has been convicted or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.06(1) ~~s. 796.07(2)(a)~~ which is reclassified under s. 796.06(4) ~~s. 796.07(7)~~ or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to the selling or buying of minors into prostitution.

(j) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

(l) Section 796.07(3)(a)3. ~~Section 796.07(4)(a)3.~~, relating

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

to a felony of the first ~~third~~ degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o) Section 827.071, relating to sexual performance by a child.

(p) Section 847.0133, relating to the protection of minors.

(q) Section 847.0135, relating to computer pornography.

(r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

Section 13. Subsection (8) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.—

(8) The department shall deny an application for a new or renewal license if an establishment owner or a designated establishment manager or, for a corporation that has more than $250,000 of business assets in this state, an establishment owner, a designated establishment manager, or any individual directly involved in the management of the establishment has been convicted of or entered a plea of guilty or nolo contendere

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to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.06 or s. 796.07 or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to selling or buying of minors into prostitution.

(j) Former s. 796.04 ~~section 796.04~~, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

(l) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(m) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(n) Section 827.071, relating to sexual performance by a child.

(o) Section 847.0133, relating to the protection of minors.

(p) Section 847.0135, relating to computer pornography.

(q) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(r) Section 847.0145, relating to the selling or buying of minors.

Section 14. Paragraph (c) of subsection (3) of section 480.046, Florida Statutes, is amended to read:

480.046 Grounds for disciplinary action by the board.—

(3) The board shall revoke or suspend the license of a massage establishment licensed under this act, or deny subsequent licensure of such an establishment, if any of the following occurs:

(c) The establishment owner, the designated establishment manager, or any individual providing massage therapy services for the establishment has had the entry in any jurisdiction of:

1. A final order or other disciplinary action taken for sexual misconduct involving prostitution;

2. A final order or other disciplinary action taken for crimes related to the practice of massage therapy involving prostitution; or

3. A conviction or a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.06 or s. 796.07.

Section 15. Paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, former s. 796.04, s. 796.05, s. 796.06, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 16. Paragraph (a) of subsection (3) of section 787.01, Florida Statutes, is amended to read:

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or former s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g), relating to human trafficking,

commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Paragraph (a) of subsection (3) of section 787.02, Florida Statutes, is amended to read:

787.02 False imprisonment; false imprisonment of child

under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-6. ~~subparagraphs 1.-5.~~, commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);

4. A violation of former s. 796.03 or former s. 796.04, relating to prostitution, upon the child;

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or

6. A violation of s. 787.06(3)(g) relating to human trafficking.

Section 18. Subsection (1) of section 794.056, Florida Statutes, is amended to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court

assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; former s. 796.04; s. 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 19. Subsection (3) of section 796.08, Florida Statutes, is amended to read:

796.08 Screening for HIV and sexually transmissible diseases; providing penalties.—

(3) A person convicted under s. 796.07 of providing, or offering to provide, something of value in exchange for sexual activity ~~prostitution or procuring another to commit prostitution~~ must undergo screening for a sexually transmissible disease, including, but not limited to, screening to detect exposure to the human immunodeficiency virus, under direction of the Department of Health. If the person is infected, he or she must submit to treatment and counseling prior to release from probation, community control, or incarceration. Notwithstanding

the provisions of s. 384.29, the results of tests conducted pursuant to this subsection shall be made available by the Department of Health to the offender, medical personnel, appropriate state agencies, state attorneys, and courts of appropriate jurisdiction in need of such information in order to enforce the provisions of this chapter.

Section 20. Subsection (2) of section 796.09, Florida Statutes, is amended to read:

796.09 Coercion; civil cause of action; evidence; defenses; attorney's fees.—

(2) As used in this section, the term "prostitution" has the same meaning as in s. 796.011 ~~s. 796.07~~.

