

Tab 1	CS/SB 44 by TR, Rodriguez ; Similar to CS/H 00253 Motor Vehicles					
Tab 2	SB 240 by Berman (CO-INTRODUCERS) Rodriguez, DiCeglie, Pizzo, Smith, Garcia ; Compare to CS/H 00019 Victims of Domestic Violence and Dating Violence					
178540	D	S	RCS	CJ, Berman	Delete everything after	04/01 04:04 PM
Tab 3	SB 606 by Leek ; Similar to CS/H 00535 Public Lodging and Food Service Establishments					
Tab 4	SB 1000 by Simon ; Similar to H 00325 Court-ordered Sealing of Criminal History Records					
629908	A	S	RS	CJ, Simon	Delete L.28 - 103:	04/01 04:06 PM
414650	SA	S	RCS	CJ, Simon	Delete L.27 - 103:	04/01 04:06 PM
Tab 5	SB 1072 by McClain ; Similar to CS/H 00847 Expedited DNA Testing Grant Program					
Tab 6	SB 1140 by Gruters ; Similar to CS/CS/H 01095 Criminal Offender Substance Abuse Pilot Program					
256344	D	S	RCS	CJ, Gruters	Delete everything after	04/01 04:07 PM
Tab 7	SB 1266 by Gruters ; Compare to CS/H 01129 Public Records/Victim of a Crime					
542628	D	S	RCS	CJ, Gruters	Delete everything after	04/01 04:07 PM
933606	AA	S	RCS	CJ, Gruters	Delete L.157 - 162:	04/01 04:07 PM
Tab 8	SB 1374 by Yarborough ; Similar to CS/H 01287 School District Reporting Requirements					
Tab 9	CS/SB 1378 by TR, Arrington ; Identical to CS/H 00479 Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property					
Tab 10	CS/SB 1400 by CM, Calatayud ; Similar to CS/H 01161 Removal of Altered Sexual Depictions Posted Without Consent					
Tab 11	SB 1430 by Collins ; Similar to CS/H 00265 Postjudgment Execution Proceedings Relating to Terrorism					
336322	A	S	RCS	CJ, Collins	Delete L.79:	04/01 04:10 PM
Tab 12	SB 1444 by Collins ; Compare to H 00175 Criminal Justice					
668982	D	S	RCS	CJ, Collins	Delete everything after	04/01 04:11 PM
Tab 13	SB 1450 by Burgess ; Similar to CS/H 01099 Arrest and Detention of Individuals with Significant Medical Conditions					
351460	D	S	RCS	CJ, Burgess	Delete everything after	04/01 04:12 PM
Tab 14	SB 1546 by Grall ; Identical to H 00431 Background Screening of Athletic Coaches					
972212	D	S	RCS	CJ, Grall	Delete everything after	04/01 04:13 PM
645826	AA	S	RCS	CJ, Grall	Delete L.52:	04/01 04:13 PM
Tab 15	SB 1696 by Calatayud ; Similar to CS/H 01525 Prearranged Transportation Services					

Tab 16	SB 1804 by Martin ; Similar to CS/H 01283 Capital Sex Trafficking
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, April 1, 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	CS/SB 44 Transportation / Rodriguez (Similar CS/H 253)	Motor Vehicles; Reclassifying the offense of driving, moving, or causing to be moved a vehicle or equipment with certain lighting on a highway as a third degree felony; prohibiting a person from knowingly using a license plate obscuring device; prohibiting the purchase, possession, manufacture, sale, offering for sale, or distribution of a license plate obscuring device, etc. TR 03/04/2025 Fav/CS CJ 04/01/2025 Favorable RC	Favorable Yeas 9 Nays 0
2	SB 240 Berman (Compare CS/H 19, CS/H 41, Linked S 242)	Victims of Domestic Violence and Dating Violence; Creating the "Helping Abuse Victims Escape Now (HAVEN) Act"; creating the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council within the Department of Law Enforcement; specifying that the act supersedes certain local regulations; defining the term "dating violence"; providing that victims of dating violence may apply to participate in the Attorney General's address confidentiality program, etc. CJ 04/01/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
3	SB 606 Leek (Similar CS/H 535)	Public Lodging and Food Service Establishments; Revising the instances under which the operator of any public lodging establishment may remove a guest; providing requirements for the notice an operator of a public lodging establishment or public food service establishment may give to a guest under specified circumstances; requiring a law enforcement officer to remove a guest who remains on the premises of any public lodging establishment after an operator makes a specified request, etc. RI 03/12/2025 Favorable CJ 04/01/2025 Favorable RC	Favorable Yeas 8 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1000 Simon (Similar H 325)	Court-ordered Sealing of Criminal History Records; Revising eligibility requirements for the court-ordered sealing of certain criminal history records; authorizing courts to seal additional adjudications of guilt in certain circumstances, etc. CJ 04/01/2025 Fav/CS JU RC	Fav/CS Yeas 9 Nays 0
5	SB 1072 McClain (Similar CS/H 847)	Expedited DNA Testing Grant Program; Defining the term "private lab"; creating the Expedited DNA Testing Grant Program within the Department of Law Enforcement; specifying potential grant recipients; providing purposes for the grants under the program; specifying eligible uses for such grant funds, etc. CJ 04/01/2025 Favorable ACJ FP	Favorable Yeas 9 Nays 0
6	SB 1140 Gruters (Similar CS/H 1095)	Criminal Offender Substance Abuse Pilot Program; Creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; providing for design and implementation of the program in the county; authorizing subgrants for personnel needs; requiring a report to certain officials by a specified date, etc. CJ 04/01/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
7	SB 1266 Gruters (Compare CS/H 1129, H 1443)	Public Records/Victim of a Crime; Revising a public records exemption for documents that reveal certain information about the victim of a crime to include only public records that reveal such information; providing an exemption from public records requirements for any other personal identifying or location information that could be used to locate or harass a victim or the victim's family; deleting an exemption for information that reveals certain information about a victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence upon written request of the victim; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CJ 04/01/2025 Fav/CS GO RC	Fav/CS Yeas 8 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1374 Yarborough (Similar H 1287)	School District Reporting Requirements; Requiring district school boards to adopt a policy temporarily removing instructional personnel under specified circumstances; revising requirements for law enforcement to notify specified entities when an employee is arrested for certain offenses; requiring instructional personnel and administrative personnel to self-report certain arrests or judgments within specified timeframes, etc. ED 03/17/2025 Favorable CJ 04/01/2025 Favorable RC	Favorable Yeas 9 Nays 0
9	CS/SB 1378 Transportation / Arrington (Identical CS/H 479)	Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property; Authorizing a court to order a driver convicted of leaving the scene of a crash to make restitution for specified damage, etc. TR 03/25/2025 Fav/CS CJ 04/01/2025 Favorable RC	Favorable Yeas 9 Nays 0
10	CS/SB 1400 Commerce and Tourism / Calatayud (Similar CS/H 1161)	Removal of Altered Sexual Depictions Posted Without Consent; Citing this act as "Brooke's Law"; requiring covered platforms to establish a process by a specified date for removal of altered sexual depictions posted without the consent of the identifiable person; providing immunity for good faith compliance, etc. CM 03/17/2025 Fav/CS CJ 04/01/2025 Favorable RC	Favorable Yeas 9 Nays 0
11	SB 1430 Collins (Similar CS/H 265)	Postjudgment Execution Proceedings Relating to Terrorism; Providing additional requirements for postjudgment execution proceedings to enforce judgments entered against terrorist parties under specified provisions; providing retroactive application of specified provisions, etc. JU 03/25/2025 Favorable CJ 04/01/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	SB 1444 Collins (Compare H 175, CS/H 1371, S 234)	Criminal Justice; Prohibiting the use of a motor vehicle kill switch; providing an exception; providing a minimum mandatory sentence for attempted murder of specified justice system personnel; providing that a person convicted of manslaughter of a specified officer while the officer was engaged in his or her duties shall be sentenced to life in prison without eligibility for release; providing correctional probation officers with the same firearms rights as law enforcement officers, etc. CJ 04/01/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
13	SB 1450 Burgess (Similar CS/H 1099)	Arrest and Detention of Individuals with Significant Medical Conditions; Authorizing a law enforcement officer to use his or her discretion in determining whether to make an immediate arrest of a person with a significant medical condition who resides in or is confined to a hospital or long-term care facility, etc. CJ 04/01/2025 Fav/CS JU RC	Fav/CS Yeas 9 Nays 0
14	SB 1546 Grall (Identical H 431)	Background Screening of Athletic Coaches; Revising the date upon which certain background screenings of athletic coaches must be conducted, etc. HP 03/18/2025 Favorable CJ 04/01/2025 Fav/CS RC	Fav/CS Yeas 9 Nays 0
15	SB 1696 Calatayud (Similar CS/H 1525)	Prearranged Transportation Services; Prohibiting the impersonation of a transportation network company driver; providing that services purchased from a transportation network company are not considered privately owned or operated bus transit systems; requiring transportation service providers to provide certain drivers with access to certain training materials, etc. TR 03/25/2025 Favorable CJ 04/01/2025 Favorable RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	SB 1804 Martin (Similar CS/H 1283)	Capital Sex Trafficking; Providing penalties for persons convicted of the capital felony of human trafficking by use of physical force upon certain persons for sex; providing requirements for separate sentencing proceedings in certain capital felony cases; providing requirements for imposition of a sentence of life imprisonment or a sentence of death; authorizing the state to appeal from a sentence on the ground that it resulted from the failure of the circuit court to comply with specified sentencing procedure requirements, etc. CJ 04/01/2025 Favorable ACJ FP	Favorable Yeas 7 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: CS/SB 44

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Motor Vehicles

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.			<u>RC</u>	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 44 increases the penalty for the offense of operating an unauthorized vehicle with a red or blue light visible from the front of the vehicle and stopping or attempting to stop (commonly referred to as “pulling over”) another vehicle from a first degree misdemeanor to a third degree felony.

The bill increases the penalty for knowingly using a license plate obscuring device or applying a substance, device, covering, etc., that affects the legibility, angular visibility, or detectability of a license plate or interferes with the ability to record any feature on a license plate from a noncriminal traffic infraction to a second degree misdemeanor.

The bill creates s. 320.262, F.S., which defines the term “license plate obscuring device” and provides penalties for the purchase, possession, manufacture, and sale of a license plate obscuring device. The bill provides a person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. In addition, such person is subject to enhanced penalties for the underlying offense.

The bill has an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2025.

II. Present Situation:

Authorized Emergency Vehicles

Florida law defines the following as “authorized emergency vehicles”:

- Vehicles of the fire department or fire patrol;
- Police vehicles;
- Organ transport vehicles;
- Ambulances; and
- Emergency vehicles operated by:
 - Municipal and county departments;
 - Volunteer ambulance services;
 - Public service corporations operated by private corporations;
 - The Fish and Wildlife Conservation Commission;
 - The Department of Environmental Protection;
 - The Department of Transportation;
 - The Department of Agriculture and Consumer Services; and
 - The Department of Corrections.¹

Section 316.2397, F.S., allows authorized emergency vehicles to display a red, red and white, or blue light visible from directly in front of the vehicle.

Section 843.081, F.S., provides legislative intent indicating that Florida citizens are vulnerable to becoming the victims of criminal acts through the illegal use of blue lights by the criminal elements, and that the Legislature intends to reduce this vulnerability to injury and loss of life and property by prohibiting the use of certain blue lights by any person other than an authorized law enforcement officer.

Certain Lights Prohibited

A person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles as provided in s. 316.2397, F.S.² A violation of this provision is a noncriminal traffic infraction, punishable as a nonmoving violation.³ The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.⁴

A person operating a vehicle in violation of the prohibition on the use of red and blue lights, who stops or attempts to stop another vehicle commits a first degree misdemeanor, punishable as provided in ss. 775.082, or s. 775.083, F.S.⁵

¹ Section 316.003(1), F.S.

² Section 316.2397(1), F.S.

³ Section 316.2397(10)(b), F.S.

⁴ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 27, 2025).

⁵ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine.

In 2023, according to the Department of Highway Safety and Motor Vehicles (DHSMV) uniform traffic citation database, there were 3,449 violations related to prohibited use of lights on vehicles.⁶

Altering Motor Vehicle Registration Certificates and License Plates

Section 320.061, F.S., prohibits altering the original appearance of any motor vehicle registration certificate, license plate, temporary license plate, mobile home sticker or validation sticker used for and assigned to a motor vehicle or a mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. Similarly, a person may not apply or attach a substance, reflective matter, illuminated device, spray, coating, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate. A violation of this provision is a noncriminal traffic infraction punishable as a moving violation as provided in ch. 318, F.S.⁷ The statutory base fine is \$60, but with additional fees and court costs, the total fine may be up to \$158.⁸

In 2023, according to the DHSMV uniform traffic citation database, there were 2,927 violations related to obscuring a license plate.⁹

Attaching Unassigned License Plates

Section 320.261, F.S., provides that any person who knowingly attaches to any motor vehicle or mobile home any registration license plate, or who knowingly attaches any validation sticker or mobile home sticker to a registration license plate, which plate or sticker was not issued and assigned or lawfully transferred to such vehicle, is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 316.2397, F.S., to increase the penalty associated with an unauthorized person stopping or attempting to stop (commonly referred to as “pulling over”) another vehicle using red or blue lights. The bill increases the penalty from a first degree misdemeanor to a third degree felony.

The bill also amends s. 320.061, F.S., to provide that any person who knowingly uses a license plate obscuring device or applies or attaches a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around the license plate, which would interfere with the legibility, angular visibility, or detectability of any details of the plate, commits a second

⁶ DHSMV, *Annual Uniform Traffic Citation Report Database*, <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last visited March 27, 2025)

⁷ Section 320.061, F.S.

⁸ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 42. https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 27, 2025).

⁹ *Id.* at 2.

¹⁰ A second degree misdemeanor is punishable by a definite term of imprisonment not exceeding 60 days and a \$500 fine.

degree misdemeanor. The penalty for altering the appearance of a license plate would remain a noncriminal infraction, punishable as a moving violation.

The bill creates s. 320.262, F.S., prohibiting license plate obscuring devices, and providing for enhanced penalties for certain license plate-related offenses.

The bill defines the term “license plate obscuring device” as a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle which:

- Switches between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the motor vehicle;
- Hides a license plate from view by flipping the license plate so that the license plate number is not visible;
- Covers, obscures, or otherwise interferes with the legibility, angular visibility, or detachability of any feature or detail on the license plate; or
- Interferes with the ability to record any feature or detail on the license plate.

Any person who purchases or possesses a license plate obscuring device, commits a second degree misdemeanor. Any person who manufactures, sells, offers to sell, or otherwise distributes a license plate obscuring device, commits a first degree misdemeanor.

The bill also provides that any person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. Additionally, such person is subject to enhanced penalties for the other crime as follows:

- A misdemeanor of the second degree shall be punished as if it were a misdemeanor of the first degree.
- A misdemeanor of the first degree shall be punished as if it were a felony of the third degree.
- A felony of the third degree shall be punished as if it were a felony of the second degree.
- A felony of the second degree shall be punished as if it were a felony of the first degree.
- A felony of the first degree shall be punished as if it were a life felony.

This bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate fiscal impact. Both local and state governments will realize an indeterminate increase in revenue associated with the increased penalties provided for in the bill.

The bill may have an indeterminate fiscal impact on the Department of Corrections due to the increase in penalties which may result in an increase in beds.

The Department of Highway and Motor Vehicles indicated that the bill will require electronic ticket systems to be updated and law enforcement officers will need to be educated regarding the provisions of the bill.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 316.2397 and 320.061 of the Florida Statutes.
This bill creates section 320.262 of the Florida Statutes.

¹¹ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2025 Senate Bill 44, p. 3, December 4, 2024. (On file with the Senate Committee on Transportation)

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

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

CS by Transportation on March 4, 2025:

- Provides that any person who knowingly uses a license plate obscuring device or otherwise interferes with the legibility, angular visibility, or detectability of any feature on the license plate commits a second degree misdemeanor.
- Defines the term “license plate obscuring device” and provides penalties for the purchase/possession and manufacture/sale of a license plate obscuring device.
- Provides a person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. Additionally, such person is subject to certain enhanced penalties for the other crime.

B. Amendments:

None.

By the Committee on Transportation; and Senator Rodriguez

596-02131-25

202544c1

1 A bill to be entitled
 2 An act relating to motor vehicles; amending s.
 3 316.2397, F.S.; reclassifying the offense of driving,
 4 moving, or causing to be moved a vehicle or equipment
 5 with certain lighting on a highway as a third degree
 6 felony; amending s. 320.061, F.S.; prohibiting a
 7 person from knowingly using a license plate obscuring
 8 device; providing criminal penalties; reclassifying
 9 the offense of interfering with the legibility,
 10 angular visibility, or detectability of any feature or
 11 detail on a license plate or interfering with the
 12 ability to record any feature on a license plate as a
 13 misdemeanor of the second degree; creating s. 320.262,
 14 F.S.; defining the term "license plate obscuring
 15 device"; prohibiting the purchase, possession,
 16 manufacture, sale, offering for sale, or distribution
 17 of a license plate obscuring device; providing
 18 criminal penalties; providing criminal penalties for
 19 using a license plate obscuring device, knowingly
 20 attaching to a motor vehicle a license plate that was
 21 not assigned or transferred to the motor vehicle,
 22 altering the original appearance of a license plate,
 23 or interfering with the legibility, angular
 24 visibility, or detectability of any feature or detail
 25 on a license plate during the commission of a crime;
 26 providing criminal penalty enhancements for a crime
 27 committed while using a license plate obscuring
 28 device, knowingly attaching to a motor vehicle a
 29 license plate that was not assigned or transferred to

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

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30 the motor vehicle, altering the original appearance of
 31 a license plate, or interfering with the legibility,
 32 angular visibility, or detectability of any feature or
 33 detail on a license plate; providing an effective
 34 date.

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

37
 38 Section 1. Paragraph (a) of subsection (10) of section
 39 316.2397, Florida Statutes, is amended, and subsection (1) of
 40 that section is republished, to read:

41 316.2397 Certain lights prohibited; exceptions.—

42 (1) A person may not drive or move or cause to be moved any
 43 vehicle or equipment upon any highway within this state with any
 44 lamp or device thereon showing or displaying a red, red and
 45 white, or blue light visible from directly in front thereof
 46 except for certain vehicles provided in this section.

47 (10)(a) A person who violates subsection (1) and in so
 48 doing effects or attempts to effect a stop of another vehicle
 49 commits a felony ~~misdemeanor~~ of the third ~~first~~ degree,
 50 punishable as provided in s. 775.082 or s. 775.083.

51 Section 2. Section 320.061, Florida Statutes, is amended to
 52 read:

53 320.061 Unlawful to alter motor vehicle registration
 54 certificates, license plates, temporary license plates, mobile
 55 home stickers, or validation stickers or to obscure license
 56 plates; penalty.—A person may not alter the original appearance
 57 of a vehicle registration certificate, license plate, temporary
 58 license plate, mobile home sticker, or validation sticker issued

Page 2 of 5

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

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202544c1

59 for and assigned to a motor vehicle or mobile home, whether by
60 mutilation, alteration, defacement, or change of color or in any
61 other manner. A person who makes such alteration commits a
62 noncriminal traffic infraction, punishable as a moving violation
63 as provided in chapter 318. A person may not knowingly use a
64 license plate obscuring device as defined in s. 320.262(1) or
65 apply or attach a substance, reflective matter, illuminated
66 device, spray, coating, covering, or other material onto or
67 around any license plate which interferes with the legibility,
68 angular visibility, or detectability of any feature or detail on
69 the license plate or interferes with the ability to record any
70 feature or detail on the license plate. A person who so
71 interferes with a license plate commits a misdemeanor of the
72 second degree, punishable as provided in s. 775.082 or s.
73 775.083 ~~violates this section commits a noncriminal traffic~~
74 ~~infraction, punishable as a moving violation as provided in~~
75 ~~chapter 318.~~

76 Section 3. Section 320.262, Florida Statutes, is created to
77 read:

78 320.262 License plate obscuring device prohibited;
79 penalties; enhanced penalties for license plate offenses.-

80 (1) For purposes of this section, the term "license plate
81 obscuring device" means a manual, electronic, or mechanical
82 device designed or adapted to be installed on a motor vehicle
83 which:

84 (a) Switches between two or more license plates for the
85 purpose of allowing a motor vehicle operator to change the
86 license plate displayed on the motor vehicle;

87 (b) Hides a license plate from view by flipping the license

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88 plate so that the license plate number is not visible;

89 (c) Covers, obscures, or otherwise interferes with the
90 legibility, angular visibility, or detectability of any feature
91 or detail on the license plate; or

92 (d) Interferes with the ability to record any feature or
93 detail on the license plate.

94 (2) A person may not purchase or possess a license plate
95 obscuring device. A person who violates this subsection commits
96 a misdemeanor of the second degree, punishable as provided in s.
97 775.082 or s. 775.083.

98 (3) A person may not manufacture, sell, offer to sell, or
99 otherwise distribute a license plate obscuring device. A person
100 who violates this subsection commits a misdemeanor of the first
101 degree, punishable as provided in s. 775.082 or s. 775.083.

102 (4) (a) A person who, during the commission of any other
103 crime, knowingly violates s. 320.061 or s. 320.261 commits a
104 felony of the third degree, punishable as provided in s. 775.082
105 or s. 775.083.

106 (b) A person who violates paragraph (a) is subject to
107 enhanced penalties for the other crime as follows:

108 1. A misdemeanor of the second degree shall be punished as
109 if it were a misdemeanor of the first degree.

110 2. A misdemeanor of the first degree shall be punished as
111 if it were a felony of the third degree.

112 3. A felony of the third degree shall be punished as if it
113 were a felony of the second degree.

114 4. A felony of the second degree shall be punished as if it
115 were a felony of the first degree.

116 5. A felony of the first degree shall be punished as if it

596-02131-25

202544c1

117 were a life felony.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environment and Natural Resources, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Health and
Human Services
Education Postsecondary
Fiscal Policy
Governmental Oversight and Accountability
Rules

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR ANA MARIA RODRIGUEZ

40th District

April 1, 2025

Chair Martin,

Per the Senate Majority Office's guidance on maintaining a quorum in committees, Senator Gruters has graciously agreed to present CS/SB 44: Motor Vehicles on my behalf in Criminal Justice today.

Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "AMB".

Senator Ana Maria Rodriguez
The Florida Senate, District 40

REPLY TO:

- Miami-Dade College, West Campus Suite 1112, 3800 NW 115th Avenue, Doral, Florida 33178 (305) 470-2552
- 410 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 21, 2025

I respectfully request that **CS/SB 44**, relating to Motor Vehicles, be placed on the:

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

A handwritten signature in cursive script, appearing to read "AmR", positioned above a horizontal line.

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate

APPEARANCE RECORD

4.1.2025

Meeting Date

44

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

850-566 1979

Name

~~ATTP~~ ALLIE McNAIR

Phone

Address

Email

AMCNAIR@flshuiff.org

Street

5114 N 93rd

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 Shuffts Association

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

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

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

S-001 (08/10/2021)

April 1, 2025

APPEARANCE RECORD

44

Meeting Date

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida 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

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SB 44

Bill Number or Topic

4/1/25

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Eric DeCampos

Phone

847-949-7104

Address

1515 W. 23rd Ave St. Ste 1300W

Email

edecampos@nicb.org

Street

Oak Brook

City

IL

State

60523

Zip

Speaking:

For

Against

Information

OR

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:

National Insurance Crime Bureau

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

44

Bill Number or Topic

04/01/2025

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Bob Cortes

Phone ~~800~~ 407-840-3435

Address 100 Eislinger Way

Street

Email bcortes@seminolesheriff.org

Sanford

City

FL

State

32773

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Seminole County Sheriff's Office

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 240

INTRODUCER: Criminal Justice Committee and Senators Berman and Rodriguez

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: April 3, 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 240 creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study. The bill provides terms, requirements, and reporting requirements for such study.

The bill amends s. 741.402, F.S., to define “dating violence”. Section 741.403, F.S., is amended to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program. The bill amends s. 741.408, F.S., to require the designated state and local entities that provide counseling and shelter services to victims of domestic violence, to apply for victims of dating violence.

The bill takes effect July 1, 2025.

II. Present Situation:

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It can happen at any age, but young women are most likely to experience dating violence. More than four in 10 college women have experienced violence or abuse in a dating relationship and up to 19% of teens experience dating violence.¹

¹ Break the Cycle, *Teen Dating Violence Statistics 2024* (January 3, 2025), available at: <https://www.breakthecycle.org/teen-dating-violence-statistics/> (last visited March 25, 2025).

Domestic Violence

In 2020, 106,615 crimes of domestic violence were reported to Florida law enforcement agencies, resulting in 63,217 arrests.² Of those 106,615 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 20,735 were spousal;³
- 29,663 were co-habitants;⁴ and
- 20,142 were other.⁵

Dating Violence

Section 784.046, F.S., provides the following “dating violence” means:⁶

- Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship shall be determined based on the consideration of the following factors:
 - A dating relationship must have existed within the past 6 months;
 - The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
 - The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

“Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.⁷

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.⁸

² Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (Last visited March 27, 2025).

³ Florida Department of Law Enforcement, *Domestic Violence, Victim to Offender Relationships*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (Last visited March 27, 2025). Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

⁴ *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

⁵ *Id.* Other means the victim and offender had a child together but were never married and never lived together.

⁶ Section 784.046(1)(d), F.S.

⁷ Section 784.046(1)(a), F.S.

⁸ Section 784.046(2)(b), F.S.

Domestic Violence Investigations

Section 741.29, F.S., provides domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;⁹
- Advise the victim that there is a domestic violence center from which the victim may receive services;¹⁰
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;¹¹
- Give the victim immediate notice of the legal rights and remedies available;¹²
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.¹³ Such report must include:
 - A description of physical injuries observed, if any.
 - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
 - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.^{14, 15}

Domestic Violence Training

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and

⁹ Section 741.29(1)(a), F.S.

¹⁰ Section 741.29(1)(b), F.S.

¹¹ Section 741.29(1)(c), F.S.

¹² Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

¹³ Section 741.29 (3), F.S.

¹⁴ Section 741.29(4), F.S.

¹⁵ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Address Confidentiality Program

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address¹⁶ designated by the Attorney General in order to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.¹⁷

Application Process and Certification

A person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated may apply to the Attorney General to participate in the Address Confidentiality Program and acquire a substitute address. Funding permitting, the Attorney General shall approve an application if it is filed with the Attorney General's Office in the manner and on the form prescribed by the Attorney General¹⁸ and contains all of the following:

- A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.
- A designation that the Attorney General shall serve as the applicant's agent for purposes of service of process and for the purpose of receipt of mail.
- The mailing address and phone number or numbers where the applicant can be contacted by the Attorney General.
- A statement that the substitute address or addresses that the applicant requests will not be disclosed.
- The signature of the applicant and of any individual or representative of any office who assisted in the preparation of the application,¹⁹ and the date on which the applicant signed the application.²⁰

Upon receipt of a properly filed complete application, the Attorney General must certify the applicant as a program participant. Applicants are certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.²¹ A program participant will have his or her certification withdrawn if he or she:

¹⁶ "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant. Section 741.402(1), F.S.

¹⁷ Section. 741.401, F.S.

¹⁸ An application fee may not be charged. Section 741.403(2), F.S.

¹⁹ The Attorney General is required to designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to become program participants. Section 741.408, F.S.

²⁰ Section 741.403(1), F.S.

²¹ Section 741.403(3), F.S.

- Obtains a name change; or
- Applies to become a program participant using false information.²²

Additionally, a program participant may have his or her certification cancelled if:

- He or she changes his or her residential address from the one listed on his or her program application, unless he or she provides the Attorney General with 14 days' prior notice of the change of address.
- Mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.^{23, 24}

Agency Use of Substitute Address

After obtaining certification as a program participant, such participant may request that state and local agencies or other governmental entities use the substitute address provided by the Attorney General as his or her address.²⁵ When creating a new public record, state and local agencies or other governmental entities shall accept the participant's substitute address, unless the Attorney General has determined that:

- The agency or entity has a bona fide statutory or administrative requirement for the use of the participant's actual address which would normally be confidential under the program.
- The participant's actual address will only be used for those statutory and administrative purposes.
- The agency or entity has identified the specific program participant's record for which the waiver is requested.
- The agency or entity has identified the individuals who will have access to the record.
- The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.²⁶

The agency or entity is required to use the substitute address of the participant until such time as the Attorney General makes all of the required findings for a waiver.²⁷ If the Attorney General determines that a waiver is permitted, the Attorney General must notify and require the agency or entity to:

- Maintain the confidentiality of a program participant's actual address information.
- Limit the use of and access to that address.
- Designate an address disposition date after which the agency or entity may no longer maintain the record of the actual address.
- Comply with any other provisions and qualifications determined appropriate by the Attorney General.²⁸

²² Section 741.404(1) and (4), F.S.

²³ Section 741.404(2) and (3), F.S.

²⁴ The Attorney General's Office must forward all first-class mail to a program participant at no charge.