Section 21. 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. 796.06 or 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;

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019, relating to dealing in stolen property;

(f) On two or more occasions within a 6-month period, as the site of a violation of chapter 499;

(g) On more than two occasions within a 6-month period, as the site of a violation of any combination of the following:

1. Section 782.04, relating to murder;

2. Section 782.051, relating to attempted felony murder;

3. Section 784.045(1)(a)2., relating to aggravated battery with a deadly weapon;

4. Section 784.021(1)(a), relating to aggravated assault with a deadly weapon without intent to kill; or

(h) On more than two occasions within a 12-month period, as the site of a violation of s. 562.12, relating to the unlicensed or unlawful sale of alcoholic beverages,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

Section 22. Paragraph (a) of subsection (8) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(8) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of

cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Chapter 379, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes.

4. Section 403.727(3)(b), relating to environmental control.

5. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

6. Section 414.39, relating to public assistance fraud.

7. Section 440.105 or s. 440.106, relating to workers' compensation.

8. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

9. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

10. Section 499.0051, relating to crimes involving contraband, adulterated, or misbranded drugs.

11. Part IV of chapter 501, relating to telemarketing.

12. Chapter 517, relating to sale of securities and investor protection.

13. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

14. Chapter 550, relating to jai alai frontons.

15. Section 551.109, relating to slot machine gaming.

16. Chapter 552, relating to the manufacture, distribution, and use of explosives.

17. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

18. Chapter 562, relating to beverage law enforcement.

19. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

20. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

21. Chapter 687, relating to interest and usurious practices.

22. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

23. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

24. Section 777.03, relating to commission of crimes by accessories after the fact.

25. Chapter 782, relating to homicide.

26. Chapter 784, relating to assault and battery.

27. Chapter 787, relating to kidnapping, human smuggling, or human trafficking.

28. Chapter 790, relating to weapons and firearms.

29. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position

within a criminal gang.

30. Former s. 796.03, former s. 796.035, former s. 796.04, s. 796.05, s. 796.06, or s. 796.07, relating to prostitution.

31. Chapter 806, relating to arson and criminal mischief.

32. Chapter 810, relating to burglary and trespass.

33. Chapter 812, relating to theft, robbery, and related crimes.

34. Chapter 815, relating to computer-related crimes.

35. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, credit card crimes, and patient brokering.

36. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

37. Section 827.071, relating to commercial sexual exploitation of children.

38. Section 828.122, relating to fighting or baiting animals.

39. Chapter 831, relating to forgery and counterfeiting.

40. Chapter 832, relating to issuance of worthless checks and drafts.

41. Section 836.05, relating to extortion.

42. Chapter 837, relating to perjury.

43. Chapter 838, relating to bribery and misuse of public office.

44. Chapter 843, relating to obstruction of justice.

45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

46. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within

that chapter.

47. Chapter 874, relating to criminal gangs.

48. Chapter 893, relating to drug abuse prevention and control.

49. Chapter 896, relating to offenses related to financial transactions.

50. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

51. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 23. Section 938.085, Florida Statutes, is amended to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; former s. 796.04; s. 796.05; s. 796.06; s. 796.07(1) ~~s. 796.07(2)(a)-(d) and (i)~~; s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of $151. Payment of the surcharge shall be a condition of probation, community control, or any other

court-ordered supervision. The sum of $150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain $1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 24. This act shall take effect October 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 7, 2025

I respectfully request that **Senate Bill #1660**, relating to Prostitution & Related Acts, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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03/24/25
Meeting Date

Senate Criminal Justice
Committee

S. 1660
Bill Number or Topic

Prostitution & Related Acts
Amendment Barcode (if applicable)

Name Teresa Helm

Phone (937) 248-6421

Address 6315 Lexington Ct #202
Street

Email tjhelm@ncoselaw.org

Naples FL 34110
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:

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

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

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The Florida Senate

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3/25/2025
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Criminal Justice
Committee

S.1660
Bill Number or Topic

Amendment Barcode (if applicable)

Name Khari James

Phone

Address 1201 F St NW, suite 200
Street

Email kjames@ncoselaw.org

Washington | DC | 20004
City | *State* | *Zip*

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

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3/25/25
Meeting Date

S. Criminal Justice
Committee

1660
Bill Number or Topic

Amendment Barcode (if applicable)

Name Leon Co. Undersheriff Ron Cave

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:

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

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S-001 (08/10/2021)