Section 741.405(8), F.S.

²⁵ A program participant may use his or her designated substitute address as his or her work address. Section 741.405(7), F.S.

²⁶ Section 741.405(1), F.S.

²⁷ Section 741.405(2), F.S.

²⁸ Section 741.405(4), F.S.

Supervisor of Elections Use of Substitute Address

A program participant who is otherwise qualified to vote may request a vote-by-mail ballot. The program participant will automatically receive vote-by-mail ballots for all elections in the jurisdictions in which he or she resides, in the same manner as vote-by-mail voters, at the participant's actual address designated in his or her program application. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.²⁹

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.³⁰ The Emergency Communications Act prohibits the misuse of the 911, E911,³¹ and NG911³² systems.

Since 1974, Florida law has designated "911" as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.^{33,34} In 1999, the concept of "Enhanced 911" or "E911" service was established in Florida law to describe 911 service provided to wireless telephone users.³⁵ Today, under the Emergency Communications Number E911 Act,³⁶ the term "E911," as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services³⁷ with 911 service. E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.³⁸ PSAPs receiving incoming 911 requests for

²⁹ Section 741.406, F.S.

³⁰ Section 365.172(2)(a)-(b), F.S.

³¹ "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.

³² "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.

³³ Chapter 74-357, L.O.F.

³⁴ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

³⁵ Chapter 99-367, L.O.F.

³⁶ Chapter 2007-78, L.O.F.

³⁷ "Voice communications services" means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service.

Section 365.172(3)(ee), F.S.

³⁸ Section 365.172(3)(i), F.S.

assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.³⁹

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.⁴⁰

Statewide Emergency Communications Plan

The Division of Telecommunications (Division) within the Department of Management Services (DMS) is responsible for developing, maintaining, and implementing a statewide emergency communications plan. The plan must include:

- The public agency⁴¹ emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.⁴²

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.⁴³

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.⁴⁴ No emergency communications number E911 system can be established and no present system can be expanded without prior approval of the Division.⁴⁵

III. Effect of Proposed Changes:

The bill creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study.

³⁹ Section 365.172(3)(aa), F.S.

⁴⁰ *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited Mar. 6, 2025).

⁴¹ "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

⁴² Section 365.171(4), F.S.

⁴³ *Id.*

⁴⁴ Section 365.171(5), F.S.

⁴⁵ Section 365.171(9), F.S.

The bill provides definitions for “division,” “enhanced 911,” “next generation 911,” “public safety agency,” and “public safety answering point (PSAP).”

The bill requires the Division of Telecommunications within the Department of Management Services (Division) to consult with enhanced 911 and Next Generation 911 service providers; state, county and municipal PSAPs; and state and local public safety agencies to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence which is capable of:

- Ensuring real-time data-sharing between PSAPs and law enforcement agencies;
- Creating a unique telephone number for each user which will connect the user to a PSAP;
- Creating a user-generated numerical code or phrase that can be utilized by the user after contacting a PSAP which indicates the user’s need for immediate law enforcement assistance; and,
- Transmitting specified data to law enforcement agencies when a user calls from his or her unique telephone number and enters his or her numerical code or phrase.

The division is required to report the results of the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 31, 2026.

The bill amends s. 741.402, F.S., to define “dating violence” to mean an assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death, or the threat of any such act, committed by an individual who has or has had a continuing and significant relationship of a romantic or intimate nature as determined pursuant to s. 784.046(1)(d), F.S., with the victim, regardless of whether these acts or threats have been reported to law enforcement officers.

Further, the bill amends s. 741.403, F.S., to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program. The bill amends s. 741.408, F.S., to require the designated state and local entities that provide counseling and shelter services to victims of domestic violence, to apply for victims of dating violence.

The bill amends s. 741.4651, F.S., relating to public records exemptions for victims of stalking or aggravated stalking to specify that certain public records are confidential and exempt in the same manner as participants in the Address Confidentiality Program for Victims of Domestic *and Dating* Violence. Further, the bill amends s. 960.001, F.S. to require victims of dating violence to be given information about the address confidentiality program.

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:

If the bill's intention is to expand the public records exemption to apply to victims of dating violence, the following are required:

- **Vote Requirement:** Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill may expand an exemption for records pertaining to victims of dating violence; therefore, the bill requires a two-thirds vote of each chamber for enactment.
- **Public Necessity Statement:** Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill does not contain a statement of public necessity for the exemption.
- **Breadth of Exemption:** Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of dating violence, and the bill exempts only records pertaining to those persons from the public records requirements.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill appears to expand a public records exemption by allowing victims of dating violence to participate in the Address Confidentiality Program for Victims of Domestic Violence under s. 741.403, F.S.⁴⁶

Because victims of dating violence are allowed into the address program, it appears that either:

- The public records exemption is being expanded and would require a separate public records bill containing a public necessity statement, and would require a two-thirds vote for passage; or,
- The public record exemption does not apply to such victims, and in which case, may cause confusion as to what records may or may not be released.

⁴⁶ SB 240 amended language in s. 741.465, F.S., that would allow a victim of dating violence participating in the address confidentiality program to have their information be confidential and held exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. However, CS/SB 240 removes this exemption but does not differentiate between an address confidentiality program for domestic violence, and one for dating violence.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE has determined there is no fiscal impact to the department.⁴⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.401, 741.402, 741.403, 741.408, 741.4651, 960.001.

This bill creates an undesignated section of the Florida Statutes.

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

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

CS by Criminal Justice on April 1, 2025:

This Committee Substitute:

- Removes language creating the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study and: defines terms; requires the Division of Telecommunications within the Department of Management Services to consult with specified agencies to conduct such feasibility study regarding the creation of a web-based 911 alert system for victims of domestic and dating violence with certain capabilities; and provides a reporting requirement.
- Amends s. 741.402, F.S., to define “dating violence” in s. 741.402, F.S., and amends the address confidentiality program under the Office of the Attorney General, to allow victims of dating violence to be eligible and extend the public records exemption therein.

⁴⁷ Florida Department of Law Enforcement, *SB 240 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.



178540

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Domestic and dating violence 911 alert system feasibility study.—

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

(a) "Division" means the Division of Telecommunications within the Department of Management Services.

(b) "Enhanced 911" has the same meaning as in s.



178540

11 365.172(3), Florida Statutes.

12 (c) "Next Generation 911" has the same meaning as in s.
13 365.172(3), Florida Statutes.

14 (d) "Public safety agency" has the same meaning as in s.
15 365.172(3), Florida Statutes.

16 (e) "Public safety answering point" or "PSAP" has the same
17 meaning as in s. 365.172(3), Florida Statutes.

18 (2) The division shall consult with enhanced 911 and Next
19 Generation 911 service providers; state, county, and municipal
20 PSAPs; and state and local public safety agencies to conduct a
21 feasibility study regarding the creation of a web-based 911
22 alert system for use by victims of domestic violence and dating
23 violence which is capable of:

24 (a) Ensuring real-time data-sharing between PSAPs and law
25 enforcement agencies.

26 (b) Creating a unique telephone number for each user which
27 will connect the user to a PSAP.

28 (c) Creating a user-generated numerical code or phrase that
29 can be utilized by the user after contacting a PSAP which
30 indicates the user's need for immediate law enforcement
31 assistance.

32 (d) Transmitting specified data to law enforcement agencies
33 when a user calls from his or her unique telephone number and
34 enters his or her numerical code or phrase.

35 (3) By January 31, 2026, the division must report to the
36 President of the Senate and the Speaker of the House of
37 Representatives the results of the feasibility study.

38 Section 2. Section 741.401, Florida Statutes, is amended to
39 read:



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40 741.401 Legislative findings; purpose.—The Legislature
41 finds that persons attempting to escape from actual or
42 threatened domestic violence or dating violence frequently
43 establish new addresses in order to prevent their assailants or
44 probable assailants from finding them. The purpose of ss.
45 741.401-741.409 is to enable state and local agencies to respond
46 to requests for public records without disclosing the location
47 of a victim of domestic violence or dating violence, to enable
48 interagency cooperation with the Attorney General in providing
49 address confidentiality for victims of domestic violence and
50 dating violence, and to enable state and local agencies to
51 accept a program participant's use of an address designated by
52 the Attorney General as a substitute mailing address.

53 Section 3. Section 741.402, Florida Statutes, is reordered
54 and amended to read:

55 741.402 Definitions; ss. 741.401-741.409.—Unless the
56 context clearly requires otherwise, as used in ss. 741.401-
57 741.409, the term:

58 (1) "Address" means a residential street address, school
59 address, or work address of an individual, as specified on the
60 individual's application to be a program participant under ss.
61 741.401-741.409.

62 (4)~~(2)~~ "Program participant" means a person certified as a
63 program participant under s. 741.403.

64 (2) "Dating violence" means an assault, aggravated assault,
65 battery, aggravated battery, sexual assault, sexual battery,
66 stalking, aggravated stalking, kidnapping, false imprisonment,
67 or any criminal offense resulting in physical injury or death,
68 or the threat of any such act, committed by an individual who



69 has or has had a continuing and significant relationship of a
70 romantic or intimate nature as determined by the factors listed
71 in s. 784.046(1)(d) with the victim, regardless of whether these
72 acts or threats have been reported to law enforcement officers.

73 (3) "Domestic violence" means an act as defined in s.
74 741.28 and includes a threat of such acts committed against an
75 individual in a domestic situation, regardless of whether these
76 acts or threats have been reported to law enforcement officers.

77 Section 4. Paragraphs (a) and (d) of subsection (1) of
78 section 741.403, Florida Statutes, are amended to read:

79 741.403 Address confidentiality program; application;
80 certification.—

81 (1) An adult person, a parent or guardian acting on behalf
82 of a minor, or a guardian acting on behalf of a person
83 adjudicated incapacitated under chapter 744 may apply to the
84 Attorney General to have an address designated by the Attorney
85 General serve as the person's address or the address of the
86 minor or incapacitated person. To the extent possible within
87 funds appropriated for this purpose, the Attorney General shall
88 approve an application if it is filed in the manner and on the
89 form prescribed by the Attorney General and if it contains all
90 of the following:

91 (a) A sworn statement by the applicant that the applicant
92 has good reason to believe that the applicant, or the minor or
93 incapacitated person on whose behalf the application is made, is
94 a victim of domestic violence or dating violence, and that the
95 applicant fears for his or her safety or his or her children's
96 safety or the safety of the minor or incapacitated person on
97 whose behalf the application is made.



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98 (d) A statement that the new address or addresses that the
99 applicant requests must not be disclosed for the reason that
100 disclosure will increase the risk of domestic violence or dating
101 violence.

102 Section 5. Section 741.408, Florida Statutes, is amended to
103 read:

104 741.408 Assistance for program applicants.—The Attorney
105 General shall designate state and local agencies and nonprofit
106 agencies that provide counseling and shelter services to victims
107 of domestic violence and dating violence to assist persons
108 applying to be program participants. Assistance and counseling
109 rendered by the Office of the Attorney General or its designees
110 to applicants does not constitute legal advice.

111 Section 6. Section 741.4651, Florida Statutes, is amended
112 to read:

113 741.4651 Public records exemption; victims of stalking or
114 aggravated stalking.—The names, addresses, and telephone numbers
115 of persons who are victims of stalking or aggravated stalking
116 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
117 Constitution in the same manner that the names, addresses, and
118 telephone numbers of participants in the Address Confidentiality
119 Program for Victims of Domestic and Dating Violence which are
120 held by the Attorney General under s. 741.465 are exempt from
121 disclosure, provided that the victim files a sworn statement of
122 stalking with the Office of the Attorney General and otherwise
123 complies with the procedures in ss. 741.401-741.409.

124 Section 7. Paragraph (c) of subsection (1) of section
125 960.001, Florida Statutes, is amended to read:

126 960.001 Guidelines for fair treatment of victims and



127 witnesses in the criminal justice and juvenile justice systems.-

128 (1) The Department of Legal Affairs, the state attorneys,
129 the Department of Corrections, the Department of Juvenile
130 Justice, the Florida Commission on Offender Review, the State
131 Courts Administrator and circuit court administrators, the
132 Department of Law Enforcement, and every sheriff's department,
133 police department, or other law enforcement agency as defined in
134 s. 943.10(4) shall develop and implement guidelines for the use
135 of their respective agencies, which guidelines are consistent
136 with the purposes of this act and s. 16(b), Art. I of the State
137 Constitution and are designed to implement s. 16(b), Art. I of
138 the State Constitution and to achieve the following objectives:

139 (c) *Information concerning protection available to victim*
140 *or witness.*-A victim or witness shall be furnished, as a matter
141 of course, with information on steps that are available to law
142 enforcement officers and state attorneys to protect victims and
143 witnesses from intimidation. Victims of domestic violence and
144 dating violence shall also be given information about the
145 address confidentiality program provided under s. 741.403.

146 Section 8. This act shall take effect July 1, 2025.

147
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause
151 and insert:

152 A bill to be entitled
153 An act relating to victims of domestic violence and
154 dating violence; defining terms; requiring the
155 Division of Telecommunications within the Department



178540

156 of Management Services to consult with certain
157 entities to conduct a feasibility study regarding a
158 specified alert system; providing requirements for
159 such alert system; requiring the division to report to
160 the Legislature the results of the feasibility study
161 by a specified date; amending s. 741.401, F.S.;
162 revising legislative findings to include victims of
163 dating violence; reordering and amending s. 741.402,
164 F.S.; defining the term "dating violence"; amending s.
165 741.403, F.S.; authorizing victims of dating violence
166 to apply to participate in the Attorney General's
167 address confidentiality program; amending s. 741.408,
168 F.S.; requiring the Attorney General to designate
169 certain entities to assist victims of dating violence
170 applying to be address confidentiality program
171 participants; amending ss. 741.4651 and 960.001, F.S.;
172 conforming provisions to changes made by the act;
173 providing an effective date.

By Senator Berman

26-00221A-25

2025240__

1 A bill to be entitled
 2 An act relating to victims of domestic violence and
 3 dating violence; creating s. 741.317, F.S.; providing
 4 a short title; creating the Helping Abuse Victims
 5 Escape Now (HAVEN) Coordinating Council within the
 6 Department of Law Enforcement; requiring the
 7 department to provide certain services; defining
 8 terms; specifying the composition of the coordinating
 9 council; providing requirements for member
 10 appointments, election of a chair, and meetings;
 11 requiring that member appointments be completed and
 12 the first meeting of the coordinating council be held
 13 by a date certain; specifying duties of the
 14 coordinating council; requiring the coordinating
 15 council to submit certain reports to specified
 16 entities and persons, the Governor, and the
 17 Legislature by a specified date; providing for funding
 18 of the coordinating council; specifying that the act
 19 supersedes certain local regulations; providing for
 20 expiration of the coordinating council; amending s.
 21 741.402, F.S.; defining the term "dating violence";
 22 amending s. 741.403, F.S.; providing that victims of
 23 dating violence may apply to participate in the
 24 Attorney General's address confidentiality program;
 25 amending ss. 741.465, 741.4651, and 960.001, F.S.;
 26 conforming provisions to changes made by the act;
 27 providing an effective date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

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30
 31 Section 1. Section 741.317, Florida Statutes, is created to
 32 read:
 33 741.317 Helping Abuse Victims Escape Now Act; coordinating
 34 council; membership; duties; reports; funding; preemption.—
 35 (1) SHORT TITLE.—This section may be cited as the "Helping
 36 Abuse Victims Escape Now (HAVEN) Act."
 37 (2) CREATION.—The HAVEN Coordinating Council, a
 38 coordinating council as defined in s. 20.03, is created within
 39 the Department of Law Enforcement. The Department of Law
 40 Enforcement shall provide administrative and staff support
 41 services relating to the functions of the coordinating council.
 42 (3) DEFINITIONS.—As used in this section, the term:
 43 (a) "Dating violence" has the same meaning as in s.
 44 784.046(1)(d).
 45 (b) "Domestic violence" has the same meaning as in s.
 46 741.28.
 47 (c) "Dynamic website" means a website that generates
 48 webpages in real time and which can change its content and
 49 layout depending on various parameters such as user preferences,
 50 time of day, and location.
 51 (4) MEMBERSHIP; MEETINGS.—
 52 (a) The HAVEN Coordinating Council is composed of the
 53 following members:
 54 1. A representative from the Department of Law Enforcement,
 55 appointed by the executive director of the Department of Law
 56 Enforcement.
 57 2. A representative from a local law enforcement agency,
 58 appointed by the sheriff of the county in which the law

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59 enforcement agency is located.

60 3. A representative from a victim services program,
61 appointed by the secretary of the Department of Children and
62 Families.

63 4. A representative from a domestic violence advocacy
64 group, appointed by the secretary of the Department of Children
65 and Families.

66 5. An expert in technology matters, appointed jointly by
67 the President of the Senate and the Speaker of the House of
68 Representatives.

69 6. An attorney in good standing with The Florida Bar and
70 who is a member of the Family Law Section of The Florida Bar,
71 appointed by the president of The Florida Bar.

72 7. Any other representative as determined by the HAVEN
73 Coordinating Council, appointed by the chair of the council.

74 (b) Appointments to the HAVEN Coordinating Council must be
75 made by September 1, 2025. Each member serves at the pleasure of
76 the official who appointed the member. A vacancy on the
77 coordinating council must be filled in the same manner as the
78 original appointment.

79 (c) The coordinating council shall elect a chair from among
80 its members.

81 (d) The first meeting of the coordinating council must be
82 held no later than October 1, 2025. The coordinating council may
83 hold its meetings through teleconference or other electronic
84 means.

85 (5) DUTIES.—The HAVEN Coordinating Council shall:

86 (a) Develop a dynamic website with all of the following
87 functions:

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88 1. The ability to synchronize with law enforcement
89 databases to ensure real-time data sharing and updates.

90 2. The ability to allow a person using the dynamic website
91 to generate a unique phone number from which the user can call a
92 911 emergency telephone number when he or she is in need of
93 assistance from law enforcement.

94 3. The ability for a user to choose a personalized
95 numerical code or phrase that discreetly alerts a law
96 enforcement agency or sheriff's office when the user calls his
97 or her uniquely generated phone number.

98 4. The ability to automatically transmit specified data to
99 a law enforcement agency or sheriff's office when a user calls
100 his or her generated phone number and uses his or her
101 personalized numerical code or phrase, which then triggers the
102 immediate dispatch of a law enforcement officer or sheriff to
103 the user's location.

104 (b) Establish a public awareness campaign to inform the
105 public about the dynamic website and its features.

106 (c) Coordinate with local law enforcement agencies and
107 sheriffs to develop and implement a training program to ensure
108 law enforcement officers are equipped to respond swiftly and
109 effectively to alerts that are generated through the dynamic
110 website.

111 (d) Meet at least quarterly to review relevant data,
112 identify trends, and determine alternative or additional avenues
113 of support for victims of domestic violence or dating violence.

114 (6) REPORTS.—The HAVEN Coordinating Council shall:

115 (a) Provide quarterly reports to local law enforcement
116 agencies and sheriff's offices.

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117 (b) By November 1 of each year, beginning in 2026, submit
 118 to the Governor, the Attorney General, the executive director of
 119 the Department of Law Enforcement, the President of the Senate,
 120 and the Speaker of the House of Representatives a report that
 121 compiles the progress and cost breakdowns relating to the
 122 establishment of the dynamic website and, once the dynamic
 123 website is functioning, statistics relating to the usage and
 124 effectiveness of the website and the effectiveness of the
 125 coordinating council.

126 (7) FUNDING.—

127 (a) The Legislature may appropriate funds annually to the
 128 Department of Law Enforcement to be used to implement this act.

129 (b) The HAVEN Coordinating Council may apply for and
 130 receive grants and accept donations to support the development
 131 and maintenance of the dynamic website.

132 (8) PREEMPTION.—This section supersedes any local
 133 government regulations on matters covered under this section. A
 134 local government or political subdivision may not administer,
 135 implement, or enforce any law, rule, regulation, standard, or
 136 provision that conflicts with this section.

137 (9) REPEAL.—In accordance with s. 20.052(8), this section
 138 is repealed October 2, 2028, unless reviewed and saved from
 139 repeal through reenactment by the Legislature.

140 Section 2. Section 741.402, Florida Statutes, is amended to
 141 read:

142 741.402 Definitions; ss. 741.401-741.409.—Unless the
 143 context clearly requires otherwise, as used in ss. 741.401-
 144 741.409, the term:

145 (1) "Address" means a residential street address, school

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146 address, or work address of an individual, as specified on the
 147 individual's application to be a program participant under ss.
 148 741.401-741.409.

149 (2) "Dating violence" means an act as defined in s.
 150 784.046(1) (a) and includes a threat of such acts committed
 151 against an individual in a continuing and significant
 152 relationship as determined by the factors listed in s.
 153 784.046(1) (d), regardless of whether these acts or threats have
 154 been reported to law enforcement officers.

155 (3) "Domestic violence" means an act as defined in s.
 156 741.28 and includes a threat of such acts committed against an
 157 individual in a domestic situation, regardless of whether these
 158 acts or threats have been reported to law enforcement officers.

159 (4)(2) "Program participant" means a person certified as a
 160 program participant under s. 741.403.

161 Section 3. Paragraphs (a) and (d) of subsection (1) of
 162 section 741.403, Florida Statutes, are amended to read:

163 741.403 Address confidentiality program; application;
 164 certification.—

165 (1) An adult person, a parent or guardian acting on behalf
 166 of a minor, or a guardian acting on behalf of a person
 167 adjudicated incapacitated under chapter 744 may apply to the
 168 Attorney General to have an address designated by the Attorney
 169 General serve as the person's address or the address of the
 170 minor or incapacitated person. To the extent possible within
 171 funds appropriated for this purpose, the Attorney General shall
 172 approve an application if it is filed in the manner and on the
 173 form prescribed by the Attorney General and if it contains all
 174 of the following:

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175 (a) A sworn statement by the applicant that the applicant
 176 has good reason to believe that the applicant, or the minor or
 177 incapacitated person on whose behalf the application is made, is
 178 a victim of domestic violence or dating violence, and that the
 179 applicant fears for his or her safety or his or her children's
 180 safety or the safety of the minor or incapacitated person on
 181 whose behalf the application is made.

182 (d) A statement that the new address or addresses that the
 183 applicant requests must not be disclosed for the reason that
 184 disclosure will increase the risk of domestic violence or dating
 185 violence.

186 Section 4. Section 741.465, Florida Statutes, is amended to
 187 read:

188 741.465 Public records exemption for the Address
 189 Confidentiality Program for Victims of ~~Domestic~~ Violence.—

190 (1) For purposes of this section, the term "address" means
 191 a residential street address, school address, or work address,
 192 as specified on the individual's application to be a program
 193 participant in the Address Confidentiality Program for Victims
 194 of Violence.

195 (2)(1) The addresses, corresponding telephone numbers, and
 196 social security numbers of program participants in the Address
 197 Confidentiality Program for Victims of ~~Domestic~~ Violence held by
 198 the Office of the Attorney General are exempt from s. 119.07(1)
 199 and s. 24(a), Art. I of the State Constitution, except the
 200 information may be disclosed under the following circumstances:
 201 to a law enforcement agency for purposes of assisting in the
 202 execution of a valid arrest warrant; if directed by a court
 203 order, to a person identified in the order; or if the

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204 certification has been canceled. ~~For purposes of this section,~~
 205 ~~the term "address" means a residential street address, school~~
 206 ~~address, or work address, as specified on the individual's~~
 207 ~~application to be a program participant in the Address~~
 208 ~~Confidentiality Program for Victims of Domestic Violence.~~

209 (3)(2) The names, addresses, and telephone numbers of
 210 participants in the Address Confidentiality Program for Victims
 211 of ~~Domestic~~ Violence contained in voter registration and voting
 212 records held by the supervisor of elections and the Department
 213 of State are exempt from s. 119.07(1) and s. 24(a), Art. I of
 214 the State Constitution, except the information may be disclosed
 215 under the following circumstances: to a law enforcement agency
 216 for purposes of assisting in the execution of an arrest warrant
 217 or, if directed by a court order, to a person identified in the
 218 order. This exemption applies to information made exempt by this
 219 subsection before, on, or after the effective date of the
 220 exemption.

221 Section 5. Section 741.4651, Florida Statutes, is amended
 222 to read:

223 741.4651 Public records exemption; victims of stalking or
 224 aggravated stalking.—The names, addresses, and telephone numbers
 225 of persons who are victims of stalking or aggravated stalking
 226 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 227 Constitution in the same manner that the names, addresses, and
 228 telephone numbers of participants in the Address Confidentiality
 229 Program for Victims of ~~Domestic~~ Violence which are held by the
 230 Attorney General under s. 741.465 are exempt from disclosure,
 231 provided that the victim files a sworn statement of stalking
 232 with the Office of the Attorney General and otherwise complies

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233 with the procedures in ss. 741.401-741.409.

234 Section 6. Paragraph (c) of subsection (1) of section
235 960.001, Florida Statutes, is amended to read:

236 960.001 Guidelines for fair treatment of victims and
237 witnesses in the criminal justice and juvenile justice systems.-

238 (1) The Department of Legal Affairs, the state attorneys,
239 the Department of Corrections, the Department of Juvenile
240 Justice, the Florida Commission on Offender Review, the State
241 Courts Administrator and circuit court administrators, the
242 Department of Law Enforcement, and every sheriff's department,
243 police department, or other law enforcement agency as defined in
244 s. 943.10(4) shall develop and implement guidelines for the use
245 of their respective agencies, which guidelines are consistent
246 with the purposes of this act and s. 16(b), Art. I of the State
247 Constitution and are designed to implement s. 16(b), Art. I of
248 the State Constitution and to achieve the following objectives:

249 (c) *Information concerning protection available to victim*
250 *or witness.*-A victim or witness shall be furnished, as a matter
251 of course, with information on steps that are available to law
252 enforcement officers and state attorneys to protect victims and
253 witnesses from intimidation. Victims of domestic violence and
254 dating violence shall also be given information about the
255 address confidentiality program provided under s. 741.403.

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



Florida Department of
Law Enforcement

J. Mark Glass
Commissioner

Ron DeSantis, *Governor*
James Uthmeier, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Wilton Simpson, *Commissioner of Agriculture*

March 31, 2025

RE: Agency Bill Analysis Request

To Whom It May Concern:

The Florida Department of Law Enforcement has reviewed CS/SB 240 and determined it does not impact the department.

Please contact me should you have any questions.

Sincerely,

Bobbie Smith
Legislative Affairs Director
bobbiesmith@fdle.state.fl.us
(850) 410-7014

BRS/ccd



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: February 4, 2025

I respectfully request that **Senate Bill #240**, relating to Public Records and Public Meetings/Helping Abuse Victims Escape Now (HAVEN) Coordinating Council, be placed on the:

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

A handwritten signature in cursive script that reads "Lori Berman".

Senator Lori Berman
Florida Senate, District 26

APPEARANCE RECORD

Deliver both copies of this form to
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240

Bill Number or Topic

4/1/2025

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Christopher Nurse

Phone 813-947-3007

Address 311 W. Ashley St, Apt 506

Email Christopher@ChristopherNurse.com

Street

Jacksonville FL 32202

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

The Florida Senate
APPEARANCE RECORD

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~~03~~ 240

Bill Number or Topic

4/1/25

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Sarah Hartman

Phone 813-644-0145

Address 6221 SW 85th St

Email Hartmanswed.48@gmail.com

Street

Gainesville

FL

32608

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:

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

S-001 (08/10/2021)

04/01/25

Meeting Date

Crim Justice

Committee

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

240

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amy Trask

Phone 352-815-7393

Address 8852 SW 25 Rd

Email amyjay0214@outlook.com

Street

Gainesville

City

FL

State

32608

Zip

Speaking: For Against Information **OR** 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

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240

Bill Number or Topic

04/01/25

Meeting Date

CRIM Justice

Committee

Amendment Barcode (if applicable)

Name Ben DOKE

Phone 352-815-7393

Address 8852 SW 25 Rd

Email amyjay0214@outlook.com

Street

Gainesville

FL

32608

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

#240

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Bill Number or Topic

Amendment Barcode (if applicable)

4/1/25

Meeting Date

Criminal Justice

Committee

Name Emmy Scott-White

Phone 386-288-4463

Address 441 Squire Dr

Street

Email emma.rose.scott02@gmail.com

Gainesville

City

FL

State

32607

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

240

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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)

4/2/25

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 240

Bill Number or Topic

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

SC

Committee

Amendment Barcode (if applicable)

Name

Kate J. Bonnett ("BonyNet")

Phone

850.334.9599

Address

7773 Seminole Dr

Email

kbonnett@stateandjustice.org

Street

TLH, FL 32307

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Alliance for Safety & Justice

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 240

Bill Number or Topic

4/1/24 Meeting Date

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

Committee

Amendment Barcode (if applicable)

Name Christian Coalition of Florida

Phone 202 549 6257

Address 1333 Granville Dr. (Michelle Combs)

Email michelle@cc.org

Street

Winter Park FL 32786

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

Christian Coalition of Florida

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 606

INTRODUCER: Senator Leek

SUBJECT: Public Lodging and Food Service Establishments

DATE: March 31, 2025

REVISED: _____

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

I. Summary:

SB 606 revises the following terms related to public lodging establishments.