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3/25/2025
Meeting Date

Senate Criminal Justice
Committee

1660- Prostitution and Related Acts
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stacie Ham

Phone 864-386-7207

Address 575 Meadow Bend Drive
Street

Email stacie.ham17@gmail.com

Davenport
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:

☑ 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

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3-25-25
Meeting Date

Criminal Justice
Committee

SB1660
Bill Number or Topic

Amendment Barcode (if applicable)

Name Teresa Dailey

Phone 2764693874

Address 894 Painter Creek Rd
Street

Email teresamdailey@gmail.com

Bristol TN 37620
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3-25-25
Meeting Date

Criminal Justice
Committee

SB1640
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tim Haines

Phone 423-262-3862

Address 2364 Hwy 81 South
Street

Jonesborough TN 37659
City State Zip

Email teresamdailey@gmail

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/25/25
Meeting Date

Criminal Justice
Committee

SB 1660
Bill Number or Topic

Amendment Barcode (if applicable)

Name Echo Nova

Phone 904-625-8188

Address 1812 Vista Lakes Dr.
Street

Email quartsedecho@gmail.com

Fleming Island FL 32003
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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3/25/25
Meeting Date

Criminal Justice
Committee

SB 1660
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box 530103
Street

Email aarond@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 Voice

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

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

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3-25-25
Meeting Date

Criminal Justice
Committee

SB 1660
Bill Number or Topic

193322
Amendment Barcode (if applicable)

Name Teresa Dailey

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Street

Email teresamdailey@gmail.com

Bristol TN 37620
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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The Florida Senate

APPEARANCE RECORD

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3-25-25
Meeting Date

Criminal Justice
Committee

SB1660
Bill Number or Topic

193322
Amendment Barcode (if applicable)

Name Tim Haines

Phone 423.262.3802

Address 2364 Hwy 81 South
Street

Email teresamdailey@gmail.com

Jonesborough TN 37659
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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 1828
INTRODUCER:	Criminal Justice Committee and Senator Martin
SUBJECT:	Trespass in a Structure or Conveyance
DATE:	March 26, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1828 amends s. 871.05, F.S., to create a third degree felony offense for trespassing in a structure during a covered ticketed event wherein attendance exceeds 5,000 persons. The bill provides a definition for structure.

The bill amends s. 810.09, F.S., to create a third degree felony for a person that trespasses on property that is maintained or secured by federal, state, or local law enforcement when posted.

The bill amends the offense severity ranking chart to reflect the redesignated paragraphs.

The bill may have an indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

Next year, Miami's Hard Rock Stadium will host the FIFA World Cup 26. The full match schedule for the biggest-ever FIFA World Cup has not been announced, and Miami will house four group-stage fixtures as well as a round of 32 games, a quarter-final tie and the bronze final

match.[1] The stadium, which has a capacity of 65,000, has hosted several high-profile matches, including the highest grossing soccer match in North American history, El Clasico between Real Madrid and FC Barcelona, in 2017.[2]

Section 810.08, F.S., states that a person commits a second degree misdemeanor[3] offense of trespass in a structure[4] or conveyance,[5] if:[6]

- Without being authorized, licensed, or invited, such person willfully enters or remains in any structure or conveyance; or,
- Having been authorized, licensed, or invited, such person is warned by the owner or lessee of the premises, or by a person authorized[7] by the owner or lessee, to depart and refuses to do so.

If a person is in the structure or conveyance at the time the offender trespassed, the offense is a first degree misdemeanor.[8]

If the offender is armed with a firearm or other dangerous weapon, or arms himself or herself while in the structure or conveyance, the trespass offense is a third degree felony.[9,10]

Section 871.05, F.S., provides a person commits a first degree misdemeanor if he or she willfully enters or remains in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such restricted area.[11]

---

[1] FIFA, *Miami to Host Seven FIFA World Cup 26 matches*, available at: https://www.fifa.com/en/tournaments/mens/worldcup/canadamexicousa2026/articles/miami-stadium-host-seven-matches (last visited March 18, 2025).
[2] Hard Rock Stadium, *FIFA Announces Miami as Host City for World Cup in 2026*,(June 16, 2022) available at: https://www.hardrockstadium.com/miami-world-cup-2026-announcement/ (last visited March 18, 2025).
[3] A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to $500. Sections 775.082 and 775.083, F.S.
[4] "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under ch. 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08, F.S., only, the term means a building of any kind or such portions or remnants thereof as exist at the original site, regardless of absence of wall or roof. Section 810.011(1), F.S.
[5] "Conveyance" means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and "to enter a conveyance" includes taking apart any portion of the conveyance. However, during the state of emergency declared by executive order or proclamation of the Governor under ch. 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08, F.S., only, the term "conveyance" means a motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car or such portions thereof as exist. Section 810.011(3), F.S.
[6] Section 810.08(1), F.S.
[7] As used in this section, "person authorized" means any owner or lessee, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner or lessee, or his or her agent, to communicate an order to depart the property in the case of a threat to public safety or welfare. Section 810.08(3), F.S.
[8] Section 810.08(2)(b), F.S.
[9] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Section 775.082 and 775.083, F.S.
[10] Section 810.08(2)(c), F.S.
[11] "Restricted area" means any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on or adjacent to, the area of play or performance. Section 871.05(1)(c), F.S.

"Covered event" means an athletic competition or practice, including one conducted in a public venue, or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when the venue is held open to the public for such event until the end of the athletic competition or performance event.[12]

III. Effect of Proposed Changes:

The bill amends s. 871.05, F.S., to create a third degree felony offense for trespassing in a structure during a covered ticketed event wherein attendance exceeds 5,000 persons. The bill provides a definition for structure.

The bill amends s. 810.09, F.S., to create a third degree felony for a person that trespasses on property that is maintained or secured by federal, state, or local law enforcement when posted.

The bill takes effect July 1, 2025

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[12] Section 871.05(1)(a), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate prison bed impact due to the creation of a new third degree felony offense.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 810.09, 871.05 and 921.0022 of the Florida Statutes.

IX. Additional Information:

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

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

- Amends s. 871.05, F.S., to create the crime of trespass in a ticketed covered event.
- Creates a third degree felony offense for anyone who trespasses when a site is secured by federal, state, or local law enforcement, which is posted.

B. Amendments:

None.

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

175286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (k) is added to subsection (2) of section 810.09, Florida Statutes, to read:

810.09 Trespass on property other than structure or conveyance.—

(2) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor

175286

of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(k) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an area being maintained or secured by federal, state, or local law enforcement officers which is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED RESTRICTED SITE SECURED BY LAW ENFORCEMENT, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

Section 2. Section 871.05, Florida Statutes, is amended to read:

871.05 Interference with a sporting or entertainment event.—

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

(a) "Covered event" means an athletic competition or practice, including one conducted in a public venue, or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when a venue is held open to the public for such an event until the end of the athletic competition or performance event.

(b) "Covered participant" means an umpire, officiating crew member, player, coach, manager, groundskeeper, or any artistic, theatrical, or other performer or sanctioned participant in a covered event. The term includes event operations and security employees working at a covered event.

(c) "Restricted area" means any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on, or adjacent to, the



area of play or performance.

(d) "Structure" has the same meaning as in s. 810.011.

(2) A person may not:

(a) Intentionally touch or strike a covered participant during a covered event against the will of the covered participant, or intentionally cause bodily harm to a covered participant during a covered event; or

(b) Willfully enter or remain in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area.

(c) Willfully enter or remain in a structure during a ticketed covered event wherein attendance exceeds 5,000 persons, without being authorized, licensed, or invited to enter or remain in such structure.

(3) A person who:

(a) Violates paragraph (2)(a) or paragraph (2)(b) ~~subsection (2)~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than $2,500.

(b) Violates paragraph (2)(c) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Solicits another person to violate subsection (2) by offering money or any other thing of value to another to engage in specific conduct that constitutes such a violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person convicted of a violation of this section may not realize any profit or benefit, directly or indirectly, from

175286

committing such a violation. Any profit or benefit payable to or accruing to a person convicted of a violation of this section is subject to seizure and forfeiture as provided in the Florida Contraband Forfeiture Act.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to trespass; amending s. 810.09, F.S.; providing enhanced criminal penalties for trespassing on property maintained or secured by federal, state, or local law enforcement officers if specified notice is posted; amending s. 871.05, F.S.; defining the term "structure"; prohibiting a person from willfully entering or remaining in a structure during a certain ticketed covered event without being authorized, licensed, or invited to enter or remain in such structure; providing criminal penalties; providing an effective date.