The term “transient public lodging establishment” is revised to mean any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 consecutive days or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.

The term “nontransient public lodging establishment” is revised to mean any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 consecutive days or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 consecutive days.

Current law does not specify that the rental periods to qualify as a transient or nontransient public lodging establishment are based on consecutive days. The bill also removes references to one calendar month in these definitions.

The terms “transient establishment” and “nontransient establishment” are revised to mean any public lodging establishment that is rented or leased to guests by an operator for transient or nontransient occupancy, respectively. The bill removes the condition that establishment status as transient or nontransient is based on the establishment operator’s intent regarding whether the guest’s stay will be temporary.

The terms “transient occupancy” and “nontransient occupancy” are revised to provide that a guest’s occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is transient or nontransient, respectively, unless a written rental or leasing agreement expressly states that the unit may be the guest’s sole

residence. The bill removes the rebuttable presumption providing that occupancy is a “transient occupancy” or “nontransient occupancy” based on the establishment operator’s intent regarding whether the accommodation will be the guest’s sole residence.

The bill amends the procedure for removal of guests from a public lodging or food establishment to provide that a notice that a guest must depart is effective upon delivery of the notice. It provides that a law enforcement officer may arrest a guest who remains after notice to leave has been provided to the guest.

The bill takes effect July 1, 2025.

II. Present Situation:

Division of Hotels and Restaurants

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

Definitions - Public Lodging Establishments

The term “public lodging establishments” includes transient and non-transient public lodging establishments.¹ The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.²

A “vacation rental” is defined in s. 509.242(1)(c), F.S., as:

...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

Emphasis added.

Section 509.013(2), F.S., defines the term “operator” to mean the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

¹ Section 509.013(4)(a), F.S.

² Section 509.242(1), F.S.

Transient Public Lodging Establishment

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. (emphasis added)

“Transient occupancy” means:

...occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.³

A “transient” is a guest in transient occupancy.⁴

Non-Transient Public Lodging Establishment

A “non-transient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests for periods of at least 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. (emphasis added)

Exemptions

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
- Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
- Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
- Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or one calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than one calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

³ Section 509.013(12), F.S.

⁴ Section 509.013(13), F.S.

- Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008 - 381.00895, F.S.;
- Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
- Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public;
- Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
- Any rooming house, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, non-transient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Public Food Service Establishments

A "public food service establishment" is defined as:

...any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.⁵

There are several exclusions from the definition of public food service establishment, including:

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve events such as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests;
- Any eating place located on an airplane, train, bus, or watercraft which is a common carrier;
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families;
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12, F.S.;
- Any vending machine that dispenses any food or beverage other than potentially hazardous food;
- Any place of business serving only ice, beverages, popcorn, and prepackaged items; and
- Any research and development test kitchen limited to use by employees and not open to the general public.⁶

⁵ Section 509.013(5)(a), F.S.

⁶ Section 509.013(5)(b), F.S.

Refusal of Admission and Ejection of Undesirable Guests

Section 509.141(1), F.S., permits an operator to remove, or cause to be removed, a person for specified causes, including any guest of a public lodging establishment or public food service establishment while on the premises of the establishment who:

- Illegally possesses or deals in controlled substances, as defined in ch. 893, F.S.;
- Is intoxicated, profane, lewd, or brawling;
- Indulges in any language or conduct which disturbs the peace and comfort of other guests or which injures the reputation, dignity, or standing of the establishment;
- Fails to check out by the time agreed upon in writing by the guest and public lodging establishment at check-in unless an extension of time is agreed to by the public lodging establishment and guest prior to check out;
- Fails to make payment for food, beverages, or services; or
- In the opinion of the operator, is a person the continued entertainment of whom would be detrimental to the establishment.

Section 509.141(3), F.S., provides that any guest who remains or attempts to remain in any such establishment after being requested to leave is guilty of a misdemeanor of the second degree.⁷

Section 509.141(4), F.S., provides that any guest who remains “illegally on the premises of any public lodging establishment or public food service establishment, the operator of such establishment may call upon any law enforcement officer of this state for assistance.” Upon request of the operator of the establishment, it is the duty of the law enforcement officer to place the guest under arrest and take the guest into custody.

Section 509.142, F.S., permits an operator to refuse accommodation or service to any person whose conduct on the premises of the establishment:

- Displays intoxication, profanity, lewdness, or brawling;
- Indulges in language or conduct such as to disturb the peace or comfort of other guests;
- Engages in illegal or disorderly conduct;
- Illegally possesses or deals in controlled substances as defined in ch. 893, F.S.; or
- Engages in conduct constituting a nuisance.

Additionally, s. 509.143, F.S., permits an operator to take a person into custody and detain that person in a reasonable manner and for a reasonable time if the operator has probable cause to believe that the person was engaging in disorderly conduct in violation of s. 877.03, F.S.,⁸ on the premises of the licensed establishment and that such conduct was creating a threat to the life or safety of the person or others. The operator is required to call a law enforcement officer to the scene immediately after detaining the person.

⁷ Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides that a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

⁸ Section 877.03, F.S., provides that a person is guilty of a misdemeanor of the second degree if that person commits “such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct.”

III. Effect of Proposed Changes:

Definitions

The bill amends s. 509.013, F.S., to revise the following definitions:

- “Transient public lodging establishment,” is revised to specify that the 30-day rental period must be for periods of less than 30 consecutive days. It removes the one-calendar-month qualification and clarifies that an establishment qualifies if advertised or offered for rentals of less than 30 consecutive days.
- “Nontransient public lodging establishment” is revised to mean rentals of at least 30 consecutive days and removing the reference to one-calendar-month. It also allows an establishment to qualify if advertised for rentals for periods of at least 30 consecutive days.
- “Transient establishment” is revised to mean any public lodging establishment that is rented or leased to guests by an operator for transient occupancy, and removing the condition that temporary occupancy is based on the operator’s intent.
- “Transient occupancy” is revised to mirror the changes to the term “transient public lodging establishment” by providing that the term means occupancy that is temporary. It also provides that a guest’s occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is transient unless a written rental or leasing agreement expressly states that the unit may be the guest’s sole residence. The bill removes the rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.
- “Nontransient establishment” is revised to mean any public lodging establishment that is rented or leased to guests by an operator for nontransient occupancy. The bill removes the requirement that the operator intends the unit to be the guest's sole residence.
- “Nontransient occupancy” is revised to mirror the changes to the term “nontransient public lodging establishment” by providing that the term means occupancy that is not temporary. The bill also provides that a guest’s occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is transient unless a written rental or leasing agreement expressly states that the unit may be the guest’s sole residence. The bill removes the rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

For the purpose of incorporating the amendment to s. 509.013, F.S., the bill reenacts the following provisions:

- Section 196.1978(3)(k), F.S., relating to affordable housing property exemption;
- Section 196.199(1)(a), F.S., relating to government property exemption;
- Section 212.031(1)(a), F.S., relating to tax on rental or license fee for use of real property;
- Section 404.056(5), F.S., relating to environmental radiation standards and testing, and notification on real estate documents;
- Section 413.08(1)(c), F.S., relating to defining the term “public accommodation” in the context of rights and responsibilities of an individual with a disability, and penalties;
- Section 480.043(14)(b), (c), and (e), F.S., relating to massage establishments, requisites, licensure inspection, and human trafficking awareness training and policies; and
- Section 559.955(5)(b), F.S., relating to home-based businesses.

Refusal of Admission and Ejection of Undesirable Guests

The bill amends s. 509.141(1), F.S., to provide that the check out time by which a guest's failure to make payment at the agreed-upon rent rate allows the operator to remove a guest is based on check out time specified by the public lodging establishment.

The bill amends s. 509.141(2), F.S., to revise the notice requirement that an operator must give a guest who is directed to immediately depart from a public lodging or food service establishment. The bill provides that the notice is effective upon the operator's delivery of the notice, whether in person, via a telephonic or electronic communications medium using the contact information provided by the guest, or, with respect to a public lodging establishment, upon delivery to the guest's lodging unit.

The bill amends s. 509.141(3), F.S., to provide that if a person remains in the establishment after the operator has requested the person to leave under subsection (2), then the person is guilty of a second degree misdemeanor.⁹

Section 509.141(4) and (5), F.S., is amended to provide that it is the duty of a law enforcement officer to remove a guest upon request of the operator and after notice under subsection (2) rather than requiring the officer to arrest the guest. The officer still may arrest the guest if necessary.

Section 509.141(5), F.S., is revised by the bill to remove the requirement that the violation of s. 509.141(3), F.S., must be in the presence of the officer.

For the purpose of incorporating the amendment to s. 509.013, F.S., the bill reenacts s. 721.13(14), F.S., relating to the management of timeshare projects.

Effective Date

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.

⁹ *Supra* n. 7.

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 department has not submitted a fiscal analysis for this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 509.013 and 509.141.

This bill reenacts the following sections of the Florida Statutes: 196.1978, 196.199, 212.031, 404.056, 413.08, 480.043, 559.955, and 721.13.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Leek

7-00637-25

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1 A bill to be entitled
 2 An act relating to public lodging and food service
 3 establishments; amending s. 509.013, F.S.; revising
 4 definitions; amending s. 509.141, F.S.; revising the
 5 instances under which the operator of any public
 6 lodging establishment may remove a guest; providing
 7 requirements for the notice an operator of a public
 8 lodging establishment or public food service
 9 establishment may give to a guest under specified
 10 circumstances; making technical changes; requiring a
 11 law enforcement officer to remove a guest who remains
 12 on the premises of any public lodging establishment
 13 after an operator makes a specified request;
 14 authorizing a law enforcement officer to arrest and
 15 take into custody any guest under certain
 16 circumstances; reenacting ss. 196.1978(3)(k),
 17 196.199(1)(a), 212.031(1)(a), 404.056(5),
 18 413.08(1)(c), 480.043(14)(b), (c), and (e), and
 19 559.955(5)(b), F.S., relating to affordable housing
 20 property exemption; government property exemption;
 21 taxes and fees for use of real property; environmental
 22 radiation standards and testing, and notification on
 23 real estate documents; rights and responsibilities of
 24 an individual with a disability, and penalties;
 25 massage establishments, requisites, licensure
 26 inspection, and human trafficking awareness training
 27 and policies; and home-based businesses, local
 28 government, and restrictions, respectively, to
 29 incorporate the amendment made to s. 509.013, F.S., in

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30 references thereto; reenacting s. 721.13(14), F.S.,
 31 relating to management, to incorporate the amendment
 32 made to s. 509.141, F.S., in a reference thereto;
 33 providing an effective date.
 34

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

36
 37 Section 1. Paragraph (a) of subsection (4) and subsections
 38 (11), (12), (14), and (15) of section 509.013, Florida Statutes,
 39 are amended to read:

40 509.013 Definitions.—As used in this chapter, the term:

41 (4)(a) "Public lodging establishment" includes a transient
 42 public lodging establishment as defined in subparagraph 1. and a
 43 nontransient public lodging establishment as defined in
 44 subparagraph 2.

45 1. "Transient public lodging establishment" means any unit,
 46 group of units, dwelling, building, or group of buildings within
 47 a single complex of buildings which is rented to guests more
 48 than three times in a calendar year for periods of less than 30
 49 consecutive days ~~or 1 calendar month, whichever is less,~~ or
 50 which is advertised or held out to the public as a place
 51 regularly rented to guests for periods of less than 30
 52 consecutive days.

53 2. "Nontransient public lodging establishment" means any
 54 unit, group of units, dwelling, building, or group of buildings
 55 within a single complex of buildings which is rented to guests
 56 for periods of at least 30 consecutive days ~~or 1 calendar month,~~
 57 ~~whichever is less,~~ or which is advertised or held out to the
 58 public as a place regularly rented to guests for periods of at

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59 least 30 consecutive days ~~or 1 calendar month~~.

60
61 License classifications of public lodging establishments, and
62 the definitions therefor, are set out in s. 509.242. For the
63 purpose of licensure, the term does not include condominium
64 common elements as defined in s. 718.103.

65 (11) "Transient establishment" means any public lodging
66 establishment that is rented or leased to guests by an operator
67 for transient whose intention is that such guests' occupancy
68 will be temporary.

69 (12) "Transient occupancy" means occupancy that is when it
70 is the intention of the parties that the occupancy will be
71 temporary. A guest's occupancy of a dwelling unit at a hotel,
72 motel, vacation rental, bed and breakfast inn, or timeshare
73 project as defined in s. 509.242 is transient unless a written
74 rental or leasing agreement expressly states that the unit may
75 be the guest's ~~There is a rebuttable presumption that, when the~~
76 ~~dwelling unit occupied is not the sole residence of the guest,~~
77 ~~the occupancy is transient.~~

78 (14) "Nontransient establishment" means any public lodging
79 establishment that is rented or leased to guests by an operator
80 for nontransient occupancy whose intention is that the dwelling
81 unit occupied will be the sole residence of the guest.

82 (15) "Nontransient occupancy" means occupancy that is not
83 when it is the intention of the parties that the occupancy will
84 not be temporary. A guest's occupancy of a dwelling unit at a
85 hotel, motel, vacation rental, bed and breakfast inn, or
86 timeshare project as defined in s. 509.242 is transient unless a
87 written rental or leasing agreement expressly states the unit

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88 ~~may be the guest's~~ ~~There is a rebuttable presumption that, when~~
89 ~~the dwelling unit occupied is the sole residence of the guest,~~
90 ~~the occupancy is nontransient.~~

91 Section 2. Section 509.141, Florida Statutes, is amended to
92 read:

93 509.141 Refusal of admission and ejection of undesirable
94 guests; notice; procedure; penalties for refusal to leave.—

95 (1) The operator of any public lodging establishment or
96 public food service establishment may remove or cause to be
97 removed from such establishment, in the manner hereinafter
98 provided, any guest of the establishment who, while on the
99 premises of the establishment, illegally possesses or deals in
100 controlled substances as defined in chapter 893 or is
101 intoxicated, profane, lewd, or brawling; who indulges in any
102 language or conduct which disturbs the peace and comfort of
103 other guests or which injures the reputation, dignity, or
104 standing of the establishment; who, in the case of a public
105 lodging establishment, fails to make payment of rent at the
106 agreed-upon rental rate by the ~~agreed-upon~~ checkout time
107 specified by the public lodging establishment; who, in the case
108 of a public lodging establishment, fails to check out by the
109 time specified ~~agreed upon in writing~~ by the guest and public
110 lodging establishment at check-in unless an extension of time is
111 agreed to by the public lodging establishment and guest prior to
112 checkout; who, in the case of a public food service
113 establishment, fails to make payment for food, beverages, or
114 services; or who, in the opinion of the operator, is a person
115 the continued entertainment of whom would be detrimental to such
116 establishment. The admission to, or the removal from, such

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117 establishment shall not be based upon race, creed, color, sex,
118 physical disability, or national origin.

119 (2) The operator of any public lodging establishment or
120 public food service establishment shall notify such guest that
121 the establishment no longer desires to entertain the guest and
122 shall request that such guest immediately depart from the
123 establishment. Such notice may be given orally or in writing.
124 The notice is effective upon the operator's delivery of the
125 notice, whether in person, via a telephonic or electronic
126 communications medium using the contact information provided by
127 the guest, or, with respect to a public lodging establishment,
128 upon delivery to the guest's lodging unit. If the notice is in
129 writing, it shall be as follows:

130
131 "You are hereby notified that this establishment no longer
132 desires to entertain you as its guest, and you are requested to
133 leave at once. To remain after receipt of this notice is a
134 misdemeanor under the laws of this state."

135
136 If such guest has paid in advance, the establishment shall, at
137 the time such notice is given, tender to such guest the unused
138 portion of the advance payment; however, the establishment may
139 withhold payment for each full day that the guest has been
140 entertained at the establishment for any portion of the 24-hour
141 period of such day.

142 (3) Any guest who remains or attempts to remain in any such
143 establishment after the operator's request to depart pursuant to
144 subsection (2) being requested to leave is guilty of a
145 misdemeanor of the second degree, punishable as provided in s.

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146 775.082 or s. 775.083.

147 (4) If any guest remains ~~person is illegally~~ on the
148 premises of any public lodging establishment or public food
149 service establishment after the operator's request to depart
150 pursuant to subsection (2), the operator of such establishment
151 may call upon any law enforcement officer of this state for
152 assistance. It is the duty of such law enforcement officer, upon
153 the request of such operator, to remove ~~place under arrest and~~
154 ~~take into custody for violation of this section~~ any guest who
155 remains on the premises of such an establishment after the
156 operator's request to depart pursuant to subsection (2).

157 (5) A law enforcement officer may place under arrest and
158 take into custody any guest who violates subsection (3) ~~in the~~
159 ~~presence of the officer~~. If a warrant has been issued by the
160 proper judicial officer for the arrest of any violator of
161 subsection (3), the officer shall serve the warrant, arrest the
162 person, and take the person into custody. Upon arrest, with or
163 without warrant, the guest will be deemed to have given up any
164 right to occupancy or to have abandoned such right of occupancy
165 of the premises, and the operator of the establishment may then
166 make such premises available to other guests. However, the
167 operator of the establishment shall employ all reasonable and
168 proper means to care for any personal property which may be left
169 on the premises by such guest and shall refund any unused
170 portion of moneys paid by such guest for the occupancy of such
171 premises.

172 Section 3. For the purpose of incorporating the amendment
173 made by this act to section 509.013, Florida Statutes, in a
174 reference thereto, paragraph (k) of subsection (3) of section

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175 196.1978, Florida Statutes, is reenacted to read:
 176 196.1978 Affordable housing property exemption.—
 177 (3)
 178 (k) Property receiving an exemption pursuant to s. 196.1979
 179 or units used as a transient public lodging establishment as
 180 defined in s. 509.013 are not eligible for this exemption.
 181 Section 4. For the purpose of incorporating the amendment
 182 made by this act to section 509.013, Florida Statutes, in a
 183 reference thereto, paragraph (a) of subsection (1) of section
 184 196.199, Florida Statutes, is reenacted to read:
 185 196.199 Government property exemption.—
 186 (1) Property owned and used by the following governmental
 187 units shall be exempt from taxation under the following
 188 conditions:
 189 (a)1. All property of the United States is exempt from ad
 190 valorem taxation, except such property as is subject to tax by
 191 this state or any political subdivision thereof or any
 192 municipality under any law of the United States.
 193 2. Notwithstanding any other provision of law, for purposes
 194 of the exemption from ad valorem taxation provided in
 195 subparagraph 1., property of the United States includes any
 196 leasehold interest of and improvements affixed to land owned by
 197 the United States, any branch of the United States Armed Forces,
 198 or any agency or quasi-governmental agency of the United States
 199 if the leasehold interest and improvements are acquired or
 200 constructed and used pursuant to the federal Military Housing
 201 Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As
 202 used in this subparagraph, the term "improvements" includes
 203 actual housing units and any facilities that are directly

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204 related to such housing units, including any housing maintenance
 205 facilities, housing rental and management offices, parks and
 206 community centers, and recreational facilities. Any leasehold
 207 interest and improvements described in this subparagraph,
 208 regardless of whether title is held by the United States, shall
 209 be construed as being owned by the United States, the applicable
 210 branch of the United States Armed Forces, or the applicable
 211 agency or quasi-governmental agency of the United States and are
 212 exempt from ad valorem taxation without the necessity of an
 213 application for exemption being filed or approved by the
 214 property appraiser. This subparagraph does not apply to a
 215 transient public lodging establishment as defined in s. 509.013
 216 and does not affect any existing agreement to provide municipal
 217 services by a municipality or county.
 218 Section 5. For the purpose of incorporating the amendment
 219 made by this act to section 509.013, Florida Statutes, in a
 220 reference thereto, paragraph (a) of subsection (1) of section
 221 212.031, Florida Statutes, is reenacted to read:
 222 212.031 Tax on rental or license fee for use of real
 223 property.—
 224 (1)(a) It is declared to be the legislative intent that
 225 every person is exercising a taxable privilege who engages in
 226 the business of renting, leasing, letting, or granting a license
 227 for the use of any real property unless such property is:
 228 1. Assessed as agricultural property under s. 193.461.
 229 2. Used exclusively as dwelling units.
 230 3. Property subject to tax on parking, docking, or storage
 231 spaces under s. 212.03(6).
 232 4. Recreational property or the common elements of a

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233 condominium when subject to a lease between the developer or
 234 owner thereof and the condominium association in its own right
 235 or as agent for the owners of individual condominium units or
 236 the owners of individual condominium units. However, only the
 237 lease payments on such property shall be exempt from the tax
 238 imposed by this chapter, and any other use made by the owner or
 239 the condominium association shall be fully taxable under this
 240 chapter.

241 5. A public or private street or right-of-way and poles,
 242 conduits, fixtures, and similar improvements located on such
 243 streets or rights-of-way, occupied or used by a utility or
 244 provider of communications services, as defined by s. 202.11,
 245 for utility or communications or television purposes. For
 246 purposes of this subparagraph, the term "utility" means any
 247 person providing utility services as defined in s. 203.012. This
 248 exception also applies to property, wherever located, on which
 249 the following are placed: towers, antennas, cables, accessory
 250 structures, or equipment, not including switching equipment,
 251 used in the provision of mobile communications services as
 252 defined in s. 202.11. For purposes of this chapter, towers used
 253 in the provision of mobile communications services, as defined
 254 in s. 202.11, are considered to be fixtures.

255 6. A public street or road which is used for transportation
 256 purposes.

257 7. Property used at an airport exclusively for the purpose
 258 of aircraft landing or aircraft taxiing or property used by an
 259 airline for the purpose of loading or unloading passengers or
 260 property onto or from aircraft or for fueling aircraft.

261 8.a. Property used at a port authority, as defined in s.

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262 315.02(2), exclusively for the purpose of oceangoing vessels or
 263 tugs docking, or such vessels mooring on property used by a port
 264 authority for the purpose of loading or unloading passengers or
 265 cargo onto or from such a vessel, or property used at a port
 266 authority for fueling such vessels, or to the extent that the
 267 amount paid for the use of any property at the port is based on
 268 the charge for the amount of tonnage actually imported or
 269 exported through the port by a tenant.

270 b. The amount charged for the use of any property at the
 271 port in excess of the amount charged for tonnage actually
 272 imported or exported shall remain subject to tax except as
 273 provided in sub-subparagraph a.

274 9. Property used as an integral part of the performance of
 275 qualified production services. As used in this subparagraph, the
 276 term "qualified production services" means any activity or
 277 service performed directly in connection with the production of
 278 a qualified motion picture, as defined in s. 212.06(1)(b), and
 279 includes:

280 a. Photography, sound and recording, casting, location
 281 managing and scouting, shooting, creation of special and optical
 282 effects, animation, adaptation (language, media, electronic, or
 283 otherwise), technological modifications, computer graphics, set
 284 and stage support (such as electricians, lighting designers and
 285 operators, greensmen, prop managers and assistants, and grips),
 286 wardrobe (design, preparation, and management), hair and makeup
 287 (design, production, and application), performing (such as
 288 acting, dancing, and playing), designing and executing stunts,
 289 coaching, consulting, writing, scoring, composing,
 290 choreographing, script supervising, directing, producing,

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291 transmitting dailies, dubbing, mixing, editing, cutting,
292 looping, printing, processing, duplicating, storing, and
293 distributing;

294 b. The design, planning, engineering, construction,
295 alteration, repair, and maintenance of real or personal property
296 including stages, sets, props, models, paintings, and facilities
297 principally required for the performance of those services
298 listed in sub-subparagraph a.; and

299 c. Property management services directly related to
300 property used in connection with the services described in sub-
301 subparagraphs a. and b.

302

303 This exemption will inure to the taxpayer upon presentation of
304 the certificate of exemption issued to the taxpayer under the
305 provisions of s. 288.1258.

306 10. Leased, subleased, licensed, or rented to a person
307 providing food and drink concessionaire services within the
308 premises of a convention hall, exhibition hall, auditorium,
309 stadium, theater, arena, civic center, performing arts center,
310 publicly owned recreational facility, or any business operated
311 under a permit issued pursuant to chapter 550. A person
312 providing retail concessionaire services involving the sale of
313 food and drink or other tangible personal property within the
314 premises of an airport shall be subject to tax on the rental of
315 real property used for that purpose, but shall not be subject to
316 the tax on any license to use the property. For purposes of this
317 subparagraph, the term "sale" shall not include the leasing of
318 tangible personal property.

319 11. Property occupied pursuant to an instrument calling for

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320 payments which the department has declared, in a Technical
321 Assistance Advisement issued on or before March 15, 1993, to be
322 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
323 Administrative Code; provided that this subparagraph shall only
324 apply to property occupied by the same person before and after
325 the execution of the subject instrument and only to those
326 payments made pursuant to such instrument, exclusive of renewals
327 and extensions thereof occurring after March 15, 1993.

328 12. Property used or occupied predominantly for space
329 flight business purposes. As used in this subparagraph, "space
330 flight business" means the manufacturing, processing, or
331 assembly of a space facility, space propulsion system, space
332 vehicle, satellite, or station of any kind possessing the
333 capacity for space flight, as defined by s. 212.02(23), or
334 components thereof, and also means the following activities
335 supporting space flight: vehicle launch activities, flight
336 operations, ground control or ground support, and all
337 administrative activities directly related thereto. Property
338 shall be deemed to be used or occupied predominantly for space
339 flight business purposes if more than 50 percent of the
340 property, or improvements thereon, is used for one or more space
341 flight business purposes. Possession by a landlord, lessor, or
342 licensor of a signed written statement from the tenant, lessee,
343 or licensee claiming the exemption shall relieve the landlord,
344 lessor, or licensor from the responsibility of collecting the
345 tax, and the department shall look solely to the tenant, lessee,
346 or licensee for recovery of such tax if it determines that the
347 exemption was not applicable.

348 13. Rented, leased, subleased, or licensed to a person

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349 providing telecommunications, data systems management, or
 350 Internet services at a publicly or privately owned convention
 351 hall, civic center, or meeting space at a public lodging
 352 establishment as defined in s. 509.013. This subparagraph
 353 applies only to that portion of the rental, lease, or license
 354 payment that is based upon a percentage of sales, revenue
 355 sharing, or royalty payments and not based upon a fixed price.
 356 This subparagraph is intended to be clarifying and remedial in
 357 nature and shall apply retroactively. This subparagraph does not
 358 provide a basis for an assessment of any tax not paid, or create
 359 a right to a refund of any tax paid, pursuant to this section
 360 before July 1, 2010.

361 Section 6. For the purpose of incorporating the amendment
 362 made by this act to section 509.013, Florida Statutes, in a
 363 reference thereto, subsection (5) of section 404.056, Florida
 364 Statutes, is reenacted to read:

365 404.056 Environmental radiation standards and projects;
 366 certification of persons performing measurement or mitigation
 367 services; mandatory testing; notification on real estate
 368 documents; rules.—

369 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
 370 shall be provided on at least one document, form, or application
 371 executed at the time of, or prior to, contract for sale and
 372 purchase of any building or execution of a rental agreement for
 373 any building. Such notification shall contain the following
 374 language:

375 "RADON GAS: Radon is a naturally occurring radioactive gas
 376 that, when it has accumulated in a building in sufficient
 377

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378 quantities, may present health risks to persons who are exposed
 379 to it over time. Levels of radon that exceed federal and state
 380 guidelines have been found in buildings in Florida. Additional
 381 information regarding radon and radon testing may be obtained
 382 from your county health department."
 383

384 The requirements of this subsection do not apply to any
 385 residential transient occupancy, as described in s. 509.013(12),
 386 provided that such occupancy is 45 days or less in duration.

387 Section 7. For the purpose of incorporating the amendment
 388 made by this act to section 509.013, Florida Statutes, in a
 389 reference thereto, paragraph (c) of subsection (1) of section
 390 413.08, Florida Statutes, is reenacted to read:

391 413.08 Rights and responsibilities of an individual with a
 392 disability; use of a service animal; prohibited discrimination
 393 in public employment, public accommodations, and housing
 394 accommodations; penalties.—

395 (1) As used in this section and s. 413.081, the term:

396 (c) "Public accommodation" means a common carrier,
 397 airplane, motor vehicle, railroad train, motor bus, streetcar,
 398 boat, or other public conveyance or mode of transportation;
 399 hotel; a timeshare that is a transient public lodging
 400 establishment as defined in s. 509.013; lodging place; place of
 401 public accommodation, amusement, or resort; and other places to
 402 which the general public is invited, subject only to the
 403 conditions and limitations established by law and applicable
 404 alike to all persons. The term does not include air carriers
 405 covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.
 406 41705, and by regulations adopted by the United States

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407 Department of Transportation to implement such act.

408 Section 8. For the purpose of incorporating the amendment
409 made by this act to section 509.013, Florida Statutes, in
410 references thereto, paragraphs (b), (c), and (e) of subsection
411 (14) of section 480.043, Florida Statutes, are reenacted to
412 read:

413 480.043 Massage establishments; requisites; licensure;
414 inspection; human trafficking awareness training and policies.—

415 (14) In order to provide the department and law enforcement
416 agencies the means to more effectively identify persons engaging
417 in human trafficking at massage establishments, the following
418 apply:

419 (b) If there is an outside window or windows into the
420 massage establishment's reception area, the outside window or
421 windows must allow for at least 35 percent light penetration and
422 no more than 50 percent of the outside window or windows may be
423 obstructed with signage, blinds, curtains, or other
424 obstructions, allowing the public to see the establishment's
425 reception area. A sign must be posted on the front window of the
426 establishment that includes the name and license number of the
427 massage establishment and the telephone number that has been
428 provided to the department as part of licensure of the
429 establishment. This paragraph does not apply to:

430 1. A massage establishment within a public lodging
431 establishment as defined in s. 509.013(4).

432 2. A massage establishment located within a county or
433 municipality that has an ordinance that prescribes requirements
434 related to business window light penetration or signage
435 limitations if compliance with this paragraph would result in

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436 noncompliance with such ordinance.

437 (c) All employees within the massage establishment must be
438 fully clothed, and such clothing must be fully opaque and made
439 of nontransparent material that does not expose the employee's
440 genitalia. This requirement does not apply to an employee,
441 excluding a massage therapist, of a public lodging
442 establishment, as defined in s. 509.013(4), that is licensed as
443 a clothing-optional establishment and chartered with the
444 American Association for Nude Recreation.

445 (e) A massage establishment must conspicuously display a 2
446 inch by 2 inch photo for each employee, which, for massage
447 therapists, must be attached to the massage therapist's license.
448 Such display must also include the employee's full legal name
449 and employment position. All information required under this
450 paragraph must be displayed before the employee may provide any
451 service or treatment to a client or patient. A massage
452 establishment within a public lodging establishment as defined
453 in s. 509.013(4) may satisfy this requirement by displaying the
454 photos and required information in an employee break room or
455 other room that is used by employees, but is not used by clients
456 or patients.

457 Section 9. For the purpose of incorporating the amendment
458 made by this act to section 509.013, Florida Statutes, in a
459 reference thereto, paragraph (b) of subsection (5) of section
460 559.955, Florida Statutes, is reenacted to read:

461 559.955 Home-based businesses; local government
462 restrictions.—

463 (5) The application of this section does not supersede:

464 (b) Local laws, ordinances, or regulations related to

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465 transient public lodging establishments, as defined in s.
466 509.013(4)(a)1., that are not otherwise preempted under chapter
467 509.

468 Section 10. For the purpose of incorporating the amendment
469 made by this act to section 509.141, Florida Statutes, in a
470 reference thereto, subsection (14) of section 721.13, Florida
471 Statutes, is reenacted to read:

472 721.13 Management.—

473 (14) With regard to any timeshare project as defined in s.
474 509.242(1)(g), the managing entity or manager has all of the
475 rights and remedies of an operator of any public lodging
476 establishment or public food service establishment as set forth
477 in ss. 509.141-509.143, and 509.162 and is entitled to have a
478 law enforcement officer take any action, including arrest or
479 removal from the timeshare property, against any purchaser,
480 including a deeded owner, or guest or invitee of such purchaser
481 or owner who engages in conduct described in s. 509.141, s.
482 509.142, s. 509.143, or s. 509.162 or conduct in violation of
483 the timeshare instrument.

484 Section 11. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 12, 2025

I respectfully request that **Senate Bill #606**, relating to Public Lodging and Food Service Establishments, be placed on the:

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Leek", written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name Jonathan Webber

Address 400 Washington Ave

Street

Montgomery

AL

32301

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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

SB 606 - Public Lodging

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 954-593-4449

Email jonathan.webber@splcenter.org

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

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. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SR 6006

Bill Number or Topic

04/01/25

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Hadia Khanani

Phone

Address

Email

Street

City

State

Zip

Speaking:

For



Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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04/10/25

Meeting Date

Criminal Justice

Committee

SB 606

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackson Oberlink

Phone

Address

Email

Street

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Florida Rising

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

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

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S-001 (08/10/2021)

The Florida Senate

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4/1/25 Meeting Date

606 Bill Number or Topic

Criminal Justice Committee

Amendment Barcode (if applicable)

Name Carrie Feit

Phone (305) 761-7772

Address 13400 SW 66th Ave Miami FL 33156

Email carrie@communityjusticeproject.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Community Justice Project, Inc.

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

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

The Florida Senate

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4/11/25

Meeting Date

606

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone 850-224-2250

Address 230 S. Adams St.

Street

Email spadgett@frla.org

Tallahassee

City

FL

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Florida Restaurant & Lodging Association

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

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

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S-001 (08/10/2021)

4/1/25

Meeting Date

Criminal Justice

Committee

Name **Ethan Perry**

Address **200 S Monroe St**

Street

Tallahassee

City

FL

State

32301

Zip

Phone **850 224 1400**

Email **ethanp@floridarealtors.org**

The Florida Senate APPEARANCE RECORD

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SB 606

Bill Number or Topic

Amendment Barcode (if applicable)

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:

Florida Realtors

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

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

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S-001 (08/10/2021)

4/1/2025

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 606

Bill Number or Topic

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Criminal Justice

Committee

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Phone 786 346 0819

Address 1351 NE 191 ST

Email TKENNEDY191@gmail.com

Street

Miami FL 33199

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1000

INTRODUCER: Criminal Justice Committee and Senator Simon

SUBJECT: Court-ordered Sealing of Criminal History Records

DATE: April 2, 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 1000 amends s. 943.059, F.S., to expand eligibility for court-ordered sealing of criminal history records.

The bill adds criteria to provide a person is eligible, in part, to petition a court to seal a criminal history record when the criminal history record is:

- Not related to an offense for which the person was adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains; or
- Related to a misdemeanor offense for which the person was adjudicated guilty if such offense was not a violent offense, or relating to specified offenses.

Additionally, the bill provides a person is eligible to petition a court to seal a criminal history record if the person has not on more than two occasions secured a prior sealing or expunction.

The bill allows the court to order the sealing of a criminal history record pertaining to additional adjudication of guilt if the additional adjudications of guilt directly related to the original adjudication of guilt.

The bill takes effect July 1, 2025.

II. Present Situation:

Court-ordered Sealing of Criminal History Records

“Sealing of a criminal history record” means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein.¹ This process differs from an “expunction of a criminal history record”² which means the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the Florida Department of Law Enforcement (FDLE) must be retained in all cases for the purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for the purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction.

Eligibility

A person is eligible to petition a court to seal a criminal history record³ when:

- The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty⁴ in this state of a criminal offense, or been adjudicated delinquent in this state for committing any felony or any of the specified misdemeanor offenses,⁵ unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515, F.S.⁶
- The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;⁷
- The person is no longer under court supervision applicable to the disposition⁸ of arrest or alleged criminal activity to which the petition to seal pertains;⁹

¹ Section 943.045(19), F.S.

² Section 943.045(16), F.S.

³ “Criminal history record” means any nonjudicial record maintained by a criminal justice agency containing criminal history information. Section 943.045(6), F.S.

⁴ “Adjudicated guilty” means that a person has been found guilty and that the court has not withheld an adjudication of guilt. Section 943.045(1), F.S.

⁵ Assault; Battery; Assault on a law enforcement officer, firefighter, or other specified officer; carrying a concealed weapon; open carrying of a weapon; Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property; Unlawful use of destructive devices or bombs; Unlawful possession of a firearm by a minor; Exposure of sexual organs; Arson; Petit theft; Neglect of a child; Cruelty to animals. Section 943.059(1)(b)1.-13., F.S.

⁶ Section 943.059(1)(b)1.-13., F.S.

⁷ Section 943.059(1)(c), F.S.

⁸ “Disposition” means details relating to the termination of an individual criminal defendant’s relationship with a criminal justice agency, including information disclosing that the law enforcement agency has elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, that a court has dealt with the individual, or that the individual has been incarcerated, paroled, pardoned, released, or granted clemency. Dispositions include, but are not limited to, acquittals, dismissals, pleas, convictions, adjudications, youthful offender determinations, determinations of mental capacity, placements in intervention programs, pardons, probations, paroles, and releases from correctional institutions. Section 943.045(14), F.S.

⁹ Section 943.059(1)(d), F.S.

- The person has never secured a prior sealing or expunction of a criminal history record under s. 943.059, F.S., s. 943.0585, F.S., former s. 893.14, F.S., former s. 901.33, F.S., or former s. 943.058, F.S.¹⁰
- The criminal history record is not ineligible for court-ordered sealing under s. 943.0584, F.S.¹¹

Pursuant to s. 943.0584, F.S., a criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction or a certificate of eligibility for sealing or a court-ordered sealing if the record is for a conviction of the following offenses:

- Sexual misconduct;
- Illegal use of explosives;
- Terrorism;
- Murder;
- Manslaughter or homicide;
- Assault or battery of one family or household member by another family or household member;
- Aggravated assault;
- Felony battery, domestic battery by strangulation, or aggravated battery;
- Stalking or aggravated stalking;
- Luring or enticing a child;
- Human trafficking;
- Kidnapping or false imprisonment;
- Any offense defined in ch. 794, F.S., relating to sexual battery;
- Procuring a person less than 18 years of age for prostitution;
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Arson;
- Burglary of a dwelling;
- Voyeurism or digital voyeurism;
- Robbery or robbery by sudden snatching;
- Carjacking;
- Home invasion robbery;
- A violation of the Florida Communications Fraud Act;
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
- Child abuse or aggravated child abuse;
- Sexual performance by a child;
- Any offense defined in ch. 839, F.S., relating to offenses by public officers and employees;
- Certain acts in connection with obscenity;
- Any offense defined in s. 847.0135, F.S., relating to offenses of child pornography, prohibited computer usage, and traveling to meet a minor;
- Selling or buying of minors;

¹⁰ Section 943.059(1)(e), F.S.

¹¹ Section 943.059(1)(a), F.S.

- Aircraft piracy;
- Manufacturing controlled substance;
- Drug trafficking; or
- Any violation specified as a predicate offense for registration as a sexual predator or sexual offender, without regard to whether that offense alone is sufficient to require such registration.

Petition

Before petitioning the court to seal, a person seeking to seal a criminal history record must apply to the FDLE for a certificate of eligibility for sealing. The FDLE issues the certificate of eligibility to a person if such person is eligible, has submitted a certified copy of the disposition of charge to which the petition pertains, and submits a \$75 processing fee.¹² A certificate of eligibility for sealing is valid for 12 months after the date stamped, after which a person must reapply.¹³

Each petition must be accompanied by:¹⁴

- A certificate of eligibility issued by the FDLE;
- The petitioner's sworn statement that the petitioner satisfies the eligibility requirements for sealing and is eligible for sealing to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a third degree felony.¹⁵

Processing a Petition or Order

A copy of the petition must be served to the appropriate state attorney and the arresting agency. If relief is granted by the court, the clerk sends certified copies of the order to the state attorney and arresting agency. The FDLE must forward the order to seal to the Federal Bureau of Investigation.¹⁶

A criminal history record of a minor or an adult which is ordered sealed, is confidential and exempt, and is available only to the following persons:¹⁷

- The subject of the record;
- The subject's attorney;

¹² Section 943.059(2)(a), F.S.

¹³ Section 943.059(2)(b), F.S.

¹⁴ Section 943.059(3), F.S.

¹⁵ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

¹⁶ Section 943.059(5), F.S.

¹⁷ Section 943.059(6)(a), F.S.

- Criminal justice agencies¹⁸ for their respective criminal justice purposes; which include conducting a criminal history background check for approval of firearm purchases or transfers as authorized by state or federal law;
- Judges in the state courts system for the purpose of assisting them in their case-related decision-making responsibilities, as set forth in s. 943.053(5), F.S.;¹⁹ or
- To certain entities for their respective licensing access authorization and employment purposes.

The subject of the criminal history record seal may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject:²⁰

- Is a candidate for employment with a criminal justice agency;
- Is a defendant in a criminal prosecution;
- Concurrently or subsequently petitions for relief under this section;
- Is a candidate for admission to The Florida Bar;
- Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
- Is seeking to be employed, licensed by, or contract with the Department of Education, a school district, a special school district, a charter school, a home operation, an alternative school, a private school, or a local governmental entity that licenses child care facilities;
- Is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check under state or federal law;
- Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services;
- Is seeking to be appointed as a guardian;
- Is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm.

Subject to the aforementioned exceptions, a person who has been granted a sealing may not be held under any provision of law of this state to commit perjury or to be otherwise liable for

¹⁸ “Criminal justice agency” means a court; the department (FDLE); the Department of Juvenile Justice; the protective investigations component of the Department of Children and Families, which investigates the crimes of abuse and neglect; any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of the court and that allocates a substantial part of its annual budget to the administration of criminal justice. Section 943.045(11), F.S.

¹⁹ Pursuant to s. 943.053(5), F.S., notwithstanding the specified provisions, the department shall make online access to Florida criminal justice information available to each judge in the state courts system for the purpose of assisting judges in their case-related decision-making responsibilities. Such online access shall be provided without charge to the state courts system. Sealed records received by the courts under this section remain confidential and exempt from s. 119.07(1), F.S. The information provided pursuant to this section shall not take the place of any information required to be provided to the courts by any other agency or entity. Information provided under this section shall be used only for the official court business for which it was requested and may not be further disseminated.

²⁰ Section 943.059(6)(b), F.S.

giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.²¹

Information relating to the existence of a sealed criminal history record is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. An employee of an entity may not disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the subject or to persons having direct responsibility for employment, authorization, or licensure decisions. A person violating such prohibition commits a first degree misdemeanor.^{22,23}

Automatic Sealing of Criminal History Records

The FDLE must automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony²⁴ or for a specified offense which results in a defendant being required to register as a sexual offender²⁵ if:²⁶

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction as to all counts. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to ss. 916.145, or 985.19, F.S.
- A not guilty verdict was rendered by a judge or jury as to all counts. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.
- A judgement of acquittal was rendered by a judge as to all counts.

There is no limitation on the number of times a person may obtain an automatic sealing for criminal history record.²⁷

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.²⁸ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three

²¹ Section 943.059(6)(c), F.S.

²² 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.

²³ Section 943.059(6)(d), F.S.

²⁴ Pursuant to s. 776.08, F.S., "forcible felony" means treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb, and any other felony which involves the use of threat of physical force or violence against any individual.

²⁵ Section 943.0435(1)(h)1.a.(I), F.S.

²⁶ Section 943.0595(2), F.S.

²⁷ Section 943.0595(2)(b), F.S.

²⁸ FLA. CONST. art. I, s. 24(a).

branches of state government, local governmental entities, and any person acting on behalf of the government.²⁹

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³⁰ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.³¹ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Records sealed under s. 943.059, F.S., are considered confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution and is only available to specified persons or entities.

III. Effect of Proposed Changes:

The bill amends s. 943.059, F.S., to expand eligibility for court-ordered sealing of criminal history records.

The bill adds criteria to provide a person is eligible, in part, to petition a court to seal a criminal history record when the criminal history record is:

- Not related to an offense for which the person was adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains; or
- Related to a misdemeanor offense for which the person was adjudicated guilty if such offense was not a violent offense, a misdemeanor offense relating to domestic violence or for a violation of an injunction for a protection order for domestic violence, a misdemeanor offense relating to dating violence or for a violation of an injunction for a protection order for repeat violence, sexual violence or dating violence, a misdemeanor offense relating to stalking, a misdemeanor offense for sexual cyberharassment, a violation of an injunction for protection against stalking or cyberstalking, a misdemeanor offense of an unnatural and lascivious act, a misdemeanor offense of exposure of sexual organs, or a misdemeanor offense of driving under the influence.

Additionally, the bill provides a person is eligible to petition a court to seal a criminal history record if the person has not on more than two occasions secured a prior sealing or expunction.

The bill allows the court to order the sealing of a criminal history record pertaining to additional adjudication of guilt if the additional adjudications of guilt directly related to the original adjudication of guilt.

The bill takes effect July 1, 2025.

²⁹ *Id.*

³⁰ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

³¹ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill appears to expand the public records exemption by allowing previously restricted defendants to seal prior criminal records. Additionally, the bill expands the exemption to be applied adjudications of guilt. By expanding such exemption, the bill would require a separate public records bill containing a public necessity statement, and a two-thirds vote for passage.

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 section 943.059 of the Florida Statutes.

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

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

CS by Criminal Justice on April 1, 2025:

This committee substitute:

- Specifies a person is not eligible to seal if the criminal history record is related to an offense of an unnatural and lascivious act, an offense of exposure of sexual organs, or an offense of driving under the influence.
- Makes a technical change to incorporate the court's authority to order the sealing of a criminal history record pertaining to adjudications of guilt.
- Removes provisions permitting the court to seal up to three records of adjudication of guilt.

B. Amendments:

None.



629908

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/01/2025	.	
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	.	
	.	

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

Senate Amendment

Delete lines 28 - 103
and insert:
s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s. 800.03.

(c) ~~(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 other than an offense eligible for sealing under subparagraph (b)2.,



629908

11 or been adjudicated delinquent in this state for committing any
12 felony or any of the following misdemeanor offenses, unless the
13 record of such adjudication of delinquency has been expunged
14 pursuant to s. 943.0515:

- 15 1. Assault, as defined in s. 784.011;
- 16 2. Battery, as defined in s. 784.03;
- 17 3. Assault on a law enforcement officer, a firefighter, or
18 other specified officers, as defined in s. 784.07(2)(a);
- 19 4. Carrying a concealed weapon, as defined in s. 790.01(2);
- 20 5. Open carrying of a weapon, as defined in s. 790.053;
- 21 6. Unlawful possession or discharge of a weapon or firearm
22 at a school-sponsored event or on school property, as defined in
23 s. 790.115;
- 24 7. Unlawful use of destructive devices or bombs, as defined
25 in s. 790.1615(1);
- 26 8. Unlawful possession of a firearm by a minor, as defined
27 in s. 790.22(5);
- 28 9. Exposure of sexual organs, as defined in s. 800.03;
- 29 10. Arson, as defined in s. 806.031(1);
- 30 11. Petit theft, as defined in s. 812.014(3);
- 31 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 32 13. Cruelty to animals, as defined in s. 828.12(1).

33 ~~(c) The person has not been adjudicated guilty of, or~~
34 ~~adjudicated delinquent for committing, any of the acts stemming~~
35 ~~from the arrest or alleged criminal activity to which the~~
36 ~~petition to seal pertains.~~

37 (d) The person is no longer serving the sentence or under
38 ~~court~~ supervision applicable to any ~~the~~ disposition of arrest or
39 alleged criminal activity to which the petition to seal



629908

40 pertains.

41 (e) The person has not on more than two occasions ~~never~~
42 secured a prior sealing or expunction of a criminal history
43 record under this section, s. 943.0585, former s. 893.14, former
44 s. 901.33, or former s. 943.058. In addition, if the criminal
45 history record is one for which the person was adjudicated
46 guilty, the person has not secured a prior sealing of a criminal
47 history record for which the person was adjudicated guilty.

48 (4) COURT AUTHORITY.—

49 (c) The court may order the sealing of a criminal history
50 record pertaining to one arrest, adjudication of guilt, or one
51 incident of alleged criminal activity only, except the court may
52 order the sealing of a criminal history record pertaining to
53 more than one arrest or adjudication of guilt if the additional
54 arrests or adjudications of guilt directly relate to the
55 original arrest or adjudication of guilt. If the court intends
56 to order the sealing of records pertaining to such additional
57 arrests or adjudications of guilt, such intent must be specified
58 in the order. A criminal justice agency may not seal any record
59 pertaining to such additional arrests or adjudications of guilt
60 if the order to seal does not articulate the intention of the
61 court to seal a record pertaining to more than one arrest or
62 adjudication of guilt. This section does not prevent the court
63 from ordering the sealing of only a portion of a criminal
64 history record pertaining to one arrest, adjudication of guilt,
65 or one incident of alleged criminal activity.



414650

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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	.	

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

Senate Substitute for Amendment (629908)

Delete lines 27 - 103

and insert:

defined in s. 741.28; or a misdemeanor violation of s. 316.193, s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s. 800.03.

(c) ~~(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 other



414650

11 than an offense eligible for sealing under subparagraph (b)2.,
12 or been adjudicated delinquent in this state for committing any
13 felony or any of the following misdemeanor offenses, unless the
14 record of such adjudication of delinquency has been expunged
15 pursuant to s. 943.0515:

- 16 1. Assault, as defined in s. 784.011;
- 17 2. Battery, as defined in s. 784.03;
- 18 3. Assault on a law enforcement officer, a firefighter, or
19 other specified officers, as defined in s. 784.07(2)(a);
- 20 4. Carrying a concealed weapon, as defined in s. 790.01(2);
- 21 5. Open carrying of a weapon, as defined in s. 790.053;
- 22 6. Unlawful possession or discharge of a weapon or firearm
23 at a school-sponsored event or on school property, as defined in
24 s. 790.115;
- 25 7. Unlawful use of destructive devices or bombs, as defined
26 in s. 790.1615(1);
- 27 8. Unlawful possession of a firearm by a minor, as defined
28 in s. 790.22(5);
- 29 9. Exposure of sexual organs, as defined in s. 800.03;
- 30 10. Arson, as defined in s. 806.031(1);
- 31 11. Petit theft, as defined in s. 812.014(3);
- 32 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 33 13. Cruelty to animals, as defined in s. 828.12(1).

34 ~~(c) The person has not been adjudicated guilty of, or~~
35 ~~adjudicated delinquent for committing, any of the acts stemming~~
36 ~~from the arrest or alleged criminal activity to which the~~
37 ~~petition to seal pertains.~~

38 (d) The person is no longer serving the sentence or under
39 ~~court~~ supervision applicable to any ~~the~~ disposition of arrest or



414650

40 alleged criminal activity to which the petition to seal
41 pertains.

42 (e) The person has not on more than two occasions ~~never~~
43 secured a prior sealing or expunction of a criminal history
44 record under this section, s. 943.0585, former s. 893.14, former
45 s. 901.33, or former s. 943.058. In addition, if the criminal
46 history record is one for which the person was adjudicated
47 guilty, the person has not secured a prior sealing of a criminal
48 history record for which the person was adjudicated guilty.

49 (4) COURT AUTHORITY.—

50 (c) The court may order the sealing of a criminal history
51 record pertaining to one arrest, adjudication of guilt, or one
52 incident of alleged criminal activity only, except the court may
53 order the sealing of a criminal history record pertaining to
54 more than one arrest or adjudication of guilt if the additional
55 arrests or adjudications of guilt directly relate to the
56 original arrest or adjudication of guilt. If the court intends
57 to order the sealing of records pertaining to such additional
58 arrests or adjudications of guilt, such intent must be specified
59 in the order. A criminal justice agency may not seal any record
60 pertaining to such additional arrests or adjudications of guilt
61 if the order to seal does not articulate the intention of the
62 court to seal a record pertaining to more than one arrest or
63 adjudication of guilt. This section does not prevent the court
64 from ordering the sealing of only a portion of a criminal
65 history record pertaining to one arrest, adjudication of guilt,
66 or one incident of alleged criminal activity.

By Senator Simon

3-01710-25

20251000__

A bill to be entitled

An act relating to court-ordered sealing of criminal history records; amending s. 943.059, F.S.; revising eligibility requirements for the court-ordered sealing of certain criminal history records; authorizing courts to seal additional adjudications of guilt in certain circumstances; providing an effective date.

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

Section 1. Subsection (1), paragraph (c) of subsection (4), and paragraph (b) of subsection (6) of section 943.059, Florida Statutes, are amended 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:

(a) The criminal history record is not ineligible for court-ordered sealing under s. 943.0584.

(b) The criminal history record is:

1. Not related to an offense for which the person was adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains; or

2. Related to a misdemeanor offense for which the person was adjudicated guilty if the misdemeanor offense was not a violent offense; a misdemeanor crime of domestic violence as defined in s. 741.28; or a misdemeanor violation of s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s. 784.049.

Page 1 of 6

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

3-01710-25

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~~(c)(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 other than an offense eligible for sealing under subparagraph (b)2., 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).

~~(c) The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the~~

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59 ~~petition to seal pertains.~~

60 (d) The person is no longer serving the sentence or under
61 ~~court~~ supervision applicable to any ~~the~~ disposition of arrest or
62 alleged criminal activity to which the petition to seal
63 pertains.

64 (e) The person has not on more than two occasions ~~never~~
65 secured a prior sealing or expunction of a criminal history
66 record under this section, s. 943.0585, former s. 893.14, former
67 s. 901.33, or former s. 943.058. In addition, if the criminal
68 history record is one for which the person was adjudicated
69 guilty, the person has not secured a prior sealing of a criminal
70 history record for which the person was adjudicated guilty.

71 (4) COURT AUTHORITY.—

72 (c) The court may order the sealing of criminal history
73 records as follows:

74 1. The court may order the sealing of a criminal history
75 record pertaining to one arrest or one incident of alleged
76 criminal activity only, except the court may order the sealing
77 of a criminal history record pertaining to more than one arrest
78 if the additional arrests directly relate to the original
79 arrest. If the court intends to order the sealing of records
80 pertaining to such additional arrests, such intent must be
81 specified in the order. A criminal justice agency may not seal
82 any record pertaining to such additional arrests if the order to
83 seal does not articulate the intention of the court to seal a
84 record pertaining to more than one arrest. This section does not
85 prevent the court from ordering the sealing of only a portion of
86 a criminal history record pertaining to one arrest or one
87 incident of alleged criminal activity.

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88 2. The court may order the sealing of a criminal history
89 record pertaining to not more than three records of adjudication
90 of guilt, except the court may order the sealing of a criminal
91 history record pertaining to additional adjudications of guilt
92 if the additional adjudications of guilt directly relate to the
93 original adjudication of guilt. If the court intends to order
94 the sealing of records pertaining to such additional
95 adjudications of guilt, such intent must be specified in the
96 order. A criminal justice agency may not seal any record
97 pertaining to such additional adjudications of guilt if the
98 order to seal does not articulate the intention of the court to
99 seal a record pertaining to more than one adjudication of guilt.
100 This subparagraph does not prevent the court from ordering the
101 sealing of only a portion of a criminal history record
102 pertaining to one adjudication of guilt or one incident of
103 alleged criminal activity.

104 (6) EFFECT OF ORDER.—

105 (b) The subject of the criminal history record sealed under
106 this section or under other provisions of law, including former
107 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to
108 acknowledge the arrests or adjudications of guilt covered by the
109 sealed record, except when the subject of the record:

- 110 1. Is a candidate for employment with a criminal justice
- 111 agency;
- 112 2. Is a defendant in a criminal prosecution;
- 113 3. Concurrently or subsequently petitions for relief under
- 114 this section, s. 943.0583, or s. 943.0585;
- 115 4. Is a candidate for admission to The Florida Bar;
- 116 5. Is seeking to be employed or licensed by or to contract

Page 4 of 6

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

3-01710-25 20251000__

117 with the Department of Children and Families, the Division of
 118 Vocational Rehabilitation within the Department of Education,
 119 the Agency for Health Care Administration, the Agency for
 120 Persons with Disabilities, the Department of Health, the
 121 Department of Elderly Affairs, or the Department of Juvenile
 122 Justice or to be employed or used by such contractor or licensee
 123 in a sensitive position having direct contact with children, the
 124 disabled, or the elderly;

125 6.a. Is seeking to be employed or licensed by, or contract
 126 with, the Department of Education, a district unit under s.
 127 1001.30, a special district unit under s. 1011.24, the Florida
 128 School for the Deaf and the Blind under s. 1002.36, the Florida
 129 Virtual School under s. 1002.37, a virtual instruction program
 130 under s. 1002.45, a charter school under s. 1002.33, a hope
 131 operator under s. 1002.333, an alternative school under s.
 132 1008.341, a private or parochial school, or a local governmental
 133 entity that licenses child care facilities;

134 b. Is seeking to be employed or used by a contractor or
 135 licensee under sub-subparagraph a.; or

136 c. Is a person screened under s. 1012.467;

137 7. Is attempting to purchase a firearm from a licensed
 138 importer, licensed manufacturer, or licensed dealer and is
 139 subject to a criminal history check under state or federal law;

140 8. Is seeking to be licensed by the Division of Insurance
 141 Agent and Agency Services within the Department of Financial
 142 Services;

143 9. Is seeking to be appointed as a guardian pursuant to s.
 144 744.3125; or

145 10. Is seeking to be licensed by the Bureau of License

3-01710-25 20251000__

146 Issuance of the Division of Licensing within the Department of
 147 Agriculture and Consumer Services to carry a concealed weapon or
 148 concealed firearm. This subparagraph applies only in the
 149 determination of an applicant's eligibility under s. 790.06.
 150 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

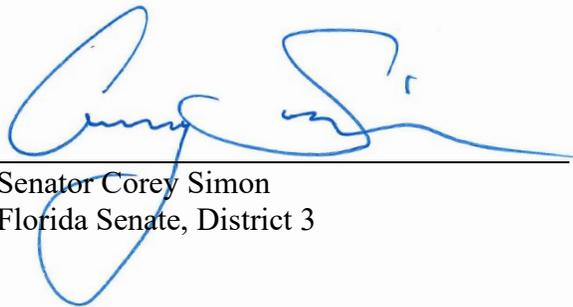
To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 3rd, 2025

I respectfully request that **Senate Bill #1000**, relating to Court-ordered Sealing of Criminal History Records, be placed on the:

- Committee agenda at your earliest possible convenience.
- Next committee agenda.