By Senator Martin

33-01714-25 20251828__

A bill to be entitled

An act relating to trespass in a structure or conveyance; amending s. 810.08, F.S.; providing that a trespass is a felony of the third degree if it occurs in a structure being used for a large, ticketed event; amending s. 921.0022, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present paragraphs (b) and (c) of subsection (2) of section 810.08, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) is added to that subsection, to read:

810.08 Trespass in structure or conveyance.—

(2)

(b) If the offense occurs in a structure being used for a large, ticketed event wherein attendance exceeds 5,000 persons, the trespass in a structure or conveyance is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

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

33-01714-25 20251828__

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a

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		dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.

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

784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at

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

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

		or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(d) ~~810.08(2)(c)~~	3rd	Trespass on property, armed with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014	3rd	Grand theft, 3rd degree;

(2)(c)4. & 6.-10.		specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of

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		personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully

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		possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or

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		correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or

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

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

944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

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

The Florida Senate

APPEARANCE RECORD

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

March 25, 2025
Meeting Date

Criminal Justice
Committee

1828
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop III

Phone 850-510-9922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Fla. Smart Justice Alliance

☐ 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)

CourtSmart Tag Report

Room: SB 37 **Case No.:** **Type:**
Caption: Senate Committee on Criminal Justice **Judge:**

Started: 3/25/2025 1:31:42 PM
Ends: 3/25/2025 3:28:43 PM **Length: 01:57:02**

1:31:42 PM Chair Martin calls meeting to order
1:31:44 PM Roll Call
1:31:59 PM Quorum
1:32:01 PM Opening remarks by Chair Martin
1:32:29 PM SB 58 by Senator Garcia is Temporarily Postponed
1:32:36 PM Tab 10: SB 1180 Sexual Images by Senator Gaetz
1:32:46 PM Amendment 423516 by Senator Gaetz
1:32:53 PM Senator Gaetz explains amendment
1:34:14 PM Senator Gaetz waives close on amendment
1:34:16 PM Chair Martin reports amendment
1:34:22 PM Public testimony
1:34:26 PM Lucy Adams Stevenson
1:36:24 PM Chair Martin reads waiving
1:36:43 PM Senator Gaetz closes on bill
1:37:02 PM Roll Call
1:37:24 PM Chair Martin turns chair to Senator Smith
1:37:42 PM Tab 4: SB 500 Spectrum Alert by Senator Avila
1:37:54 PM Senator Avila explains bill
1:39:02 PM Public testimony
1:39:05 PM Barney Bishop, Florida Smart Justice Alliance waiving
1:39:21 PM Senator Avila waives close on bill
1:39:26 PM Roll Call
1:39:49 PM Tab 6: SB 726 False Reporting by Senator Ingoglia
1:40:01 PM Senator Ingoglia explains bill
1:40:34 PM Public testimony
1:40:37 PM Barney Bishop, Florida Smart Justice Alliance waiving
1:40:50 PM Senator Ingoglia waives close on bill
1:40:54 PM Roll Call
1:41:15 PM Tab 3: SB 494 Animal Cruelty by Senator Leek
1:41:34 PM Amendment 207354 by Senator Leek
1:41:44 PM Senator Leek explains amendment
1:43:16 PM Senator Leek waives close on amendment
1:43:21 PM Chair Smith reports amendment
1:43:31 PM Public testimony
1:43:38 PM Rachel Kaduk
1:44:51 PM Lilly Baron
1:45:38 PM Chair Smith reads waiving
1:47:27 PM Debate
1:47:30 PM Chair Smith
1:47:39 PM Senator Leek waives close on bill
1:47:45 PM Roll Call
1:48:20 PM Tab 8: SB 964 Objective Parole Guidelines by Senator Bernard
1:48:40 PM Senator Bernard explains bill
1:49:27 PM Public testimony
1:49:33 PM Keith Harris
1:50:58 PM Kim White
1:51:51 PM Sharee Brooks Cooper
1:53:28 PM Bridgett Forman
1:54:25 PM Chair Smith reads waiving
1:55:12 PM Senator Bernard closes on bill
1:55:33 PM Roll Call
1:56:00 PM Tab 11: SB 1344 Juvenile Justice by Senator Simon