Senator Corey Simon
Florida Senate, District 3

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate
APPEARANCE RECORD

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

1000

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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)

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SB 1000
Bill Number or Topic

4/1/25
Meeting Date

SSG
Committee

KATIE J. BOYNETT (1130W-NETD)
Name

850-339-9599
Phone

2273 Seminole DR
Address Street

kbohnnett@
Safeandjust.org
Email

T24, FL 32307
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Alliance for Safety & Justice

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

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S-001 (08/10/2021)

4-1-25

Meeting Date

The Florida Senate APPEARANCE RECORD

1000

Bill Number or Topic

Criminal Justice

Committee

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Amendment Barcode (if applicable)

Name Derrick Tabertshofer

Phone 863-2200130

Address 107 E College Ave
Street

Email DTabertshofer@AFFHQ.org

TLH FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
Americans for Prosperity

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/1/2025

Meeting Date

1000

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Andrew Rutledge

Phone 850-681-6788

Address 119 S. Monroe St

Email ~~andrew~~ andrew@rutledge-clenig.com

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

4/1/24

Meeting Date

SCJ

Committee

The Florida Senate APPEARANCE RECORD

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SB 1000

Bill Number or Topic

Amendment Barcode (if applicable)

Name Christian Coalition of Florida Phone 202-549-6257
(Michele Combs)

Address 1333 Granville Drive Email michele@cc.org
Street

Winter Park FL 32786
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:

Christian Coalition of Florida

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

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S-001 (08/10/2021)

4/1/25

The Florida Senate APPEARANCE RECORD

SB 1000

Meeting Date

Criminal Justice

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Lameron Fink

Phone 850-933-4665

Address 516 N Adams St

Email cfink@cit.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Associated Industries of Florida

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1072

INTRODUCER: Senator McClain

SUBJECT: Expedited DNA Testing Grant Program

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Favorable
2.			ACJ	
3.			FP	

I. Summary:

SB 1072 creates the Expedited DNA Testing Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to law enforcement agencies for the processing of DNA samples at private laboratories. The bill requires FDLE to annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by specified private laboratories when:

- The technology or technique needed to properly test the evidence or DNA sample is not readily available at a local or state laboratory; or
- When expedited testing of the DNA sample is in the agency's judgment, justice is best served by expedited processing and testing.

An agency receiving grant funds must submit a report to the executive director of FDLE no later than one year after receiving grant funding, including specified information.

The FDLE will adopt rules to implement and administer the grant program.

See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

FBI's Combined DNA Index System (CODIS)

Deoxyribonucleic acid (DNA) is hereditary material existing in the cells of all living organisms. A DNA profile may be created by testing the DNA in a person's cells. Similar to fingerprints, a person's DNA profile is a unique identifier, except for identical twins, who have the exact same

DNA profile. DNA evidence may be collected from any biological material, such as hair, teeth, bones, skin cells, blood, semen, saliva, urine, feces, and other bodily substances.¹

Historically, the most common form of DNA analysis used to match samples and test for identification in forensic laboratories analyzes only certain parts of DNA, known as short tandem repeats (STRs).² In the early 1990s, the Federal Bureau of Investigation (FBI) chose 13 STRs as the basis for a DNA identification profile, and the 13 STRs became known as the Combined DNA Index System (CODIS).³ CODIS is now the general term used to describe the FBI's program of support for local, state, and national criminal justice DNA databases, as well as the software used to run these databases.⁴

When a suspect's identity is unknown, a participating crime laboratory may upload a forensic profile into CODIS to compare against additional DNA profiles uploaded by other federal, state, or local participating laboratories. If a match is identified, the laboratories involved exchange information to verify the match and establish coordination between the two agencies. This match can provide probable cause for law enforcement to obtain a warrant to collect a biological reference sample from an offender. A laboratory can then perform DNA analysis on the known biological sample and present the analysis as evidence in court.⁵

ISO/IEC 17025:2017

The International Organization for Standardization (ISO) is a worldwide federation consisting of technical committees that work with governmental and nongovernmental organizations to prepare standards related to technology and manufacturing.⁶ ISO and the International Electrotechnical Commission (IEC) develop joint ISO/IEC documents to provide uniform guidelines in each subject for which a technical committee has been established, including technical committees that establish international standards for DNA laboratories.⁷

ISO/IEC standards for DNA laboratories outline requirements related to:

- Personnel;
- Facilities and environmental conditions;
- Equipment;
- Selection, verification, and validation of methods;
- Ensuring the validity of results; and
- Reporting results.⁸

¹ FindLaw, [How DNA Evidence Works](#) (last visited March 26, 2025).

² Kelly Lowenberg, *Applying the Fourth Amendment when DNA Collected for One Purpose is Tested for Another*, 79 U. Cin. L. Rev. 1289, 1293 (2011), available at <https://law.stanford.edu/wp-content/uploads/2011/11/APPLYING-THE-FOURTH-AMENDMENT-WHEN-DNA-COLLECTED-FOR-ONE-PURPOSE.pdf> (last visited March 28, 2025).

³ *Id.*

⁴ FBI, [Frequently Asked Questions on CODIS and NDIS](#) (last visited March 28, 2025).

⁵ *Id.*

⁶ International Standard, [ISO/IEC 17025:2017 - General Requirements for the Competence of Testing and Calibration Laboratories](#) (last visited March 28 2025).

⁷ *Id.*

⁸ *Id.*

Federal Bureau of Investigation Quality Assurance Standards

The FBI provides quality assurance requirements that laboratories performing forensic DNA testing or utilizing the CODIS must follow.⁹ These standards ensure the quality and integrity of the data generated by the laboratory and apply to:

- Forensic DNA testing laboratories using Rapid DNA instruments/Systems on casework reference samples.
- Vendor laboratories that perform forensic DNA testing in accordance with specified standards.¹⁰

The FBI standards also require laboratories to establish, follow, and maintain quality assurance systems that include elements related to:

- Goals and objectives;
- Organization and management;
- Personnel;
- Training;
- Facilities and evidence control;
- Validation;
- Analytical procedures;
- Equipment;
- Reports;
- Review;
- Proficiency testing;
- Corrective action;
- Audits;
- Professional development; and
- Outsourcing ownership.¹¹

Additionally, each laboratory must:

- Have and develop a policy regarding document retention that specifically addresses proficiency tests, corrective action, audits, training records, continuing education, case files, and court testimony monitoring;
- Annually review each quality assurance system related to DNA; and
- Annually review case files that are a representative sample of cases worked.¹²

III. Effect of Proposed Changes:

The bill creates the Expedited DNA Testing Grant Program within the FDLE to award grants to law enforcement agencies for the processing of evidentiary items for DNA testing. FDLE must annually award any funds specifically appropriated for the grant program to law enforcement

⁹ *FBI, [Quality Assurance Standards for Forensic DNA Testing Laboratories](#)* (last visited March 28, 2025).

¹⁰ *Id.* Additionally, FBI standards do not preclude the participation of a laboratory, by itself or in collaboration with others, in research and development on procedures that have not been validated.

¹¹ *Id.*

¹² *Id.*

agencies to cover testing of DNA samples by private laboratories. The bill defines a “private laboratory” as any DNA laboratory accredited for a minimum of five years in accordance with ISO/IEC 17025:2017 and applicable FBI Quality Assurance Standards.

Under the bill, grants may be used by a law enforcement agency when:

- The technology or technique needed to properly test the DNA sample is not readily available at a local or state laboratory.
- In the law enforcement agency's judgment, expedited testing of the DNA sample is in the best interest of advancing an investigation.

The bill requires each grant recipient to provide a report to the executive director of FDLE no later than one year after receiving grant funding that details the:

- Amount of annual funding received from the grant.
- Number of cases tested by the private laboratory.
- Type of DNA testing used, including the name of the private laboratory to which such testing was outsourced and the type of primary equipment used by the private laboratory for such testing.
- Lab report with the results of the DNA testing.
- Average amount of time it took to complete the DNA testing.

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 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:

The bill may have an indeterminate positive impact on the private sector to the extent that the bill authorizes recipients of grant funds to pay for expenses related to using certain DNA testing, which may require outsourcing to a private entity. Any such impact is subject to legislative appropriation.

C. Government Sector Impact:

The bill may have an indeterminate positive impact on local governments by making local law enforcement agencies eligible to receive funds to cover the cost of specified DNA testing. By doing so, the bill may have an indeterminate positive impact on private laboratories that perform DNA testing eligible for such grant funds. However, because the bill does not appropriate funds for the grant program, the impact of the bill on such entities and the impact on state government is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Requirements for the outsourcing of DNA samples are contained in Standard 17 of the FBI Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories. For law enforcement agencies seeking to outsource offender and/or casework samples, the technical specifications of the outsourcing agreement must have the prior approval of the technical leader of the NDIS participating laboratory that will be entering that DNA data into CODIS. At a minimum, the outsourced laboratory must follow the FBI's Quality Assurance Standards and be accredited.¹³

Standard 17 of the Quality Assurance Standards also requires the completion of an on-site visit of the vendor laboratory prior to the beginning of the outsourced analyses and a technical review of the outsourced DNA records by the NDIS participating laboratory. Please refer to the FBI's Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories for additional information concerning the use of contract employees to perform the technical review of DNA records.¹⁴

¹³ Frequently Asked Questions on CODIS and NDIS, the Federal Bureau of Investigation; available at <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet#CODIS>; (last visited March 28, 2025).

¹⁴ *Id.*

VIII. Statutes Affected:

This bill creates the following section of the Florida Statutes: 943.328.

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 McClain

9-01474-25

20251072__

A bill to be entitled

An act relating to an expedited DNA testing grant program; creating s. 943.328, F.S.; defining the term "private lab"; creating the Expedited DNA Testing Grant Program within the Department of Law Enforcement; specifying potential grant recipients; providing purposes for the grants under the program; specifying eligible uses for such grant funds; requiring each grant recipient to provide a report to the executive director of the department within a certain timeframe; specifying the required contents of the report; requiring the department to adopt rules; providing an effective date.

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

Section 1. Section 943.328, Florida Statutes, is created to read:

943.328 Expedited DNA Testing Grant Program.—

(1) As used in this section, the term "private lab" means a DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and Federal Bureau of Investigation quality assurance standards.

(2) There is created within the department the Expedited DNA Testing Grant Program to award grants to law enforcement agencies in the processing and testing of DNA samples.

(3) The department shall annually award to law enforcement agencies any funds specifically appropriated for the grant program to cover processing and testing of DNA samples by

Page 1 of 2

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9-01474-25

20251072__

private laboratories.

(4) Grants may be used by a law enforcement agency:

(a) When the technology or technique needed to process and test the evidence or DNA sample properly is not readily available at a local or state laboratory; or

(b) When, in the agency's judgment, justice is best served through expedited processing and testing of the evidence or sample.

(5) Each grant recipient shall provide to the executive director a report no later than 1 year after receipt of funding under the grant program. The report must include all of the following information:

(a) The amount of annual funding received.

(b) The number of cases tested.

(c) The type of DNA testing used, including the name of the laboratory to which such testing was outsourced, and the type of equipment used for the testing.

(d) The result of the testing.

(e) The average amount of time it took to make each such identification.

(6) The department shall adopt rules to implement and administer this section and to establish the process for the allocation of grant funds.

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

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR STAN MCCLAIN

9th District

COMMITTEES:

Community Affairs, *Chair*
Appropriations
Appropriations Committee on Agriculture,
Environment, and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Governmental Oversight and Accountability
Transportation

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:

Joint Legislative Auditing Committee

April 1, 2025

Chair Martin,

I will be required to remain in the Government Oversight and Accountability committee today and will be unable to present my bill, SB 1072, in Criminal Justice. This being the case I give permission to Senator Bradley to present this bill for me. Senator Bradley has also agreed to present this bill. Thank you and please let my office know if anything else is needed.

Respectfully,

A handwritten signature in black ink, appearing to read "Stan McClain".

REPLY TO:

- 315 SE 25th Avenue, Ocala, Florida 34471 (352) 732-1249
- 5700 SW 34th Street, Suite 225, Gainesville, Florida 32608 (352) 264-4040
- 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



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 #1072**, relating to DNA Testing Grant Program, be placed on the:

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

A handwritten signature in black ink, appearing to read "Stan McClain".

Senator Stan McClain
Florida Senate, District 9

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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1072

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida 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 \(flsenate.gov\)](#)

Public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 1 2025

Meeting Date

1072

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Allison Nunes

Phone 540-558-8533

Address 700 W Hillsboro Blvd.

Street

Email allisona@dnalabs international.com

Deerfield Bch. FL

City

State

33441

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

DNA LABS INTERNATIONAL

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

The Florida Senate
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 1140

INTRODUCER: Criminal Justice Committee and Senator Gruters

SUBJECT: Criminal Offender Substance Abuse Pilot Program

DATE: April 2, 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 1140 creates s. 948.22, F.S., to establish a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

The bill requires the court to designate a subset of identified eligible persons for such program. A person is eligible if such person is convicted of a felony or first degree misdemeanor, and placed on probation, for which abstaining from alcohol or a controlled substance is a condition of such release. Individuals will be randomly assigned to participate in the program and no more than 150 offenders may participate at any one time. A defendant must be explicitly advised he or she may be randomly assigned to the program, and all terms and conditions must be explained prior to entering any plea agreement that would make such person eligible. A defendant will remain in the program for the same length of time as the term of probation. Upon successful completion of half the term of participation in the program, such person is eligible for early termination of probation and participation in the program.

The bill requires the Hillsborough Sheriff, in consultation with the Chief Judge of Hillsborough County, the state attorney, and the Department of Corrections (DOC), to design and implement the pilot program. The program must include specified elements.

The program must include a program coordinator, whose duties must include identifying and hiring personnel to ensure efficient administration of the program. The sheriff may make subgrants to any appropriate agency for hiring personnel.

A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device. The court may reduce or eliminate program fees for a participant who has been declared indigent.

By June 30, 2028, the Attorney General must complete an evaluation of the program's effectiveness, determine the metrics to be evaluated, and may contract with a third party to conduct any program evaluations. A report on the pilot program, including the number of participants, the number of program violations, and the number of successful program completions, must be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

Additionally, the bill provides for the fiscal year 2025-2026, a nonrecurring sum of \$2.5 million to the Hillsborough County Sheriff to be appropriated from the Opioid Settlement Trust Fund. Funds may be used for any expenses related to establishing and administering the program through September 30, 2027.

The bill takes effect on July 1, 2025.

II. Present Situation:

As of July 2024, 48 adult drug courts, 14 juvenile drug courts, and four DUI courts are in operation in Florida. Florida's drug courts admitted 3,347 participants in 2023.¹

Conditions of Release

As a condition of pretrial release, the defendant must comply with all conditions of pretrial release imposed by the court. The court may order a defendant to refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner.² The court may also order a defendant to undergo medical, psychological, psychiatric, mental health, or substance abuse evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution for that purpose.³

Section 907.041, F.S., provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release, unless such person is charged with a dangerous crime as defined in s. 907.041(5), F.S. A person charged with a dangerous crime shall be released on monetary conditions if such conditions are necessary to:⁴

- Assure the presence of the person at trial or at other proceedings;
- Protect the community from risk of physical harm to persons;
- Assure the presence of the accused at trial;
- Assure the integrity of the judicial process.

¹ Florida Courts, Office of Problem-Solving Courts, *Drug Courts*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts/Drug-Courts> (last visited March 28, 2025).

² Section 903.047(1)(c)7., F.S.

³ Section 903.047(1)(c)8., F.S.

⁴ Section 907.041(3)(a), F.S.

Probation, Community Control, and Conditional Release

A court may sentence an offender to probation or community control in lieu of, or in addition to, incarceration.⁵ Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions, including, but not limited to, a person:

- Submitting to random testing as directed by his or her probation officer or the professional staff of the treatment center where he or she is receiving treatment to determine the presence or use of alcohol or controlled substances;
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician, an advanced practice registered nurse, or a physician assistant; and
- Remaining away from places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.⁶

Community control is a more intensive form of supervision involving an individualized program that restricts an offender's movement within the community, home, or residential placement.⁷ Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law. The court may also impose special conditions of probation or community control as it considers proper. Following incarceration, offenders who qualify under Florida's "Conditional Release Program Act" may be released under supervision subject to specified terms and conditions determined by the Florida Commission on Offender Review (FCOR).⁸

Alternative Sanctioning Program

Under s. 948.06(9), F.S., each judicial circuit must establish an alternative sanctioning program (ASP), and the chief judge may, by administrative order, define additional sanctions or eligibility criteria and specify the process for reporting technical violations through the ASP. Any sanctions recommended for imposition through an ASP must be submitted to the court by the probation officer for approval before imposition.⁹

The participation of a probationer or an offender on community control in an ASP is voluntary, and such participant may waive or discontinue participation in the program at any time before the court imposes a recommended sanction.¹⁰

A probationer or offender on community control who commits a technical violation that is eligible for an ASP may:

- Waive participation in the program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court; or
- Elect to participate in the program after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, and admit the technical violation,

⁵ Section 948.01, F.S.

⁶ Section 948.03(1), F.S.

⁷ Section 948.001(3), F.S.

⁸ FCOR is authorized under s. 8(c), Art. IV of the State Constitution and responsible for granting and revoking parole and investigating applications for clemency as directed by the Governor and Cabinet. Section 20.32, F.S.

⁹ Section 948.06(9)(a), F.S.

¹⁰ Section 948.06(9)(g), F.S.

agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:

- Be represented by legal counsel.
- Require the state to prove his or her guilt before a neutral and detached hearing body.
- Subpoena witnesses and present to a judge evidence in his or her defense.
- Confront and cross-examine adverse witnesses.
- Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.¹¹

Additionally, if the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court with documentation reflecting the probationer's admission to the technical violation and agreement with the recommended sanction.

The court may impose the recommended sanction or direct the DOC to submit a violation report, affidavit, and warrant to the court.¹² If a probationer or offender on community control waives or discontinues participation in the program or fails to successfully complete all alternative sanctions within 90 days after imposition or within the timeframe specified in the agreed-upon sanction, the probation officer may submit a violation report, affidavit, and warrant to the court. A prior admission by the probationer or offender on community control to a technical violation may not be used as evidence in subsequent proceedings.¹³

Violations under an ASP are classified as “low” or “moderate.” In relevant part, a “low-risk” violation includes:

- A positive drug or alcohol test result.
- Failure to report to the probation office.
- Failure to report a change in address or other required information.
- Failure to attend a required class, treatment or counseling session, or meeting.
- Failure to submit to a drug or alcohol test.
- A violation of curfew.
- Failure to meet a monthly quota on any required probation condition, including, but not limited to, making restitution payments, paying court costs, or completing community service hours.
- Leaving the county without permission.
- Failure to report a change in employment.
- Associating with a person engaged in criminal activity.
- *Any other violation as determined by administrative order of the chief judge of the circuit.*¹⁴

For a first or second “low-risk” violation within the current term of supervision, a probation officer may, in part, offer an eligible probationer one or more of the following as an alternative sanction:

¹¹ Section 948.06(9)(h), F.S.

¹² Section 948.06(9)(i), F.S.

¹³ Section 948.06(9)(j), F.S.

¹⁴ Section 948.06(9)(b), F.S.

- Up to 5 days in the county jail;
- Up to 50 additional community service hours;
- Counseling or treatment;
- Support group attendance;
- Drug testing;
- Loss of travel or other privileges;
- Curfew for up to 30 days; or
- House arrest for up to 30 days.¹⁵

Administrative Probation

Under s. 948.013, F.S., the DOC may transfer an offender to administrative probation if he or she presents a low risk of harm to the community and has satisfactorily completed at least half of his or her probation term. The DOC may establish procedures for transferring an offender to administrative probation, but specified offenders are ineligible for placement on administrative probation, including individuals who were sentenced to or serving a term of probation or community control for:

- Kidnapping or false imprisonment under s. 787.01, F.S., or s. 787.02, F.S., where the victim is a minor and the defendant is not the victim's parent;
- Luring or enticing a child under s. 787.025, F.S.;
- Human trafficking under s. 787.06(3)(g), F.S.;
- Sexual battery under ch. 794, F.S.;
- Former s. 796.03, F.S.;
- Lewd or lascivious conduct against a person under 16 years of age, under s. 800.04, F.S.;
- Lewd or lascivious conduct against an elderly or disabled person under s. 825.1025(2)(b), F.S.;
- Sexual performance by a child or child pornography under s. 827.071, F.S.;
- Obscenity under s. 847.0133, F.S.;
- Online solicitation of a minor, traveling to meet a minor, or prohibited computer usage under s. 847.0135, F.S.;
- Buying or selling minors under s. 847.0145, F.S.;
- Offenses related to sexual predator and sexual offender status under s. 775.21(4)(a)1.a. or b., F.S. or s. 943.0435(1)(h)1.a., F.S.

Problem Solving Courts

Diversion is authorized in both pre-arrest and post-arrest actions. There are several different types of diversion programs, sometimes referred to as “problem-solving courts” such as pretrial intervention, drug diversion, traffic diversion, and juvenile diversion.

In 1989, Florida started the national problem-solving court movement by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed, using the drug court model, and were implemented to assist individuals

¹⁵ Section 948.06(9)(e), F.S.

with a range of problems such as drug addiction, mental illness, domestic violence, child abuse neglect, and homelessness.¹⁶

Problem-solving courts offer a specialized court docket and include, but are not limited to, the following elements:

- Problem solving team, a broad-based team of justice system stakeholders including judges, case managers, prosecutors, defense attorneys, treatment professionals, law enforcement officers, correctional personnel, and guardians ad litem.
- Non-adversarial approach, a commitment to offering alternatives to the traditional adversarial litigation process.
- Continuum of individualized treatment services, an array of evidence-based services designed to identify and meet the unique needs of each participant.
- Judicial leadership and interaction, a judge who leads the problem-solving team and monitors the court case using an increased number of hearings for monitoring compliance and progress.
- Response to participant compliance, the use of graduated, individualized, and coordinated responses, both for incentives and sanctions, to promote both public safety and participant's success.¹⁷

Hillsborough County Adult Drug Recovery Court

The Adult Drug Recovery Court is designed to treat and assist those individuals whose drug and alcohol problems have resulted in being charged with a third degree felony.¹⁸

To be eligible, individuals must score less than 60 points on the Criminal Conduct Scoresheet and agree to receiving treatment. Drug offender probation usually involves drug treatment, increased contact with the probation officer, more frequent urine screens, and support group attendance, if recommended. Relapse or other violations of the terms of probation do not automatically result in a prison sentence. The court is well aware of the difficulties of establishing sobriety and is willing to work with individuals who are making the effort to stay clean. Violations normally result in a re-evaluation with another, usually more intense, treatment episode.¹⁹

Hillsborough County Drug Pretrial Intervention

The Adult Pretrial Intervention Court (DPTI) allows first and second time drug offenders the opportunity to avoid having a felony conviction on their record. After completing a background check, the defendant signs a contract in which he or she agrees to complete a drug treatment

¹⁶ Florida Courts, Office of Problem-Solving Courts, *Background*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited March 28, 2025).

¹⁷ Florida Courts, Office of Problem-Solving Courts, *Defining Elements*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited March 28, 2025).

¹⁸ Thirteenth Judicial Circuit, Hillsborough County, *About Problem Solving Courts*, available at: <https://www.fljud13.org/CourtPrograms/ProblemSolvingCourts/AboutProblemSolvingCourts.aspx> (last visited March 28, 2025).

¹⁹ *Id.* Adult Drug Court, FAQs

program and the State Attorney's Office agrees to drop the charges upon successful completion of that program.²⁰

Any person over the age of 18 who is a first or second time drug offender, who has not had previous pretrial intervention episodes is eligible provided they waive their right to a speedy trial, admit to having a drug problem, and express a desire for treatment. Treatment involves group and individual counseling, urine screens, support group attendance, and acupuncture. The frequency of treatment will be dependent on an individual's needs and resources, however, the amount of treatment gradually decreased as the individual progresses. Defendants are also required to meet regularly with a DOC probation officer and attend case reviews in front of the judge.²¹

To enter into such program, the defendant must agree to submit to random urine, breath, and other drug and alcohol testing no less than two times per week throughout the participation in the program or as otherwise directed by the court. Additionally, the defendant must agree to pay the costs of the DPTI program.²²

III. Effect of Proposed Changes:

The bill creates s. 948.22, F.S., to create a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

The bill requires the court to identify and designate a subset of eligible persons for such program. A person is eligible if such person is:

- Convicted of a felony or first degree misdemeanor;
- Placed on probation; and
- Required to abstain from alcohol or a controlled substance as a condition of such release.

Individuals will be randomly assigned to participate in the program. All persons deemed eligible have the same probability of assignment, and no more than 150 offenders may participate at any one time. A defendant must be explicitly advised he or she may be randomly assigned to the program and all terms and conditions must be explained prior to entering any plea agreement that would make such person eligible.

The bill requires the Hillsborough Sheriff, in consultation with the Chief Judge of Hillsborough County, the state attorney, and the DOC, to design and implement the pilot program. The program must include the following elements:

- The sheriff must manage the supervision of all participants during their participation in the program. Upon discharge, the participant must be managed in accordance with current law or for any remaining term of supervision.
- Participants must attend an in-person judicial hearing at which the judge must explain to the participants all program conditions and sanctions for noncompliance. A defendant will

²⁰ *Id.*

²¹ *Id.* Drug Pretrial Intervention, FAQs

²²Thirteenth Judicial Circuit Court, *DPTI Program Agreement*, available at:

https://www.fljud13.org/Portals/0/Forms/word_docs/ProblemSolvingCourts/JudgeRice/DPTIAGRMNTFINALPlusExhibitA_042921.docx?ver=2021-05-03-103429-923 (last visited March 28, 2025).

remain in the program for the same length of time as the term of probation. Upon successful completion of half the term of participation in the program, such person is eligible for early termination of probation and participation in the program.

- A participant ordered to abstain from alcohol must be tested twice per day by mobile breath alcohol testing approximately 12 hours apart. Testing must be completed in person at Hillsborough County Sheriff's Office or an alternative location designated by the sheriff's office. A court may reduce the frequency of testing to once per day for a participant who has zero adjudicated program violations for 60 consecutive days.
- A participant ordered to abstain from controlled substances must be tested randomly, at least twice every seven days, with no fewer than 60 hours between tests. Testing must be completed at Hillsborough County Sheriff's Office or an alternate location designated by the sheriff's office, by a method determined by the sheriff. A court may reduce the frequency of testing to once per week for a participant who has zero adjudicated program violations for 6 consecutive months.
- Missed tests, failed tests, and alerts by a continuous monitoring device of a positive test result is probable cause that a participant has violated the program. If such probable cause exists, the participant must be arrested at the earliest opportunity and held in county jail until an appearance before a judge no later than 24 hours after the participant's arrest.
- Upon a judicial finding that a participant violated the program, the participant must serve 24 hours in county jail, with credit for time served between the arrest and the judicial finding. Penalties may not be waived or modified.
- A participant arrested and held, and whose alleged violation is not adjudicated within 24 hours of the arrest must be released at the earliest possible opportunity. Release does not terminate the person's participation in the program.
- Upon five adjudicated violations of program conditions, a court may discharge the participant from the program and sentence the person as authorized by law. The court is not precluded from modifying the conditions of a participant's supervision, including revocation, upon any other violation of supervision conditions.
- Participants must pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.
- If a court determines that in-person mobile breath alcohol testing is unreasonably burdensome to a participant, the participant may instead be ordered to wear a continuous monitoring device capable of detecting and signaling the presence of alcohol.

The program must include a program coordinator, whose duties must include identifying and hiring personnel to ensure efficient administration of the program. The sheriff may make subgrants to any appropriate agency for hiring personnel.

A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device.

By June 30, 2028, the Attorney General must complete an evaluation of the program's effectiveness, determine the metrics to be evaluated, and may contract with a third party to conduct any program evaluations. A report on the pilot program, including the number of participants, the number of program violations, and the number of successful program

completions, must be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

Additionally, the bill provides for the fiscal year 2025-2026, a nonrecurring sum of \$2.5 million to the Hillsborough County Sheriff to be appropriated from the Opioid Settlement Trust Fund. Funds may be used for any expenses related to establishing and administering the program through September 30, 2027, including personnel, equipment, training and technical assistance, payments for jail space, data collection, program evaluations, and program fees for indigent participants.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 948.22 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 April 1, 2025:

This committee substitute:

- Modifies the eligibility of the program to include only persons convicted of a felony or first degree misdemeanor and who are placed on probation.
- Requires a person must be explicitly advised he or she may be randomly assigned to the program and all terms and conditions must be explained prior to entering any plea agreement making such person eligible.
- Provides a person will remain in the program for the same length of time as the term of probation and allows for a person to early terminate probation and participation in the program after successful completion of half the term of participation in the program.
- Allows a court to eliminate program fees for a participant who has been declared indigent.
- Requires reporting to include the number of program participants, the number of program violations, and the number of successful program completions.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 948.22, Florida Statutes, is created to
read:

948.22 Substance Abuse Accountability Pilot Program.-

(1) A Substance Abuse Accountability Pilot Program is
established in Hillsborough County from October 1, 2025, through
September 30, 2027.



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11 (2) (a) Among persons convicted of a felony or first-degree
12 misdemeanor and who are placed on probation, for which
13 abstention from alcohol or controlled substances is a condition
14 of compliance, a court shall designate a subset identified as
15 eligible for the program. Among this eligible pool, individuals
16 will be randomly assigned to participate in the program. All
17 persons deemed eligible shall have the same probability of
18 assignment to the program and shall participate in the program
19 if assigned. No more than 150 offenders may participate in the
20 program at any one time.

21 (b) Prior to entering any plea agreement that includes a
22 term of probation and any condition of compliance that would
23 make a person eligible for the program, the person must be
24 explicitly advised that he or she may be randomly assigned to
25 participate in the program. All terms and conditions of the
26 program shall be explained to the person, and the person shall
27 acknowledge in writing that he or she understands such terms and
28 conditions and is entering a plea freely and voluntarily.

29 (3) The sheriff of the participating county, in
30 consultation with the chief judge of the judicial circuit, the
31 state attorney, and the Department of Corrections, shall design
32 and implement the program. The sheriff may contract with a third
33 party to assist with program design and implementation. However,
34 the program established under this section must include all of
35 the following elements:

36 (a) Notwithstanding any other law, the sheriff shall manage
37 the supervision of all participants during their participation
38 in the program. Upon discharge from the program, the
39 participants shall be managed in accordance with current law for



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40 any remaining term of supervision.

41 (b) Participants shall attend an in-person judicial hearing
42 at which a judge shall explain to the participants all program
43 conditions and sanctions for noncompliance. A participant's term
44 of participation in the program shall be for the same length as
45 the term of probation for which he or she was sentenced, except
46 as provided in paragraph (k), but may not exceed the expiration
47 of the program. Participants are entitled to an attorney at any
48 court hearing related to the program. A court shall appoint a
49 public defender for a participant who is eligible to be
50 represented by a public defender under s. 27.51.

51 (c) A participant who is ordered to abstain from alcohol
52 shall be tested twice per day by mobile breath alcohol testing.
53 Testing shall be completed in person at the participating county
54 sheriff's office or an alternate location designated by the
55 sheriff's office, approximately 12 hours apart. However, if a
56 court determines that in-person testing is unreasonably
57 burdensome to a participant, the participant may instead be
58 ordered to wear a continuous monitoring device capable of
59 detecting and signaling the presence of alcohol.

60 (d) A participant who is ordered to abstain from controlled
61 substances shall be tested randomly, at least twice every 7
62 days, with no fewer than 60 hours between tests. Testing shall
63 be completed in person at the participating county sheriff's
64 office or an alternate location designated by the sheriff's
65 office, by a method determined by the sheriff.

66 (e) A missed test, failed test, or alert by a continuous
67 monitoring device of a positive test result shall be probable
68 cause that a participant has committed a violation of the



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69 program.

70 (f) If there is probable cause that a participant has
71 committed a violation of the program, the participant shall be
72 arrested at the earliest opportunity and held in county jail
73 until an appearance before a judge which must occur no later
74 than 24 hours after the participant's arrest.

75 (g) Upon a judicial finding that a participant has
76 committed a violation of the program, the participant shall be
77 ordered to serve 24 hours in county jail, with credit for time
78 served between his or her arrest and the judicial finding of a
79 violation. The court may not waive or modify any penalties
80 required under this paragraph.

81 (h) A participant who is arrested and held in custody under
82 this section whose alleged violation is not adjudicated within
83 24 hours of his or her arrest must be released at the earliest
84 possible opportunity. Release of a participant under this
85 paragraph does not end the offender's participation in the
86 program.

87 (i) A court may reduce the frequency of testing for alcohol
88 consumption to once per day for a participant who has zero
89 adjudicated program violations for 60 consecutive days.

90 (j) A court may reduce the frequency of testing for
91 controlled substances to once per week for a participant who has
92 zero adjudicated program violations for 6 consecutive months.

93 (k) Upon successful completion of half the term of
94 participation, the court may place the person on administrative
95 probation pursuant to s. 948.013 for the remainder of the term
96 of supervision, or may terminate the person's probation and
97 participation in the program.



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98 (1) Upon five adjudicated violations of program conditions,
99 a court may discharge the participant from the program and
100 sentence the offender as authorized by law. Nothing in this
101 paragraph shall preclude a court from modifying the conditions
102 of a participant's supervision, including revocation of
103 supervision, upon any other violation of supervision conditions.

104 (m) Participants shall pay all fees associated with
105 participation in the program. However, a court may reduce or
106 eliminate program fees for a participant who has been declared
107 indigent.

108 (4) The program established under this section shall
109 include a program coordinator, whose duties shall include
110 identifying and hiring personnel to ensure efficient
111 administration of the program. The sheriff of the participating
112 county may make subgrants to any appropriate agency for hiring
113 personnel under this subsection.

114 (5) A court may not order participation in the program in
115 lieu of mandatory placement of an ignition interlock device as
116 described in s. 316.193.

117 (6) By June 30, 2028, the Attorney General shall complete
118 an evaluation of the program's effectiveness. The Attorney
119 General shall determine the metrics to be evaluated and may
120 contract with a third party to conduct any program evaluations.

121 (7) A report on the pilot program, which must include the
122 number of program participants, the number of program
123 violations, and the number of successful program completions,
124 shall be delivered to the Governor, the President of the Senate,
125 and the Speaker of the House of Representatives by November 30,
126 2028.



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127 (8) This section is repealed November 30, 2028.
128 Section 2. For fiscal year 2025-2026, the nonrecurring sum
129 of \$2.5 million to the sheriff in Hillsborough County shall be
130 appropriated from the Opioid Settlement Trust Fund. Funds
131 appropriated under this section may be used for any expenses
132 related to establishing and administering the program through
133 September 30, 2027, including personnel, equipment, training and
134 technical assistance, payments for jail space, data collection,
135 program evaluations, and program fees for indigent participants.

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

137
138 ===== T I T L E A M E N D M E N T =====

139 And the title is amended as follows:

140 Delete everything before the enacting clause
141 and insert:

142 A bill to be entitled
143 An act relating to a criminal offender substance abuse
144 pilot program; creating s. 948.22, F.S.; creating a
145 substance abuse accountability pilot program in a
146 specified county; providing for eligibility for the
147 program; specifying that eligible participants shall
148 be advised of the program before entering a plea;
149 providing for design and implementation of the
150 program; specifying how long a person may participate
151 in the program; providing that participants are
152 entitled to an attorney at any court hearing related
153 to the program; providing requirements for the
154 program; authorizing a court to terminate probation
155 and participation in the program or place a person on



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156 administrative probation under specified circumstances
157 related to the program; specifying personnel
158 requirements; authorizing subgrants for personnel
159 needs; specifying that program participation does not
160 supersede ignition interlock requirements; requiring
161 program evaluation by a specified date; requiring a
162 report to certain officials by a specified date;
163 providing for repeal of provisions; providing an
164 appropriation; providing an effective date.

By Senator Gruters

22-00452A-25

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A bill to be entitled

An act relating to a criminal offender substance abuse pilot program; creating s. 948.22, F.S.; creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; providing for design and implementation of the program in the county; providing requirements for the program; specifying personnel requirements; authorizing subgrants for personnel needs; specifying that program participation does not supersede ignition interlock requirements; requiring program evaluation by a specified date; requiring a report to certain officials by a specified date; providing for repeal of provisions; providing an appropriation; providing an effective date.

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

Section 1. Section 948.22, Florida Statutes, is created to read:

948.22 Substance Abuse Accountability Pilot Program.-

(1) A Substance Abuse Accountability Pilot Program is established in Hillsborough County from October 1, 2025, through September 30, 2027.

(2) Among persons charged with or convicted of a felony or first-degree misdemeanor and who are placed on probation, community control, or any other community sanction, including supervised pretrial release, for which abstention from alcohol or controlled substances is a condition of compliance, a court

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

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shall designate a subset identified as eligible for the program. Among this eligible pool, individuals will be randomly assigned to participate in the program. All persons deemed eligible shall have the same probability of assignment to the program. No more than 150 offenders may participate in the program at any one time.

(3) The sheriff of the participating county, in consultation with the chief judge of the judicial circuit, the state attorney, and the Department of Corrections, shall design and implement the program. The sheriff may contract with a third party to assist with program design and implementation. However, the program established under this section must include all of the following elements:

(a) Notwithstanding any other law, the sheriff shall manage the supervision of all participants during their participation in the program. Upon discharge from the program, the participants shall be managed in accordance with current law for any remaining term of supervision.

(b) Participants shall attend an in-person judicial hearing at which a judge shall explain to the participants all program conditions and sanctions for noncompliance.

(c) A participant who is ordered to abstain from alcohol shall be tested twice per day by mobile breath alcohol testing. Testing shall be completed in person at the participating county sheriff's office or an alternate location designated by the sheriff's office, approximately 12 hours apart. However, if a court determines that in-person testing is unreasonably burdensome to a participant, the participant may instead be ordered to wear a continuous monitoring device capable of

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59 detecting and signaling the presence of alcohol.

60 (d) A participant who is ordered to abstain from controlled
 61 substances shall be tested randomly, at least twice every 7
 62 days, with no fewer than 60 hours between tests. Testing shall
 63 be completed in person at the participating county sheriff's
 64 office or an alternate location designated by the sheriff's
 65 office, by a method determined by the sheriff.

66 (e) Missed tests, failed tests, and alerts by a continuous
 67 monitoring device of a positive test result shall be probable
 68 cause that a participant has violated the program.

69 (f) If there is probable cause that a participant has
 70 violated the program, the participant shall be arrested at the
 71 earliest opportunity and held in county jail until an appearance
 72 before a judge no later than 24 hours after the participant's
 73 arrest.

74 (g) Upon a judicial finding that a participant has violated
 75 the program, the participant shall serve 24 hours in county
 76 jail, with credit for time served between the arrest of the
 77 participant and the judicial finding of a violation. Penalties
 78 under this paragraph may not be waived or modified.

79 (h) A participant who is arrested and held under this
 80 section whose alleged violation is not adjudicated within 24
 81 hours of the participant's arrest must be released at the
 82 earliest possible opportunity. Release of a participant under
 83 this paragraph does not end the offender's participation in the
 84 program.

85 (i) A court may reduce the frequency of testing for alcohol
 86 consumption to once per day for a participant who has zero
 87 adjudicated program violations for 60 consecutive days.

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88 (j) A court may reduce the frequency of testing for
 89 controlled substances to once per week for a participant who has
 90 zero adjudicated program violations for 6 consecutive months.

91 (k) Upon five adjudicated violations of program conditions,
 92 a court may discharge the participant from the program and
 93 sentence the offender as authorized by law. Nothing in this
 94 paragraph shall preclude a court from modifying the conditions
 95 of a participant's supervision, including revocation of
 96 supervision, upon any other violation of supervision conditions.

97 (l) Participants shall pay all fees associated with
 98 participation in the program. However, a court may reduce
 99 program fees for a participant who has been declared indigent.

100 (4) The program established under this section shall
 101 include a program coordinator, whose duties shall include
 102 identifying and hiring personnel to ensure efficient
 103 administration of the program. The sheriff of the participating
 104 county may make subgrants to any appropriate agency for hiring
 105 personnel under this subsection.

106 (5) A court may not order participation in the program in
 107 lieu of mandatory placement of an ignition interlock device as
 108 described in s. 316.193.

109 (6) By June 30, 2028, the Attorney General shall complete
 110 an evaluation of program effectiveness. The Attorney General
 111 shall determine the metrics to be evaluated and may contract
 112 with a third party to conduct any program evaluations.

113 (7) A report on the pilot program, including results of all
 114 program evaluations, shall be delivered to the Governor, the
 115 President of the Senate, and the Speaker of the House of
 116 Representatives by November 30, 2028.

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(8) This section is repealed November 30, 2028.

Section 2. For fiscal year 2025-2026, the nonrecurring sum of \$2.5 million to the sheriff in Hillsborough County shall be appropriated from the Opioid Settlement Trust Fund. Funds appropriated under this section may be used for any expenses related to establishing and administering the program through September 30, 2027, including personnel, equipment, training and technical assistance, payments for jail space, data collection, program evaluations, and program fees for indigent participants.

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



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 # 1140**, on the Criminal Offender Substance Abuse Pilot Program, be placed on the:

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

A handwritten signature in black ink that reads "Joe Gruters".

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate

APPEARANCE RECORD

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

4/11/25

Meeting Date

1140

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Susan Olin

Phone 202-505-2097

Address 1200 New York Ave NW, Suite 200B

Email jolin@niskanencenter.org

Street

Washington

City

DC

State

20005

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[checked] I am a registered lobbyist, representing:

Niskanen Center

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

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

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

S-001 (08/10/2021)

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

1140

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4/1/25

Meeting Date

1140

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Hunter Flack

Phone 850-491-1229

Address 108 S. Monroe St.

Email hunter@flapartners.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Niskanen Center

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1266

INTRODUCER: Criminal Justice Committee and Senator Gruters

SUBJECT: Public Records/Victim of a Crime

DATE: April 3, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1266 amends s. 119.071, F.S., to revise the public records exemption for documents that identify a person as a victim of a crime. The bill specifies any *public record* that reveals the identity, *name, personal identification number, home or employment address, or personal assets of the victim, or any other personal identifying or location information that could be used to locate, intimidate, harass, or abuse the victim or the victim's family, which public record is generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is confidential and exempt.*

The bill provides definitions for “employing agency head,” “officer,” “use of force incidents,” and “victim.”

The bill allows for a victim of a crime to waive the exemption or confidentiality at any time in writing.

The bill allows for the release of information as needed for any judicial proceeding but prohibits those entitled to access from revealing to any outside party any confidential and exempt information except as reasonably necessary to prepare a defense and to pursue legal remedies.

The bill requires any public record that contains specified information or any information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident to be held confidential and exempt for a period of 72 hours immediately following such

incident. Additionally, the exemption or confidentiality may be extended until the employing agency head determines there is no further necessity, and upon such, must notify the officer five days before the release of any public record that identifies the officer.

The bill allows for a law enforcement officer that has been involved in a use of force incident to waive the exemption or confidentiality at any time in writing.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution, and because it expands the public records exemption it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.^{5,6}

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.10(2)(a), F.S.

⁶ 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.

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains exempt or confidential. Any person who violates such prohibitions commits a third degree felony.^{7,8}

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁹ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁰ public records or open meetings exemptions, with specified exceptions.¹¹ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹² In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹³ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁴
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁶

⁷ Section 119.10(2)(b), F.S.

⁸ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

⁹ Section 119.15, F.S.

¹⁰ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹¹ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.¹⁷ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.¹⁸ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.¹⁹

Marsy's Law

On November 6, 2018, a constitutional revision to Art. I of the State Constitution was approved by voters; such revision is colloquially known as “Marsy’s Law.”²⁰ Marsy’s Law provides crime victims specific rights, including the right:

- To be free from intimidation, harassment, and abuse.
- Within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused.
- To prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information of the victim.²¹

Under Marsy’s Law, a “victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused.²²

Pursuant to Art. I, s. 16(c) of the Florida Constitution, the victim can assert and seek enforcement of such rights in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority must act promptly on such a request, affording a remedy by due course of law for the violation of any right.²³

¹⁷ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹⁸ *See generally* s. 119.15, F.S.

¹⁹ Section 119.15(7), F.S.

²⁰ Art. I, s. 16(b)-(e), Fla. Const.

²¹ Art. I, s. 16(b), Fla. Const.

²² Art. I, s. 16(e), Fla. Const.

²³ Art. I, s. 16(c), Fla. Const.

In 2023, the Florida Supreme Court held that Marsy’s Law “does not guarantee to a victim the categorical right to withhold his or her name from disclosure.”²⁴ The Court held that “Marsy’s Law speaks only to the right of victims to ‘prevent the disclosure of information or records that could be used to locate or harass’ them or their families” and that “one’s name, standing alone, is not that kind of information or record; it communicates nothing about where the individual can be found and bothered.”²⁵ The Court noted that by reading Marsy’s Law to only shield information that can be used to locate or harass, rather than identify, it can give effect to Marsy’s Law while also protecting a defendant’s right to confront adverse witnesses at trial.

Additionally, the question of whether police officers acting in an official capacity can be Marsy’s Law “victims” was presented to the Court. However, the Court decided to answer the question of anonymity stating, “we decide only what Marsy’s Law says and does not say; we do not pass upon the validity of any statutory right of certain persons, in certain situations, to withhold their identities from disclosure.”²⁶

Public Record Exemption for the Victim of a Crime

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.²⁷

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.²⁸

III. Effect of Proposed Changes:

The bill amends s. 119.071, F.S., to revise a public records exemption for documents that identify a person as a victim of a crime. The bill specifies any *public record* that reveals the identity, *name, personal identification number*, home or employment address, or personal assets of the victim, *or any other personal identifying or location information that could be used to locate, intimidate, harass, or abuse the victim or the victim’s family*, which *public record is generated* or received by any agency that regularly *generates or receives* information from or concerning the victims of crime, is *confidential* and exempt.

²⁴ *City of Tallahassee v. Fla. Police Benv. Assn., Inc.*, 375 So. 3d 178, 183 (2023).

²⁵ *Id.* at 184 (internal citations omitted).

²⁶ *Id.* at 188.

²⁷ Section 119.071(2)(j)1., F.S.

²⁸ *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency’s statutory duties.

The bill provides the following definitions:

- “Employing agency head” means an elected or appointed head official of an employing agency as defined in s. 943.10(4), F.S., and who is certified under s. 943.13, F.S.
- “Officer” means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13, F.S.
- “Use of force incidents” means any incident that occurs within the scope of an officer’s employment or official duties an involves the officer’s use of deadly force as defined in s. 776.06, F.S., or any other use of force that results in great bodily harm.
- “Victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such person would be in actual or potential conflict with the interests of the victim. The term does not include the accused.

The confidential and exempt information must be released as needed in furtherance of any judicial proceeding, access may not be denied to a criminal defendant, and the protections provided may not interfere with the constitutional rights of any defendant. Those entitled to access the confidential and exempt information as part of any judicial proceeding may not reveal to any outside party any confidential and exempt information obtained, except as reasonably necessary to prepare a defense and to pursue legal remedies.

A person who violates such prohibition commits a first degree misdemeanor.

The bill allows for a victim of a crime to waive the exemption or confidentiality at any time in writing.

The bill requires any public record that reveals the identity, including name or personal identification number, home or cellular telephone number, home address, personal assets, or any information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident to be held confidential and exempt for a period of 72 hours immediately following such incident. Additionally, the exemption or confidentiality may be extended until the employing agency head determines there is no further necessity, and upon such, must notify the officer five days before the release of any public record that identifies the officer.

The bill allows for a law enforcement officer that has been involved in a use of force incident to waive the exemption or confidentiality at any time in writing.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of certain personal identifying and location information would constitute an unwarranted risk and may jeopardize the safety of victims and their family members. Additionally, the statement of public necessity provides that the

immediate release of identifying and location information for an officer involved in a use of force incident may place officers at risk.

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:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption for records pertaining to victims of crimes and officers involved in a use of force incident; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of crime and such victim's family members, and the bill exempts only records pertaining to those persons from the public records requirements.

The bill requires any public record that reveals the identity or location information for law enforcement officers involved in use of force incidents to be held confidential and exempt for 72 hours or until deemed no longer necessary. By potentially holding an officer's information in any public record containing certain information, in perpetuity, the exemption may be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Section 119.071(2)(j)1.e., F.S., as created by the bill, is subject to the requirements of Article III, Section 6 of the Florida Constitution, the single subject rule. The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.²⁹ The subject matter to consider when determining whether a bill embraces a single subject is the bill's title's subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.³⁰

The bill as amended includes officers, whereas the bill originally filed only included victims. This may subject the law to constitutional challenges.

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:

The bill creates a new public records exemption for an officer involved in a use of force incident, and in doing so, requires any public record that reveals the identity or any other information that could be used to locate, intimidate, harass, or abuse such officer to be held confidential and exempt for a period of 72 hours immediately following the incident.

The language concerning any public record that identifies an officer may create an issue with outside agencies that maintain public records, but that have no notice that such record should be confidential and exempt. Some agencies may not be aware that a law enforcement officer was

²⁹ *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

³⁰ *See Ex parte Knight*, 41 So. 786, 788 (Fla. 1906); *Bd. of Pub. Instruction v. Doran*, 224 So. 2d 693, 699 (Fla. 1969).

involved in a use of force incident but may have custody of records that contain information of such an officer, such as an agency in custody of property appraiser documents. Without any requirement for an officer or an agency head to request this information be confidential and exempt, such agency would not be aware of the exemption.

Additionally, the new public records exemption creates an issue with the potential for a law enforcement officer's information to be held confidential and exempt in perpetuity. This language may be broader than necessary, *see* Breadth of Exemption.

VIII. Statutes Affected:

This bill substantially amends section 119.071 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 April 1, 2025:

This committee substitute:

- Provides a definition for “employing agency head,” “officer,” “use of force incident,” and “victim.”
- Requires any public record that contains specified information or information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident to be held confidential and exempt for a period of 72 hours immediately following such incident.
- Allows for the exemption or confidentiality concerning such officers to be extended until the employing agency head determines there is no further necessity and provides a requirement for notice to the officer five days before the release of any such record.
- Allows a victim or an officer involved in a use of force incident to waive the exemption or confidentiality at any time.
- Provides a public necessity statement for officers involved in a use of force incident.

- B. **Amendments:**

None.



542628

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

119.071 General exemptions from inspection or copying of
public records.—

(2) AGENCY INVESTIGATIONS.—

(j) 1.a. For purposes of this subparagraph, the term:



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11 (I) "Employing agency head" means an elected or appointed
12 head official of an employing agency as defined in s. 943.10(4)
13 who is certified under s. 943.13.

14 (II) "Officer" means any full-time, part-time, or auxiliary
15 law enforcement officer, correctional officer, or correctional
16 probation officer certified under s. 943.13.

17 (III) "Use of force incident" means any incident that
18 occurs within the scope of an officer's employment or official
19 duties and involves the officer's use of deadly force as defined
20 in s. 776.06, or any other use of force that results in great
21 bodily harm.

22 (IV) "Victim" means a person who suffers direct or
23 threatened physical, psychological, or financial harm as a
24 result of the commission or attempted commission of a crime or
25 delinquent act or against whom the crime or delinquent act is
26 committed. The term includes the victim's lawful representative,
27 the parent or guardian of a minor, or the next of kin of a
28 homicide victim, except upon a showing that the interest of such
29 person would be in actual or potential conflict with the
30 interests of the victim. The term does not include the accused.

31 b. Any public record ~~document~~ that reveals the identity,
32 including the name or personal identification number, home or
33 employment telephone number, home or employment address, or
34 personal assets of the victim, or any other information or
35 records that could be used to locate, intimidate, harass, or
36 abuse the victim or the victim's family, ~~of a crime and~~
37 ~~identifies that person as the victim of a crime,~~ which public
38 record is generated or ~~document is~~ received by any agency that
39 regularly generates or receives information from or concerning



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40 the victims of crime, is confidential and exempt from s.
41 119.07(1) and s. 24(a), Art. I of the State Constitution.

42 (I) A victim may waive the exemption or confidentiality of
43 this subparagraph at any time in writing.

44 (II) The confidential information shall be released as
45 needed in furtherance of any judicial proceeding at a court's
46 discretion. The court may not deny a criminal defendant access
47 to the information if the denial would interfere with the
48 defendant's constitutional rights. Those who are entitled to
49 access confidential information as part of any judicial
50 proceeding may not reveal to any outside party any confidential
51 information obtained under this subparagraph except as is
52 reasonably necessary to prepare a defense and pursue legal
53 remedies.

54 (III) This subparagraph does not restrict the contempt
55 powers of any court or a court's inherent authority to regulate
56 the conduct of the parties in any judicial proceeding.

57 (IV) This sub-subparagraph is subject to the Open
58 Government Sunset Review Act in accordance with s. 119.15 and
59 shall stand repealed on October 2, 2030, unless reviewed and
60 saved from repeal through reenactment by the Legislature. If,
61 after review, this sub-subparagraph is not reenacted, the text
62 of this sub-subparagraph shall revert to that in existence on
63 June 30, 2025, except that any amendments to this sub-
64 subparagraph enacted other than by this act shall be preserved
65 and continue to operate to the extent that such amendments are
66 not dependent upon the amendments to the sub-subparagraph made
67 by this act.

68 c. Any information not otherwise held confidential or



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69 exempt from s. 119.07(1) which reveals the home or employment
70 telephone number, home or employment address, or personal assets
71 of a person who has been the victim of sexual battery,
72 aggravated child abuse, aggravated stalking, harassment,
73 aggravated battery, or domestic violence is exempt from s.
74 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
75 written request by the victim, which must include official
76 verification that an applicable crime has occurred. Such
77 information shall cease to be exempt 5 years after the receipt
78 of the written request.

79 d. Any state or federal agency that is authorized to have
80 access to such documents by any provision of law shall be
81 granted such access in the furtherance of such agency's
82 statutory duties, notwithstanding this section.

83 e.(I) Any public record that reveals the identity,
84 including the name or personal identification number, home or
85 cellular telephone number, home address, personal assets, or any
86 other information that could be used to locate, intimidate,
87 harass, or abuse any officer who is involved in a use of force
88 incident is confidential and exempt from s. 119.07(1) and s.
89 24(a), Art. I of the State Constitution for a period of 72 hours
90 immediately following the use of force incident. Upon the
91 expiration of the 72-hour period, the officer's identity shall
92 be subject to s. 119.07(1) unless the employing agency head
93 determines it is necessary to extend the confidentiality of any
94 public record that reveals the officer's identity and
95 identifying information.

96 (II) The employing agency head may extend the
97 confidentiality of any public record that reveals the officer's



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98 identity beyond the 72-hour period if he or she determines it is
99 necessary. An employing agency head may make written findings to
100 disseminate to the public explaining the necessity of the
101 extension.

102 (III) The exemption or confidentiality may be extended
103 until the employing agency head determines that there is no
104 further necessity for the confidentiality of any public record
105 that reveals the officer's identity to remain. The employing
106 agency head must consider the applicable officer's circumstances
107 and, upon the officer's request, consult with the officer, to
108 determine if an extension is necessary. If an extension was
109 granted after the original 72-hour period, and the employing
110 agency head subsequently determines that the officer is no
111 longer entitled to the protection of his or her identity, the
112 employing agency head must give notice to the officer 5 days
113 before the release of any public record that reveals the
114 officer's identity.

115 (IV) An officer may waive the exemption or confidentiality
116 of this sub-subparagraph at any time in writing.

117 (V) This sub-subparagraph is subject to the Open Government
118 Sunset Review Act in accordance with s. 119.15 and shall stand
119 repealed on October 2, 2030, unless reviewed and saved from
120 repeal through reenactment by the Legislature.

121 2.a. Any information in a videotaped statement of a minor
122 who is alleged to be or who is a victim of sexual battery, lewd
123 acts, or other sexual misconduct proscribed in chapter 800 or in
124 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
125 847.0133, or s. 847.0145, which reveals that minor's identity,
126 including, but not limited to, the minor's face; the minor's



542628

127 home, school, church, or employment telephone number; the
128 minor's home, school, church, or employment address; the name of
129 the minor's school, church, or place of employment; or the
130 personal assets of the minor; and which identifies that minor as
131 the victim of a crime described in this subparagraph, held by a
132 law enforcement agency, is confidential and exempt from s.
133 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
134 governmental agency that is authorized to have access to such
135 statements by any provision of law shall be granted such access
136 in the furtherance of the agency's statutory duties,
137 notwithstanding the provisions of this section.

138 b. A public employee or officer who has access to a
139 videotaped statement of a minor who is alleged to be or who is a
140 victim of sexual battery, lewd acts, or other sexual misconduct
141 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
142 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
143 may not willfully and knowingly disclose videotaped information
144 that reveals the minor's identity to a person who is not
145 assisting in the investigation or prosecution of the alleged
146 offense or to any person other than the defendant, the
147 defendant's attorney, or a person specified in an order entered
148 by the court having jurisdiction of the alleged offense. A
149 person who violates this provision commits a misdemeanor of the
150 first degree, punishable as provided in s. 775.082 or s.
151 775.083.