1:56:15 PM Amendment 384302 by Senator Simon
1:56:30 PM Senator Simon explains amendment
1:58:30 PM Questions
1:58:32 PM Senator Pizzo
1:58:40 PM Senator Simon
1:58:41 PM Senator Pizzo
1:58:42 PM Senator Simon
1:58:58 PM Senator Simon waives close on amendment
1:59:02 PM Chair Smith reports amendment
1:59:14 PM Public testimony
1:59:19 PM Chair Smith reads waiving
2:00:10 PM Roll Call
2:00:34 PM Tab 2: SB 468 Fleeing or Attempting to Elude a Law Enforcement Officer by Senator Collins
2:00:57 PM Amendment 918400 by Senator Collins
2:00:58 PM Senator Collins explains amendment
2:01:53 PM Senator Collins waives close on amendment
2:01:57 PM Chair Smith reports amendment
2:02:08 PM Public testimony
2:02:15 PM Chair Smith reads waiving
2:03:10 PM Senator Collins waives close on bill
2:03:14 PM Roll Call
2:03:37 PM Tab 9: SB 1136 Age as an Element of a Criminal Offense by Senator Collins
2:03:51 PM Senator Collins explains bill
2:04:54 PM Amendment 281246 by Senator Collins
2:05:00 PM Senator Collins explains amendment
2:05:51 PM Senator Collins waives close on amendment
2:05:54 PM Chair Smith reports amendment
2:06:02 PM Public testimony
2:06:12 PM Chair Smith reads waiving
2:06:54 PM Senator Collins waives close on bill
2:06:58 PM Roll Call
2:07:28 PM Tab 14: SB 1660 Prostitution and Related Acts by Senator Grall
2:07:55 PM Senator Grall explains bill
2:09:00 PM Amendment 193322 by Senator Grall
2:09:17 PM Amendment 559024 by Senator Grall
2:09:26 PM Questions
2:09:26 PM Senator Pizzo
2:09:45 PM Senator Grall
2:10:14 PM Senator Grall waives close on amendment
2:10:17 PM Chair Smith reports amendment
2:10:29 PM Public testimony
2:10:35 PM Teresa Helm
2:13:57 PM Khari James
2:17:59 PM Senator Garcia
2:18:16 PM Khari James
2:19:01 PM Ron Cave
2:20:26 PM Stacie Ham
2:23:43 PM Chair Smith
2:24:00 PM Stacie Ham
2:24:22 PM Teresa Dailey
2:27:46 PM Senator Pizzo
2:28:34 PM Chair Smith reads waiving
2:30:28 PM Debate
2:30:30 PM Senator Pizzo
2:31:34 PM Chair Smith
2:32:06 PM Senator Grall closes on bill
2:34:09 PM Roll Call
2:34:27 PM Tab 15: SB 1828 Trespass in a Structure or Conveyance by Senator Martin
2:34:44 PM Amendment 175286 by Senator Martin
2:34:56 PM Senator Martin explains amendment
2:36:17 PM Questions
2:36:18 PM Senator Gruters

2:36:28 PM Senator Martin
2:37:00 PM Senator Gruters
2:37:15 PM Chair Smith
2:37:36 PM Senator Martin
2:37:51 PM Chair Smith
2:37:53 PM Senator Martin
2:38:21 PM Chair Smith
2:38:26 PM Senator Martin
2:38:29 PM Chair Smith
2:38:35 PM Senator Martin
2:38:43 PM Senator Pizzo
2:38:50 PM Senator Martin
2:39:01 PM Senator Pizzo
2:39:09 PM Senator Martin
2:39:31 PM Senator Martin waives close on amendment
2:39:35 PM Chair Smith reports amendment
2:39:40 PM Public testimony
2:39:42 PM Barney Bishop, Florida Smart Justice Alliance waiving
2:39:48 PM Debate
2:39:50 PM Senator Pizzo
2:41:05 PM Senator Martin waives close on bill
2:41:08 PM Roll Call
2:41:34 PM Chair Smith turns chair to Senator Martin
2:41:52 PM Tab 12: SB 1386 Assault or Battery on a Utility Worker by Senator Yarborough
2:41:57 PM Senator Yarborough explains bill
2:43:29 PM Amendment 525180 by Senator Yarborough
2:43:32 PM Senator Yarborough explains amendment
2:43:48 PM Senator Yarborough waives close on amendment
2:43:51 PM Chair Martin reports amendment
2:43:56 PM Public testimony
2:44:05 PM Dale Calhoun, Florida Natural Gas Association & Florida Propane Gas Association waives
2:44:12 PM Chair Martin reads waiving
2:45:07 PM Debate
2:45:08 PM Senator Pizzo
2:45:25 PM Senator Yarborough waives close on bill
2:45:28 PM Roll Call
2:45:47 PM Tab 5: SB 612 Murder by Senator Burgess
2:45:55 PM Senator Burgess explains bill
2:46:25 PM Amendment 146538 by Senator Burgess
2:46:27 PM Amendment 479542 by Senator Burgess
2:46:30 PM Senator Burgess explains amendment
2:48:47 PM Senator Burgess waives close on amendment
2:48:48 PM Chair Martin reports amendment
2:48:52 PM Public testimony
2:48:54 PM Colonel Chris Rule
2:50:49 PM Chair Martin reads waiving
2:51:20 PM Senator Burgess closes on bill
2:52:17 PM Roll Call
2:52:37 PM Tab 7: SB 814 Weapons or Firearms at School-Sponsored Events or on School Property by Senator Fine
2:52:50 PM Senator Fine explains bill
2:53:15 PM Questions
2:53:19 PM Senator Pizzo
2:53:23 PM Senator Fine
2:53:30 PM Senator Pizzo
2:53:34 PM Senator Fine
2:53:41 PM Senator Pizzo
2:54:21 PM Senator Fine
2:54:47 PM Senator Pizzo
2:55:02 PM Senator Fine
2:55:40 PM Senator Pizzo
2:56:27 PM Senator Smith
2:57:28 PM Senator Fine

2:57:53 PM Senator Smith
2:58:15 PM Senator Martin
2:58:48 PM Public testimony
2:59:09 PM Muah Dan
3:01:18 PM Shania Brown
3:03:04 PM Teresa Hodge
3:06:06 PM Matthew Gurglesque
3:08:01 PM Leydia Amador
3:09:32 PM Chair Martin reads waiving
3:10:39 PM Debate
3:10:40 PM Senator Smith
3:13:40 PM Senator Pizzo
3:17:41 PM Senator Fine closes on bill
3:21:31 PM Roll Call
3:22:28 PM Chair Martin turns chair to Senator Smith
3:22:32 PM Tab 13: SB 1604 Corrections by Senator Martin
3:22:45 PM Amendment 628088 by Senator Martin
3:22:57 PM Senator Martin explains amendment
3:24:27 PM Senator Martin waives close on amendment
3:24:30 PM Chair Smith reports amendment
3:24:36 PM Questions
3:24:36 PM Senator Garcia
3:24:49 PM Senator Martin
3:24:50 PM Senator Garcia
3:25:05 PM Senator Martin
3:25:50 PM Senator Garcia
3:26:03 PM Senator Martin
3:26:15 PM Public testimony
3:26:17 PM Chair Smith reads waiving
3:26:36 PM Grace Hanna
3:27:29 PM Roll Call
3:28:03 PM Chair Smith turns chair to Senator Martin
3:28:13 PM Senator Pizzo motion to vote after Roll Call
3:28:20 PM Chair Martin motion to vote after Roll Call
3:28:27 PM Senator Gruters motion to vote after Roll Call
3:28:32 PM Senator Garcia moves to adjourn
3:28:36 PM Meeting Adjourned