152 Section 2. The Legislature finds that s. 16(b), Article I
153 of the State Constitution mandates that crime victims have a
154 right to be free from intimidation, harassment, and abuse and
155 that it is a public necessity that information or records that



542628

156 may be used to locate, intimidate, harass, or abuse crime
157 victims be made confidential and exempt under s. 119.071,
158 Florida Statutes, and s. 24(a), Article I of the State
159 Constitution. The Legislature also finds that the release of
160 such records or documents may deter crime victims or the
161 families of crime victims from cooperating with law enforcement
162 and reporting criminal acts. The Legislature further finds that
163 the harm that may result from the release of such personal
164 identifying and location information outweighs any public
165 benefit that may be derived from the disclosure of the
166 information.

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

168
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete everything before the enacting clause
172 and insert:

173 A bill to be entitled
174 An act relating to public records; amending s.
175 119.071, F.S.; providing definitions; expanding a
176 public records exemption for crime victims to include
177 the name and personal identification number of the
178 victim and any other information or records that could
179 be used to locate, intimidate, harass, or abuse a
180 victim or the victim's family; providing that such
181 exemption includes records generated by any agency
182 that regularly generates information from or
183 concerning the victims of crime; providing an
184 exception to the public records exemption; providing



542628

185 that certain records identifying law enforcement
186 officers who are involved in a use of force incident
187 are confidential and exempt for a specified timeframe;
188 providing requirements for extending such timeframe;
189 authorizing waivers of the exemptions; providing for
190 future legislative review and repeal of the
191 exemptions; providing a statement of public necessity;
192 providing an effective date.



933606

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (542628)

Delete lines 157 - 162

and insert:

victims be made confidential and exempt under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of such records or documents may deter crime victims or the families of crime victims from cooperating with law enforcement and reporting criminal acts. Additionally, the Legislature finds it



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11 is a public necessity that information or records that may be
12 used to locate, intimidate, harass, or abuse officers involved
13 in use of force incidents be made confidential and exempt for up
14 to 72 hours, unless an extension is found necessary, under s.
15 119.07(1), Florida Statutes, and s. 24(a), Article I of the
16 State Constitution. The Legislature finds that officers involved
17 in use of force incidents may be victimized as a result of such
18 incident, and that the immediate release of such records or
19 documents may place such officer at risk. The Legislature
20 further finds that

By Senator Gruters

22-01300-25

20251266__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; revising a public records exemption for
 4 documents that reveal certain information about the
 5 victim of a crime to include only public records that
 6 reveal such information; providing an exemption from
 7 public records requirements for any other personal
 8 identifying or location information that could be used
 9 to locate or harass a victim or the victim's family;
 10 deleting an exemption for information that reveals
 11 certain information about a victim of sexual battery,
 12 aggravated child abuse, aggravated stalking,
 13 harassment, aggravated battery, or domestic violence
 14 upon written request of the victim; requiring that
 15 confidential information be released as needed in
 16 furtherance of any judicial proceeding; prohibiting
 17 such access from being denied to criminal defendants;
 18 prohibiting certain persons from revealing such
 19 confidential information to any outside party except
 20 under certain circumstances; providing criminal
 21 penalties; providing construction; providing for
 22 future legislative review and repeal of the exemption;
 23 providing a statement of public necessity; providing
 24 an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Paragraph (j) of subsection (2) of section
 29 119.071, Florida Statutes, is amended to read:

Page 1 of 5

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

22-01300-25

20251266__

30 119.071 General exemptions from inspection or copying of
 31 public records.—
 32 (2) AGENCY INVESTIGATIONS.—
 33 (j)1. Any public record document that reveals the identity,
 34 name, personal identification number, home or employment
 35 telephone number, home or employment address, or personal assets
 36 of the victim, or any other personal identifying or location
 37 information that could be used to locate or harass the victim or
 38 the victim's family, of a crime and identifies that person as
 39 the victim of a crime, which public record is generated or
 40 document is received by any agency that regularly generates or
 41 receives information from or concerning the victims of crime, is
 42 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 43 of the State Constitution. The confidential and exempt
 44 information must be released as needed in furtherance of any
 45 judicial proceeding, access may not be denied to a criminal
 46 defendant, and the protections provided in this subparagraph may
 47 not interfere with the constitutional rights of any defendant.
 48 Those entitled to access the confidential and exempt information
 49 as part of any judicial proceeding may not reveal to any outside
 50 party any confidential and exempt information obtained under
 51 this paragraph except as reasonably necessary to prepare a
 52 defense and to pursue legal remedies. A person who violates this
 53 subparagraph commits a misdemeanor of the first degree,
 54 punishable as provided in s. 775.082 or s. 775.083. This
 55 subparagraph does not restrict the contempt powers of any court
 56 or the court's inherent authority to regulate the conduct of the
 57 parties in any judicial proceeding ~~Any information not otherwise~~
 58 ~~held confidential or exempt from s. 119.07(1) which reveals the~~

Page 2 of 5

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22-01300-25

20251266__

59 ~~home or employment telephone number, home or employment address,~~
 60 ~~or personal assets of a person who has been the victim of sexual~~
 61 ~~battery, aggravated child abuse, aggravated stalking,~~
 62 ~~harassment, aggravated battery, or domestic violence is exempt~~
 63 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
 64 ~~Constitution, upon written request by the victim, which must~~
 65 ~~include official verification that an applicable crime has~~
 66 ~~occurred. Such information shall cease to be exempt 5 years~~
 67 ~~after the receipt of the written request. Any state or federal~~
 68 ~~agency that is authorized to have access to such documents by~~
 69 ~~any provision of law shall be granted such access in the~~
 70 ~~furtherance of such agency's statutory duties, notwithstanding~~
 71 ~~this section. This subparagraph is subject to the Open~~
 72 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
 73 ~~shall stand repealed on October 2, 2030, unless reviewed and~~
 74 ~~saved from repeal through reenactment by the Legislature.~~

75 2.a. Any information in a videotaped statement of a minor
 76 who is alleged to be or who is a victim of sexual battery, lewd
 77 acts, or other sexual misconduct proscribed in chapter 800 or in
 78 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
 79 847.0133, or s. 847.0145, which reveals that minor's identity,
 80 including, but not limited to, the minor's face; the minor's
 81 home, school, church, or employment telephone number; the
 82 minor's home, school, church, or employment address; the name of
 83 the minor's school, church, or place of employment; or the
 84 personal assets of the minor; and which identifies that minor as
 85 the victim of a crime described in this subparagraph, held by a
 86 law enforcement agency, is confidential and exempt from s.
 87 119.07(1) and s. 24(a), Art. I of the State Constitution. Any

Page 3 of 5

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

22-01300-25

20251266__

88 governmental agency that is authorized to have access to such
 89 statements by any provision of law shall be granted such access
 90 in the furtherance of the agency's statutory duties,
 91 notwithstanding the provisions of this section.

92 b. A public employee or officer who has access to a
 93 videotaped statement of a minor who is alleged to be or who is a
 94 victim of sexual battery, lewd acts, or other sexual misconduct
 95 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
 96 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
 97 may not willfully and knowingly disclose videotaped information
 98 that reveals the minor's identity to a person who is not
 99 assisting in the investigation or prosecution of the alleged
 100 offense or to any person other than the defendant, the
 101 defendant's attorney, or a person specified in an order entered
 102 by the court having jurisdiction of the alleged offense. A
 103 person who violates this provision commits a misdemeanor of the
 104 first degree, punishable as provided in s. 775.082 or s.
 105 775.083.

106 Section 2. The Legislature finds that it is a public
 107 necessity that certain information that could be used to locate
 108 or harass a victim of a crime or the victim's family and certain
 109 public records generated by any agency that regularly generates
 110 information from or concerning the victims of crime be made
 111 confidential and exempt from s. 119.07(1), Florida Statutes, and
 112 s. 24(a), Article I of the State Constitution. The Legislature
 113 finds that the disclosure of such personal identifying and
 114 location information would constitute an unwarranted risk to,
 115 and jeopardize the safety of, victims and their family members.
 116 The Legislature further finds that it is important to strengthen

Page 4 of 5

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22-01300-25

20251266__

117 the protections afforded victims in order to ensure their
118 privacy, protect them from further harassment, and prevent their
119 revictimization by making such information confidential and
120 exempt.

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



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 # 1266**, on Public Records/Victim of a Crime, be placed on the:

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

A handwritten signature in black ink that reads "Joe Gruters".

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate

APPEARANCE RECORD

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

4/1/2025

Meeting Date

SR 1266

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Jody Brannaman

Phone

352 258 6684

Address

300 E Brevard St

Email

jody@FIPBA.org

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Police Benevolent Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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

4-1-2025

Meeting Date

SB 1266

Bill Number or Topic

CRIMINAL JUSTICE

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

Committee

Amendment Barcode (if applicable)

Name STEVEN B. SLADE

Phone 850.322.5760

Address 300 E. BREVARD ST

Email stevenslade@flpba.org

Street

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:

FL PBA

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

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

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

S-001 (08/10/2021)

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

1266

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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 1374

INTRODUCER: Senator Yarborough

SUBJECT: School District Reporting Requirements

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1374 strengthens reporting and accountability measures related to educator arrests and misconduct by:

- Requiring district school boards to adopt a policy for the temporary removal of instructional personnel from the classroom within 24 hours of an arrest for a felony offense or a misdemeanor offense listed in Level 2 background screening standards when notified by law enforcement or through self-reporting requirements.
- Expanding law enforcement notification requirements to include additional disqualifying offenses listed in Level 2 background screening standards and mandating notification within 48 hours of an arrest for these offenses.
- Expanding self-reporting requirements to include offenses listed in Level 2 background screening standards and requiring instructional and administrative personnel to report an arrest within 48 hours.
- Clarifying that self-reports are not admissions of guilt and cannot be used against the employee in any civil, criminal, administrative, or judicial proceeding.

The bill takes effect July 1, 2025.

II. Present Situation:

Screening and Employment Standards for School Employees

Florida law establishes screening standards for individuals seeking educator certification or employment in positions that require direct contact with students in district schools, charter

schools, and private schools participating in state scholarship programs.¹ A person is ineligible for employment if they:²

- Are on the disqualification list maintained by the Department of Education.
- Are registered as a sex offender under federal law.
- Are ineligible based on a security background check conducted pursuant to Level 2 background screening standards.³
- Have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to:
 - Any criminal act committed in another state or under federal law that would constitute a disqualifying offense under Level 2 background screening standards.
 - Any delinquent act that would qualify the individual for inclusion on Florida's Registered Juvenile Sex Offender List.

Level 2 Background Screenings and Disqualifying Offenses

Individuals seeking employment in positions involving direct contact with vulnerable populations, including students, are subject to Level 2 background screening requirements.⁴ Level 2 background screenings utilize fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, national criminal history records checks through the Federal Bureau of Investigation, and local criminal records checks through local law enforcement agencies.⁵ Additionally, a search of the sexual predator and sexual offender registries will be conducted for any state where the individual resided within the past five years.⁶ Disqualifying offenses include certain felony and misdemeanor offenses related to violence, abuse, sexual misconduct, and controlled substances.⁷ These offenses form the basis for screening standards applicable to school personnel.

Educator Disqualification

The Department of Education (DOE) maintains a disqualification list of individuals permanently prohibited from certain education positions, including those with revoked certificates, disqualifications related to private schools, or employment terminations due to misconduct endangering the health, safety, or welfare of a student.⁸

A person may be removed from the disqualification list under certain conditions, including a completed law enforcement investigation resulting in exoneration, correction of mistaken identity, or an employer's request for removal with supporting documentation.⁹

¹ Section 1012.315, F.S.

² Section 1012.315(5), F.S.

³ Section 435.04(2), F.S.

⁴ Sections 435.04 and 1012.315, F.S.

⁵ Section 435.04(1)(a), F.S.

⁶ *Id.*

⁷ Section 435.04, F.S.

⁸ Section 1001.10(4)(b), F.S.

⁹ Section 1001.10(4)(c), F.S.

To support employment screening, the DOE provides electronic verification access to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept state scholarships for students.¹⁰ This access allows authorized personnel to review the:¹¹

- Professional Practices' Database of Disciplinary Actions Against Educators.
- DOE Teacher Certification Database.
- Disqualification List maintained under state law.

Law Enforcement Notification of Employee Arrests

Law enforcement agencies are required to notify school officials within 48 hours when a school employee is arrested for a felony offense, child abuse, or the sale or possession of a controlled substance.¹² The notification must be sent to the district school superintendent, charter school governing board, private school administrator, university lab school director, or president of the Florida School for the Deaf and the Blind, as applicable.¹³ Additionally, within 24 hours, school principals or their designees must notify parents of enrolled students who had direct contact with the arrested employee and disclose the employee's name and the specific charges.¹⁴

Self-Reporting Requirements for Employees

Certified teachers must self-report within 48 hours to appropriate authorities, as determined by the school district, any arrests or charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice is not considered an admission of guilt, and may not be used in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, the individual must self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment.¹⁵

Instructional and administrative personnel who become aware that a sexual battery has been committed by a student upon another student are legally required to report the offense to law enforcement.¹⁶

Instructional personnel include classroom teachers, student personnel services staff, librarians, and other staff providing direct instructional support.¹⁷ Administrative personnel include school-based administrators, such as principals, and district-based instructional and noninstructional administrators.¹⁸

¹⁰ Section 1001.10(5), F.S.

¹¹ Section 1001.10(5), F.S.

¹² Section 1012.797, F.S.

¹³ Section 1012.797, F.S.

¹⁴ Section 1012.797, F.S.

¹⁵ Rule 6A-10.081(2)(b)13., F.A.C.

¹⁶ Section 1012.799(1), F.S.

¹⁷ Section 1012.01(2), F.S.

¹⁸ Section 1012.01(3), F.S.

Temporary Removal of Instructional Personnel

District school boards are responsible for establishing policies related to the employment and discipline of instructional personnel, including appointment, promotion, suspension, and dismissal of employees.¹⁹ The law does not currently mandate the temporary removal of instructional personnel following an arrest. However, school boards have the authority to suspend or dismiss employees in accordance with applicable laws and district policies.²⁰

Investigation and Disciplinary Procedures for Educators

The DOE investigates legally sufficient complaints against certified educators, including those whose certificates have expired if the alleged misconduct occurred while they were certified.²¹

Mandatory Reporting by School Districts

School districts must report legally sufficient complaints to the DOE within 30 days, regardless of whether the educator remains employed.²² If an educator resigns or is terminated before an investigation is completed, the DOE must:

- Place an alert on the person's certification file.²³
- Add the individual to the disqualification list, preventing future employment in schools.²⁴

Suspension of Educators

If an allegation involves student health, safety, or welfare, the district school superintendent must take immediate action:²⁵

- Suspend the educator with pay.
- Remove the individual from any position involving direct student contact.
- Maintain the suspension until a legally sufficient complaint is submitted, with the school district required to complete disciplinary proceedings within one year.

School District Policies and Accountability

School districts must establish policies for educator screening, misconduct reporting, and personnel reassignment.²⁶ Superintendents who fail to report misconduct may face penalties, including salary forfeiture for one year.²⁷

III. Effect of Proposed Changes:

SB 1374 strengthens reporting and accountability measures related to educator arrests and misconduct.

¹⁹ Section 1012.22(1), F.S.

²⁰ Section 1012.22(1)(f), F.S.

²¹ Section 1012.796(1)(a), F.S.

²² Section 1012.796(1)(d)1., F.S.

²³ Section 1012.796(1)(d)2., F.S.

²⁴ Section 1012.796(1)(e), F.S.

²⁵ Section 1012.796(5), F.S.

²⁶ Section 1012.796(1)(d), F.S.

²⁷ Section 1012.796(1)(d)4., F.S. (citing s. 1001.51(12), F.S.).

Temporary Removal of Instructional Personnel

The bill amends s. 1012.22, F.S., by requiring district school boards to adopt a policy for the temporary removal of instructional personnel from the classroom within 24 hours of an arrest for a felony offense or a misdemeanor offense listed in Level 2 background screening standards when notified by:

- Law enforcement; or
- The employee pursuant to self-reporting requirements.

Expanded Law Enforcement Notification Requirements

The bill amends s. 1012.797, F.S., by expanding the scope of arrest notifications that law enforcement agencies must provide to school officials. The bill adds offenses listed in Level 2 background screening standards to existing notification requirements, providing that law enforcement agencies must report an employee's arrest for these offenses to the appropriate school officials within 48 hours.

Expanded Self-Reporting Requirements

The bill amends s. 1012.799, F.S., by expanding self-reporting requirements for school personnel. The bill:

- Adds offenses listed in Level 2 background screening standards to the existing self-reporting requirements, requiring instructional and administrative personnel to report an arrest for such an offense within 48 hours to a designated school district authority.
- Clarifies that a self-report is not an admission of guilt and cannot be used against the employee in any civil, criminal, administrative, or judicial proceeding.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1012.22, 1012.797, and 1012.799.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Yarborough

4-01723A-25

20251374__

A bill to be entitled

An act relating to school district reporting requirements; amending s. 1012.22, F.S.; requiring district school boards to adopt a policy temporarily removing instructional personnel under specified circumstances; amending s. 1012.797, F.S.; revising requirements for law enforcement to notify specified entities when an employee is arrested for certain offenses; amending s. 1012.799, F.S.; requiring instructional personnel and administrative personnel to self-report certain arrests or judgments within specified timeframes; requiring school districts to comply with confidentiality provisions; providing an effective date.

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

Section 1. Paragraph (j) is added to subsection (1) of section 1012.22, Florida Statutes, to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(j) Temporary removal from the classroom.—The district school board shall adopt a policy temporarily removing instructional personnel from the classroom within 24 hours after

Page 1 of 3

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

4-01723A-25

20251374__

a notification by law enforcement or a self-reporting employee of his or her arrest for a felony offense or for a misdemeanor offense listed in s. 435.04(2).

Section 2. Section 1012.797, Florida Statutes, is amended to read:

1012.797 Notification of certain charges against employees.—Notwithstanding ~~the provisions of~~ s. 985.04(7) or any other law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent, charter school governing board, private school owner or administrator, president of the Florida School for the Deaf and the Blind, or university lab schools director or principal, as applicable, when its employee is arrested for a felony or a misdemeanor involving an offense listed in s. 435.04(2), the abuse of a minor child, or the sale or possession of a controlled substance. The notification must ~~shall~~ include the specific charge for which the employee of the school district was arrested. Notwithstanding ss. 1012.31(3)(a)1. and 1012.796(4), within 24 hours after such notification, the school principal or designee shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

Section 3. Section 1012.799, Florida Statutes, is amended to read:

1012.799 Reporting certain offenses.—

(1) Instructional personnel or administrative personnel having knowledge that a sexual battery has been committed by a student upon another student must report the offense to a law enforcement agency having jurisdiction over the school plant or

Page 2 of 3

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

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59 over the place where the sexual battery occurred if not on the
60 grounds of the school plant.

61 (2) Instructional personnel and administrative personnel
62 shall self-report within 48 hours to a school district
63 authority, as determined by the district superintendent, any
64 arrest for a felony offense or for a misdemeanor offense listed
65 in s. 435.04(2). Such self-report is not considered an admission
66 of guilt and is not admissible for any purpose in any
67 proceeding, civil or criminal, administrative or judicial,
68 investigatory or adjudicatory. In addition, instructional
69 personnel and administrative personnel shall self-report any
70 conviction, finding of guilt, withholding of adjudication,
71 commitment to a pretrial diversion program, or entering of a
72 plea of guilty or nolo contendere for any criminal offense other
73 than a minor traffic violation within 48 hours after the final
74 judgment. When handling sealed and expunged records disclosed
75 under this rule, school districts must comply with the
76 confidentiality provisions of ss. 943.0585(4)(c) and
77 943.059(4)(c).

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 18, 2025

I respectfully request that **Senate Bill #1374**, relating to School District Reporting Requirements, be placed on the:

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

A handwritten signature in blue ink that reads "Clay Yarborough".

Senator Clay Yarborough
Florida Senate, District 4

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 1378

INTRODUCER: Transportation Committee and Senator Arrington

SUBJECT: Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property

DATE: March 31, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.	Parker	Stokes	CJ	Favorable
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1378 authorizes a court to order a driver who is convicted of leaving the scene of a crash, who caused or otherwise contributed to the crash, that resulted in damage to a vehicle or other property which is driven or attended by any person, to make restitution to the vehicle or property owner for any damage caused by the driver’s vehicle.

The bill does not appear to have a fiscal impact on state or local government. The bill may have an indeterminate positive fiscal impact on the private sector. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2025.

II. Present Situation:

Duty to Give Information and Render Aid

Section 316.062, F.S., outlines a driver’s duties to give information and render aid if he or she is involved in a crash resulting in personal injury, death, or property damage, including but not limited to:

- Giving his or her name, address, and the registration number of the vehicle he or she is driving to any person injured in such crash, or to the driver or occupant of or person

attending any vehicle or other property damaged in the crash, or to any police officer at the scene of the crash or who is investigating the crash;

- Exhibiting his or her license or permit to drive, upon request and if available, to any such person or police officer specified above; and
- Rendering reasonable assistance to any injured person, including carrying such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or upon the injured person's request.

Crashes Involving Damage to Vehicle or Other Property

Under s. 316.061(1), F.S., the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

A person who violates s. 316.061(1), F.S., by leaving the scene of a crash involving damage to a vehicle or property which is attended by another person commits a second degree misdemeanor,¹ and must pay an additional fine of \$5, which is deposited in the Emergency Medical Services Trust Fund, which is used to improve and expand prehospital emergency medical services.²

Under s. 316.063(1), F.S., the driver of any vehicle which collides with, or is involved in a crash with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, must immediately stop and either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or must securely attach in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and must notify the nearest office of a duly authorized police authority.

A person who violates s. 316.063(1), F.S., by leaving the scene of a collision or crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, commits a second degree misdemeanor.

Crash Involving Death or Personal Injuries

Under s. 316.027(2), F.S., the driver of a vehicle involved in a crash occurring on public or private property which results in death or personal injury to another person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

¹ A second degree misdemeanor is punishable by up to six months in county jail and a \$500 fine. *See* ss. 775.082 and 775.083, F.S.

² Section 401.113, F.S.

A person who violates s. 316.027(2), F.S., by leaving the scene of a crash involving death or personal injuries commits a:

- Third degree felony,³ if the crash results in injury to a person other than serious bodily injury.⁴
- Second degree felony,⁵ if the crash results in serious bodily injury to a person.⁶
- First degree felony,⁷ if the crash results in the death of a person and must be sentenced to a four year mandatory minimum term of imprisonment.⁸

Notwithstanding the general requirements for restitution under s. 775.089(1)(a), F.S., the court must order a person who violates s. 316.027(2), F.S., to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution.^{9,10} The Legislature added the restitution requirement to s. 316.027, F.S., in 2007.¹¹

Restitution

Unless a court finds clear and compelling reasons not to order restitution, s. 775.089(1)(a), F.S., requires a court to order a defendant to make restitution to a victim for damage or loss:

- Caused directly or indirectly by the defendant's offense; and
- Related to the defendant's criminal episode.

The Florida Supreme Court has interpreted s. 775.089(1)(a), F.S., to require any damage for which restitution is ordered to bear a significant relationship to, and be directly or indirectly caused by, the convicted offense.¹²

III. Effect of Proposed Changes:

The bill amends s. 316.061(1), F.S., authorizing a court to order a driver who is convicted of leaving the scene of a crash, who caused or otherwise contributed to the crash, that resulted in damage to a vehicle or other property which is driven or attended by any person to make restitution to the owner of such vehicle or other property for any damage that was caused by the driver's vehicle.

³ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁴ Section 316.027(2)(a), F.S.

⁵ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁶ Section 316.207(2)(b), F.S.

⁷ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁸ Section 316.027(2)(c), F.S.

⁹ Section 316.207(2)(d), F.S.

¹⁰ The court must also order payment to the Crimes Compensation Trust Fund (CCTF) under ch. 960, F.S., which covers expenses such as physical and mental health care and other compensable costs. Section 316.027(2), F.S., is the only leaving the scene offense that qualifies as a "crime" under s. 960.03(3)(b), F.S., and thus is the only leaving the scene offense for which a victim is eligible to receive an award from the CCTF and for which a court may order the defendant to pay restitution to the CCTF.

¹¹ Chapter 2007-211, Laws of Fla.

¹² *See, e.g., Glaubius v. State*, 688 So. 2d 913, 915 (Fla. 1997) (*citing State v. Williams*, *infra* note 12).

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector by authorizing a court to order a driver, who caused or otherwise contributed to the crash, is convicted of unlawfully leaving the scene of a crash to make restitution for any damage that he or she caused to another person's vehicle or other property.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.061 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 Transportation on March 25, 2025:

- Authorizes, rather than requires, a court to order a driver to make restitution for specified damage.
- Specifies that the driver must have caused or otherwise contributed to the crash before a court is authorized to order restitution for specified damage.

- B. **Amendments:**

None.

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

By the Committee on Transportation; and Senator Arrington

596-02854-25

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1 A bill to be entitled
 2 An act relating to leaving the scene of a crash
 3 involving only damage to vehicle or property; amending
 4 s. 316.061, F.S.; authorizing a court to order a
 5 driver convicted of leaving the scene of a crash to
 6 make restitution for specified damage; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Subsection (1) of section 316.061, Florida
 12 Statutes, is amended to read:

13 316.061 Crashes involving damage to vehicle or property.-

14 (1) The driver of any vehicle involved in a crash resulting
 15 only in damage to a vehicle or other property which is driven or
 16 attended by any person shall immediately stop such vehicle at
 17 the scene of such crash or as close thereto as possible, and
 18 shall forthwith return to, and in every event shall remain at,
 19 the scene of the crash until he or she has fulfilled the
 20 requirements of s. 316.062. A person who violates this
 21 subsection commits a misdemeanor of the second degree,
 22 punishable as provided in s. 775.082 or s. 775.083. The court
 23 may order a driver convicted of a violation of this section, who
 24 caused or otherwise contributed to the crash, to make
 25 restitution to the owner of a vehicle or other property damaged
 26 in the crash for any damage that was caused by the driver's
 27 vehicle. Notwithstanding any other provision of this section, \$5
 28 shall be added to a fine imposed pursuant to this section, which
 29 \$5 shall be deposited in the Emergency Medical Services Trust

Page 1 of 2

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30 Fund.

31 Section 2. This act shall take effect October 1, 2025.

Page 2 of 2

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Florida Senate

Kristen Arrington

Senator, District 25

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Committee on
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Tourism, and Economic
Development

Environment and
Natural Resources

Fiscal Policy

Governmental
Oversight and
Accountability

Transportation

March 26, 2025

The Honorable Jonathan Martin, Chair
315 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Martin,

I am respectfully requesting that you place CS/SB 1378, Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property, on the agenda for the next Criminal Justice committee meeting at your earliest opportunity.

This bill states that a court may order a driver convicted of a violation of this section, who caused or otherwise contributed to the crash, to make restitution to the owner of a vehicle or other property damaged in the crash by the driver's vehicle. This amendment clarifies that the driver of the vehicle involved in the crash is the subject of the bill, and not someone who may have been near the crash.

If you have any questions, please do not hesitate to reach me at (407) 973-4070. Thank you for your consideration in placing CS/SB 1378 on the next committee agenda.

Respectfully,

Senator Kristen Arrington

CC: The Honorable Carlos Guillermo Smith, Vice Chair
Amanda Stokes, Staff Director

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 1400

INTRODUCER: Commerce and Tourism Committee and Senator Calatayud

SUBJECT: Removal of Altered Sexual Depictions Posted Without Consent

DATE: March 31, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1400 amends s. 836.13, F.S., to require covered platforms, such as websites and online services, to remove altered sexual depictions and copies of such from their platform upon request of the victim. Upon receipt of the request, a covered platform has 48 hours to remove the altered sexual depiction. The bill requires covered platforms to provide clear notice of the platform's responsibilities under the bill, including the manner in which a person can submit a notification and request for removal of the altered sexual depiction. The bill identifies which platforms are bound by these requirements and provides liability protections for platforms' good faith efforts to remove altered sexual depictions. Further, the bill provides a remedy for violations, classifying a failure to follow these requirements as an unfair or deceptive act or practice under the Florida Deceptive and Unfair Trade Practices Act.

The bill takes effect upon becoming law.

II. Present Situation:

Nonconsensual Altered Sexual Depictions

Over the last decade, Americans have started to recognize the growing problem of distribution of sexually explicit images without consent, otherwise known as “revenge porn.”¹ Although Florida and other states have enacted protections against revenge porn, there are still instances in which a person may be a victim of nonconsensual pornography in the form of altered sexual depictions, more commonly known as “deepfakes.”² Deepfakes typically take the form of imagery, video, and audio material that “is produced or distributed without the consent of the subject and has been altered, potentially with artificial intelligence, to show nonconsensual intimate or explicit content.”³ Advancements in technology, such as increased availability and usage of generative AI, have enabled perpetrators to manipulate sexual materials in ways that circumvent revenge porn laws.⁴ For example, “if a photo depicted the victim nude, where the victim’s face was real, but the victim’s genitals were computer generated, many laws would not apply because the intimate part of the image was not the victim’s.”⁵

Researchers have discovered that 98% of the deepfake videos found online are explicitly pornographic and 99% of deepfake pornography features women.⁶ Moreover, the creation of deepfake pornography is rapidly increasing, as researchers found that there were 464% more deepfake pornographic videos created in 2023 than in 2022.⁷ Further, 90% of deepfake pornography is found on dedicated deepfake pornography platforms.⁸ In response to the prevalence of deepfakes, the Department of Homeland Security has declared that “[d]eepfakes and the misuse of synthetic content pose a clear, present, and evolving threat to the public across national security, law enforcement, financial, and societal domains.”⁹

¹ “In 2016, 10 million people, or 2% of Americans had reported being victims of nonconsensual porn. Individuals ages 18-29 generally, and women aged 18-29 specifically, as well as LGBTQ+ Americans were victimized at even higher rates. In 2017, the number of young Americans ages 18-29 who had become victims of nonconsensual porn jumped to 12%, an increase of over 100%. In 2019, a larger study suggests that the problem has only grown, showing a 400% increase in the number of victims from 2016. Taken as a whole, these statistics show the number of victims continues to rise at an alarming rate even though both the legal system and society as a whole have attempted to address the issue.” Chance Carter, NAT’L ASS’N OF ATT’Y GEN., *An Update on the Legal Landscape of Revenge Porn*, available at https://www.naag.org/attorney-general-journal/an-update-on-the-legal-landscape-of-revenge-porn/#identifier_4_21493 (last visited March 28, 2025).

² RAINN, *RAINN’s Recommendation for Effectively Addressing Nonconsensual Manipulated Intimate Material (Deepfakes)*, available at <https://www.rainn.org/sites/default/files/import/RAINN%20on%20nonconsensual%20manipulated%20intimate%20material%20-%20Google%20Docs.pdf#:~:text=We%20refer%20to%20imagery%2C%20video%2C%20audio%2C%20etc.%20that,or%20explicit%20content%20as%20%E2%80%9Cnonconsensual%20manipulated%20intimate%20material%E2%80%9D> (last visited Mar. 17, 2025).; *see also* DEPT. OF HOMELAND SEC., *Increasing Threat of Deepfake Identities*, https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited March 28, 2025).

³ RAINN, *supra* note 2.

⁴ RAINN, *supra* note 2.

⁵ RAINN, *supra* note 2.

⁶ Security Hero, *2023 State of Deepfakes*, available at <https://www.securityhero.io/state-of-deepfakes/#concluding-remarks> (last visited March 28, 2025).

⁷ *Id.*

⁸ *Id.*

⁹ DEPT. OF HOMELAND SEC., *supra* note 2.

Altered Sexual Depictions under Florida Law

In 2022, the Florida Legislature created s. 836.13, F.S., to cover the gap in law in the law between revenge porn and nonconsensual 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.¹⁰

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:¹¹

- 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.,¹² 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.¹³

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.¹⁴

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:

¹⁰ 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).

¹¹ 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.

¹² 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."

¹³ 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.

¹⁴ Section 836.13(4), F.S.

- Injunctive relief.
- Monetary damages to include \$10,000 or actual damages incurred.
- Reasonable attorney fees and costs.¹⁵

Florida Deceptive and Unfair Trade Practices Act

It is unlawful under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), ss. 501.201-501.213, F.S., for a party to take part in “unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts of practices in the conduct of any trade or commerce.”¹⁶ Such practices include fraudulent billing,¹⁷ misleading a consumer or misrepresenting a product’s characteristics,¹⁸ or other behavior determined to be unfair by a court.¹⁹ Under the FDUTPA, the Office of the State Attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate violations of the FDUTPA.²⁰ In addition to other remedies under state and federal law, the enforcing authority may bring actions for declaratory judgment, injunctive relief, actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties up to \$10,000 per violation.²¹ Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief when the consumer is aggrieved by a FDUTPA violation; or
- Actual damages, attorney fees, and court costs, when the consumer has suffered a loss due to the FDUTPA violation.²²

III. Effect of Proposed Changes:

Required Removal Procedure

CS/SB 1400 requires that no later than December 31, 2025, covered platforms establish a process by which a person may notify and request removal of an altered sexual depiction²³ that was published without their consent. The notification and request for removal must include, in writing:

- A physical or electronic signature of the identifiable person or an authorized person acting on their behalf.

¹⁵ Section 836.13(5), F.S.

¹⁶ Section 501.204, F.S.

¹⁷ *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).

¹⁸ *Lewis v. Mercedes-Benz USA, LLC*, 530 F. Supp. 3d 1183 (S.D. Fla. 2021); *Marty v. Anheuser-Busch Companies, LLC*, 43 F. Supp. 3d 1333 (S.D. Fla. 2014).

¹⁹ *See Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).

²⁰ The enforcing authority under the FDUTPA may “administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.” Section 501.206, F.S.

²¹ Sections 501.207, 501.2077, 501.2075, 501.208, F.S.

²² Sections 501.2105, 501.211, F.S.

²³ “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, F.S., in which the identifiable person did not engage. Section 836.13, F.S.

- An identification of, and information reasonably sufficient for the covered platform to locate, the altered sexual depiction of the identifiable person.
- A brief statement that the identifiable person has a good faith belief that any altered sexual depiction identified is not consensual, including any relevant information for the covered platform to determine the depiction was published without consent.
- Information sufficient to enable the covered platform to contact the person.

Upon receipt of a valid removal request, within 48 hours the covered platform must remove the altered sexual depiction and make reasonable efforts to identify and remove any known, identical copies of such depiction.

Clear and Conspicuous Notice

The bill requires a covered platform to provide clear and conspicuous notice of the notice and removal process, which:

- Is easy to read and is in plain language.
- Provides information regarding the responsibilities of the covered platform under this bill.
- Includes a description of how a person can submit a notification and request for removal.

Covered Platforms

Under the bill, “covered platform” means a website, online service, online application, or mobile application that serves the public and:

- Primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or
- For which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual altered sexual depictions.

The bill explicitly does not apply to:

- A provider of information service or telecommunications service, as defined in 47 U.S.C. s. 153, for content provided by another person.
- Electronic mail.
- Except as otherwise provided, an online service, application, or website:
 - That consists primarily of preselected content by the provider, rather than content that is user generated; and
 - For which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described above.

Liability

The bill provides that a covered platform shall not be found liable for any claim based on the platform’s good faith removal of material claimed to be a nonconsensual altered sexual depiction, regardless of whether the altered sexual depiction is ultimately found to be unlawful.

Remedies

In addition to the remedies provided in s. 836.13(5), F.S., a failure to comply with the notice and removal requirements of the bill constitutes an unfair or deceptive act or practice under the FDUTPA.

Effective Date

The bill takes effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Covered platforms will need to comply with the notification and removal requirements in the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 836.13 of the Florida Statutes.

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

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

CS by Commerce and Tourism Committee on March 17, 2024:

The committee substitute excludes providers of information service or telecommunications service, for content provided by another person, from the covered platforms under this bill.

B. Amendments:

None.

By the Committee on Commerce and Tourism; and Senator Calatayud

577-02484-25

20251400c1

A bill to be entitled

An act relating to removal of altered sexual depictions posted without consent; providing a short title; amending s. 836.13, F.S.; defining the term "covered platform"; requiring covered platforms to establish a process by a specified date for removal of altered sexual depictions posted without the consent of the identifiable person; providing requirements for such process; requiring notice of such a process; providing immunity for good faith compliance; prohibiting unreasonable failure to comply; providing for penalties and remedies; providing exceptions; providing an effective date.

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

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

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, and present subsections (6), (7), and (8) of that section are redesignated as subsections (7), (8), and (9), respectively, and a new subsection (6) 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) "Covered platform" means a website, an online service, an online application, or a mobile application that serves the

Page 1 of 4

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

577-02484-25

20251400c1

public and:

1. That primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or

2. For which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual altered sexual depictions.

(6) (a) No later than December 31, 2025, a covered platform shall establish a process whereby an identifiable person or an authorized person acting on behalf of such person may:

1. Notify the covered platform of an altered sexual depiction published on the covered platform which includes a depiction of the identifiable person and was published without the consent of the identifiable person; and

2. Submit a request for the covered platform to remove such altered sexual depiction.

(b) A notification and request for removal of an altered sexual depiction submitted under the process in paragraph (a) must include, in writing:

1. A physical or electronic signature of the identifiable person or authorized person.

2. An identification of, and information reasonably sufficient for the covered platform to locate, the altered sexual depiction of the identifiable person.

3. A brief statement that the identifiable person has a good faith belief that any altered sexual depiction identified under subparagraph 2. is not consensual, including any relevant information for the covered platform to determine whether the

Page 2 of 4

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

577-02484-25 20251400c1

59 altered sexual depiction was published without the consent of
60 the identifiable person.

61 4. Information sufficient to enable the covered platform to
62 contact the identifiable person or authorized person.

63 (c) A covered platform shall provide on the platform a
64 clear and conspicuous notice, which may be provided through a
65 clear and conspicuous link to another web page or disclosure, of
66 the notice and removal process established under paragraph (a)
67 which:

68 1. Is easy to read and in plain language.

69 2. Provides information regarding the responsibilities of
70 the covered platform under this subsection, including a
71 description of how a person can submit a notification and
72 request for removal.

73 (d) Upon receiving a valid removal request from an
74 identifiable person or an authorized person using the process
75 described in paragraph (a), a covered platform shall, as soon as
76 possible, but not later than 48 hours after receiving such
77 request:

78 1. Remove the altered sexual depiction.

79 2. Make reasonable efforts to identify and remove any known
80 identical copies of such altered sexual depiction.

81 (e) A covered platform is not liable for any claim based on
82 the covered platform's good faith disabling of access to, or
83 removal of, material claimed to be a nonconsensual altered
84 sexual depiction based on facts or circumstances from which the
85 unlawful publishing of an altered sexual depiction is apparent,
86 regardless of whether the altered sexual depiction is ultimately
87 determined to be unlawful.

577-02484-25 20251400c1

88 (f) In addition to the remedies under subsection (5), a
89 failure to reasonably comply with the notice and removal
90 obligations under this subsection shall be treated as an unfair
91 or a deceptive act or practice under part II of chapter 501, and
92 the person or entity responsible shall be subject to the
93 penalties and remedies provided in part II of chapter 501.

94 (g) This subsection does not apply to the following:

95 1. A provider of information service or telecommunications
96 service, as those terms are defined in 47 U.S.C. s. 153, for
97 content provided by another person.

98 2. Electronic mail.

99 3. Except as provided in subparagraph (1)(b)2., an online
100 service, application, or website:

101 a. That consists primarily of content that is not user
102 generated but is preselected by the provider of such online
103 service, application, or website; and

104 b. For which any chat, comment, or interactive
105 functionality is incidental to, directly related to, or
106 dependent on the provision of the content described in sub-
107 paragraph a.

108 Section 3. This act shall take effect upon becoming a law.

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

1400

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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 1430

INTRODUCER: Criminal Justice Committee and Senator Collins

SUBJECT: Postjudgment Execution Proceedings Relating to Terrorism

DATE: April 2, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1430 expands current law remedies available to a victim of international terrorism to collect a civil judgment against a terrorist party or an agency or instrumentality of a terrorist. The bill authorizes creditor process to be served upon any person or entity over whom the court has jurisdiction, thereby subjecting the assets to Florida jurisdiction. A Florida court enforcing a terrorism victim's anti-terrorism judgment may garnish intangible assets wherever they are located, without territorial limitation. If these intangible assets are traceable to the terrorist judgment debtor they are subject to execution, garnishment, and turnover by a United States securities custodian or intermediary. In addition, if an electronic funds transfer is currently being held by an intermediary and either the sender or recipient is the terrorist judgment debtor or a related party, the funds are deemed to be property of the terrorist judgment debtor and subject to seizure to apply against the judgment.

The bill applies to any postjudgment execution proceeding served, or filed before, on, or after July 1, 2025, the effective date of the bill.

The bill is effective upon becoming a law.

II. Present Situation:

Civil Judgment Collections Process

The court's entry of a final judgment is not the end of a civil case. A final civil judgment awarding money damages does not automatically put money in the hands of the prevailing party, referred to as the judgment creditor. A final judgment merely gives the judgment creditor the legal right to seek out assets of the judgment debtor and forcibly sell or transfer those assets to or for the benefit of the judgment creditor. This is commonly referred to as the collections process.

There are several means for a judgment debtor to forcibly attempt to collect the judgment. The primary means of collection are:

- Execution – An “execution” is the lawful seizure of property owned by the judgment debtor to be sold at public auction. The net proceeds of an execution on property are paid to the judgment creditor to be applied against the debt. Execution applies to real property and personal property. Execution and sale are conducted by the sheriff.¹
- Garnishment – A “garnishment” is the seizure of monies owed to the judgment debtor, which money is then paid to the judgment creditor to be applied against the debt. Common targets of a garnishment are bank accounts and wages.²
- Proceedings Supplementary – Proceedings supplementary is a collections tool created by statute. When any judgment creditor holds an unsatisfied judgment or judgment lien, the judgment creditor may file a motion asking for proceedings supplementary. In the proceeding, the court may issue a Notice to Appear to the judgment debtor or to any person alleged to be holding property of the judgment debtor, or to any person who may have property that was fraudulently transferred by the judgment debtor to that third party. After the hearing, the court may order the sheriff to execute on property found to be owned by the judgment debtor, or found to have been fraudulently conveyed by the judgment debtor, for sale for the benefit of the judgment creditor.³

While collection actions are primarily focused on assets of the judgment debtor, there may be occasions where property titled or held in the name of another may be seized in payment of the judgment. This occurs where the judgment debtor has fraudulently transferred the property to a third party in an attempt to thwart collection of the judgment. It also occurs if a third party owes money to the judgment debtor or if legal title or possession of property is held by a person or entity who is conspiring with the judgment debtor to hide or conceal assets of the judgment debtor. Florida has adopted the Uniform Fraudulent Transfer Act to address these situations.⁴

Terrorism

“Terrorism” or “terrorist activity” as defined in s. 775.30, F.S., mean an activity that:

- Involves:
 - A violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

¹ The civil execution process is governed by ch. 56, F.S.

² The garnishment process is generally governed by ch. 77, F.S.

³ Section 56.29, F.S.

⁴ Chapter 726, F.S.

- A violation of s. 815.06, F.S. (offenses against computer users); and
- Is intended to:
 - Intimidate, injure, or coerce a civilian population;
 - Influence the policy of a government by intimidation or coercion; or
 - Affect the conduct of a government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

A person who commits the offenses specified in s. 775.30(2), F.S., in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a first degree felony.⁵ A person who commits a violation of s. 775.30(2), F.S., which results in death or serious bodily injury commits a life felony.⁶

Civil Remedy for Victims of Acts of Terrorism

Section 772.13, F.S., authorizes a person who is injured by an act of terrorism, or by an act facilitating or furthering terrorism to pursue a cause of action for threefold the actual damages sustained. If the person prevails in the action, he or she is entitled to minimum damages in the amount of \$1,000 and reasonable attorney fees and court costs in the trial and appellate courts. Federal law authorizes a similar civil cause of action for acts of terrorism under 18 U.S.C. s. 2333.

Collecting a Judgment Against a Terrorist

Victims of terrorism currently holding unsatisfied judgments against terrorists report that their collection efforts are being hindered by the courts. Once a judgment is entered against a terrorist party, the ability to collect on the judgment is complicated by the nature of the international transactions and the complex processes such criminal organizations use to hide, launder, and transfer assets. Collection is also hindered by traditional limits on the jurisdiction of the courts and banking laws that provide for bank seizure and hold of funds related to a terrorist but do not provide a means for creditor process against the seized funds. For instance, the courts have adopted the position that a bank account has a situs, the court must have in rem jurisdiction over the bank, and the mere act of maintaining physical branch banks in Florida does not give a Florida court jurisdiction to garnish the account.⁷

III. Effect of Proposed Changes:

CS/SB 1430 amends the statute relating to civil remedies for terrorism to increase the available remedies for a victim of terrorism to use to collect on a judgment entered against a terrorist party or associate of a terrorist party. The bill makes it easier for a victim to collect on a judgment in a postjudgment execution proceeding entered against a terrorist party under Florida law as well as under 18 U.S.C. s. 2333 or a substantially similar federal law. Further, the bill permits

⁵ A first degree felony is punishable by up to 30 years' imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

⁶ A life felony is punishable by up to life imprisonment or a term of years not exceeding life and a \$15,000 fine. Sections 775.082 and 775.083, F.S.

⁷ *Power Rental Op Co, LLC v. Virgin Islands Water & Power Auth.*, No. 3:20-CV-1015-TJC-JRK, 2021 WL 9881137, at *8 (M.D. Fla. July 6, 2021).

enforcement in any postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to section 201(a) of the federal Terrorism Risk Insurance Act.⁸

The bill provides that creditor process issued under ch. 56, F.S., (final process) or ch. 77, F.S., (garnishment) may be served upon any person or entity over whom the court has personal jurisdiction. Under the bill, writs of garnishment issued under s. 77.01, F.S., and proceedings supplementary under s. 56.29, F.S., apply to intangible assets wherever they are located, including bank accounts, financial assets, or other intangible property. A Florida court enforcing a terrorism victim's anti-terrorism judgment may garnish intangible assets wherever they are located, so long as the garnishee is subject to personal jurisdiction in the state of Florida. Further, the situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served is deemed to be in Florida for the purposes of a final process or garnishment proceeding. Under the bill, service of a writ or notice to appear provides the court with in rem jurisdiction over any intangible assets regardless of the physical location, if any, of the assets.

The bill allows a creditor to reach a terrorist debtor's interest within a financial asset or security entitlement by legal process through the securities intermediary⁹ or financial institution with whom the debtor's account is maintained. If the securities intermediary is a foreign entity, legal process may be served upon the United States securities custodian or intermediary that has reported holding or maintaining the blocked financial assets or security entitlement to the Office of Foreign Assets Control of the United States Department of the Treasury.¹⁰ These financial assets or security entitlements are subject to execution, garnishment, and turnover by the U.S. securities custodian or intermediary.

If an electronic funds transfer ("EFT") is not completed within 5 banking days¹¹ and is cancelled because a U.S. intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary of the EFT, the blocked funds are deemed owned by the terrorist party or its agency or instrumentality, and thus, are subject to execution and garnishment.

⁸ 28 U.S.C. s. 1610.

⁹ A securities intermediary is defined in s. 678.1021(1)(n), F.S., as a clearing corporation or a person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity. A clearing corporation is defined in s. 678.1021(1)(e), F.S., as a person that is registered as a "clearing agency" under the federal securities laws; a federal reserve bank; or any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority.

¹⁰ The Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States. <https://ofac.treasury.gov/> (last visit March 26, 2025).

¹¹ The 5-day period is prescribed by s. 670.211(4), F.S.

The bill is effective upon becoming a law and applies to any postjudgment execution proceeding served or filed before, on, or after that date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill has the potential for a significant positive fiscal impact on private citizens seeking to collect judgments against an international terrorist party or affiliate thereof.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 772.13 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on April 1, 2025:

Amends the effective date to “upon becoming a 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.



336322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 79
and insert:
Section 2. This act shall take effect upon becoming a law.

By Senator Collins

14-00427B-25

20251430__

A bill to be entitled

An act relating to postjudgment execution proceedings relating to terrorism; amending s. 772.13, F.S.; providing additional requirements for postjudgment execution proceedings to enforce judgments entered against terrorist parties under specified provisions; providing retroactive application of specified provisions; providing an effective date.

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

Section 1. Subsection (6) of section 772.13, Florida Statutes, is amended to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6) (a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08; ~~and~~

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the

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14-00427B-25

20251430__

United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security

Page 2 of 3

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14-00427B-25

20251430__

59 entitlements to the Office of Foreign Assets Control of the
60 United States Department of the Treasury, and such financial
61 assets or security entitlements shall be subject to execution,
62 garnishment, and turnover by the United States securities
63 custodian or intermediary; and

64 5. Notwithstanding s. 670.502(4), when an electronic funds
65 transfer is not completed within 5 banking days and is canceled
66 pursuant to s. 670.211(4) because a United States intermediary
67 financial institution has blocked the transaction in compliance
68 with a United States sanctions program, and a terrorist party or
69 any agency or instrumentality thereof was either the originator
70 or the intended beneficiary, then the blocked funds shall be
71 deemed owned by the terrorist party or its agency or
72 instrumentality and shall be subject to execution and
73 garnishment.

74 (b) Paragraph (a) applies to any postjudgment execution
75 proceedings, including creditor process under chapter 56 or
76 chapter 77 served, judgment collectible under state law and to
77 any civil action pending, or filed before, on, or after July 1,
78 2025 ~~June 20, 2023.~~

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **Senate Bill #1430**, relating to Postjudgment Execution Proceedings Relating to Terrorism, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

4/1/25

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 1430

Bill Number or Topic

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

CRIM JUSTICE

Committee

Amendment Barcode (if applicable)

Name NEWY PORTER

Phone 305 613 5282

Address 4000 PONCE DE LEON BLVD

Email ~~---~~

Street

CORAL GABLE FL 33146

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/1/25

Meeting Date

1430 Terrorism

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name

Harry Graham

Phone

850-510-9173

Address

203 North Gadsden Street

Email

grahamlaw8@hotmail.com

Street

Tallahassee

FL.

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Justice Assoc.

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

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

S-001 (08/10/2021)

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

The Florida Senate

APPEARANCE RECORD

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

1430

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida 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: CS/SB 1444

INTRODUCER: Criminal Justice Committee and Senator Collins

SUBJECT: Criminal Justice

DATE: April 2, 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 1444 amends multiple statutes regarding criminal justice, specifically the bill:

- Creates s. 316.2675, F.S., to prohibit the use of devices that can shut off or prevent a vehicle's engine from starting and provides exceptions. A violation is a second degree misdemeanor.¹
- Creates a new subsection (6) in s. 321.04, F.S., to require the Florida Highway Patrol (FHP) officer's repayment of mileage for off-duty use to be retained by the FHP and not deposited in the General Revenue Fund.
- Amends s. 775.0823, F.S., regarding violent offenses against justice system personnel to add a minimum mandatory sentence of 25 years for first degree attempted murder.²
- Amends s. 790.051, F.S., to add Correctional Probation Officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment.
- Amends s. 790.052, F.S., to add judges, state attorneys and assistant state attorneys to the list of positions that have the right to carry concealed firearms during off-duty hours, and utilize

¹ 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.

² Section 782.04, F.S.

their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

- Amends s. 817.49, F.S., regarding false reports of the commission of crimes to increase penalties for making a false report.
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless.
- Amends s. 914.25, F.S., to add battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense.”
- Creates s. 943.0413, F.S., to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement to support the ongoing assessment of the state’s vulnerability to, and ability to recover from, acts of terrorism.
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs.
- Amends s. 943.135, F.S., to allow certified law enforcement officers not employed by a law enforcement agency to be able to retain certification if he or she complies with the certification requirements and continuing education requirements.
- Amends s. 943.1718, F.S., to provide that artificial intelligence may be utilized to review an officer’s or first responder’s body camera, however any information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.
- Amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and must require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee. The bill provides that any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from an arrestee to notice the facility within 24 hours after the exposure. If incapacitated the agency must make such notice. Notice invokes immediate testing of the arrestee.
- Amends ss. 397.417 and 921.022, F.S., to make conforming changes.

The bill may have a positive insignificant prison bed impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

II. Present Situation:

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida’s criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and

certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.³

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. All full-time, part-time, or auxiliary officers shall successfully complete at least 40 hours of in-service training or Advanced, Specialized, or Career Development Training courses every four years.⁴ The certification of any officer who fails to meet the mandatory retraining requirement shall become inactive.⁵

Licensing Exemptions and Carry Requirements

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.⁶

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

Body Cameras

Florida law defines a “body camera” as a portable electronic recording device that is worn on a law enforcement officer’s body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.⁸ Although Florida law does not require a law enforcement agency to acquire and use body cameras, it does require a law enforcement agency⁹ that permits its law enforcement officers¹⁰ to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras.

³ 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).

⁴ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Mandatory Retraining Requirements*, available at <https://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Mandatory-Retraining> (last visited March 18, 2025).

⁵ Section 943.1395(4), F.S.

⁶ Section 790.051, F.S.

⁷ Section 790.052(1)(a), F.S.

⁸ Section 119.071(2)(1)1.a. and 943.1718(1)(a), F.S.

⁹ A “law enforcement agency” is defined in s. 943.1718(1)(b), F.S., as an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers as defined in s. 943.10, F.S.

¹⁰ A “law enforcement officer” is defined in s. 943.1718(1)(c), F.S., as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

Florida law also requires a law enforcement agency that permits its law enforcement officers to wear body cameras to retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, F.S. (maintenance of public records), except as otherwise provided by law. Periodic reviews of actual agency body camera practices are required to ensure conformity with the agency's policies and procedures.¹¹

Blood Testing of Inmates

Section 951.27, F.S., provides that each county and municipal detention facility must have a written procedure to establish the conditions under which an inmate will be tested for infectious disease.¹²

Except as otherwise provided, the results of such blood tests are confidential and exempt. Results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information. Also, one such exception to this exemption is that a victim, or the victim's parent or legal guardian, may request the results of any human immunodeficiency virus test performed on an inmate who has been arrested for a sexual offense involving oral, anal, or female genital penetration by, or union with, the sexual organ of another.

Repayment of Mileage

Currently, if a member of the Florida Highway Patrol (FHP) uses an official department vehicle for off-duty police employment, the member will reimburse the FHP for gas, maintenance, and repairs by paying the currently accepted reimbursement rate.¹³

False Reports of Commissions of Crimes

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.¹⁴

Pursuant to 817.49, F.S., a person who willfully imparts, conveys, or causes to be imparted or conveyed to a law enforcement officer or employee of a public safety agency false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed, commits a first degree misdemeanor. If a false report of a crime results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

¹¹ Section 943.1718(3), F.S.

¹² Section 951.27(1), F.S.

¹³ The Florida Department of Highway Safety and Motor Vehicles, *Florida Highway Patrol Policy Manual Policy Number 5.08*, available at <https://www.flhsmv.gov/pdf/fhp/policies/0508.pdf> (last visited March 28, 2025).

¹⁴ Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: <https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347> (last visited March 28, 2025).

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a third degree felony.¹⁵
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a second degree felony.¹⁶

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.¹⁷

A person who commits an offense under this federal law shall:

- Be fined or imprisoned for not more than five years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

Motor Vehicle Kill Switch

A kill switch is an anti-theft device that interrupts the flow of electricity to critical vehicle components, such as the ignition system or fuel pump.¹⁸ When the switch is in the “off” or “kill” position, it interrupts the electrical or fuel supply to the engine, effectively preventing it from starting or running.¹⁹ There are several types of kill switches including ignition wire kill switch, fuse box kill switch, remote controlled car battery switch, car battery disconnect switch, and fuel line shut off valves.²⁰

¹⁵ Sections 775.082, 775.083, or 775.084, F.S.

¹⁶ Sections 775.082, 775.083, or 775.084, F.S.

¹⁷ 18 U.S.C.A. § 1038

¹⁸ Motor Hills, *How to Choose and Install the Best Car Theft Protection Kill Switches*, available at <https://motorhills.com/how-to-choose-and-install-the-best-car-theft-protection-kill-switches/> (last visited March 28, 2025).

¹⁹ Electronics Hub, *Car Kill Switches: Types, Installation & All You Need to Know*, available at <https://www.electronicshub.org/types-of-kill-switches/> (last visited March 28, 2025).

²⁰ Dash Cam Guide, *5 Best Ways to Install a Kill Switch in Your Car*, available at <https://dashcameras.net/car-kill-switch/> (last visited March 28, 2025).

Criminal Punishment Code and Sentencing

The Criminal Punishment Code²¹ (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).²² 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.²³

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the 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.²⁴ Absent mitigation,²⁵ the

²¹ 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.

²² 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.

²³ 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.

²⁴ Section 921.0024, F.S., unless otherwise noted, information on the Code is from this source.

²⁵ 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.

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.²⁶

Mandatory Minimum Sentencing

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court-imposed sentences.²⁷ These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

Violent offenses committed against specified justice system personnel

Currently, s. 775.0823, F.S. provides for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer,²⁸ state attorney,²⁹ assistant state attorney³⁰, public defender³¹ regional counsel³² court-appointed counsel appointed or defense attorney in a criminal proceeding; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the duties. The penalty for murder in the first degree,³³ if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

Automatic Sealing

Some criminal history records are automatically sealed by the FDLE, and do not require a court to order such sealing. Section 943.0595, F.S., provides that the FDLE must automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony or for an offense that would designate a person as a sexual offender, if:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction.³⁴

²⁶ 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.

²⁷ U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future> (last visited on March 28, 2025).

²⁸ Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

²⁹ Section 27.01, F.S.

³⁰ Section 27.181, F.S.

³¹ Section 27.50, F.S.

³² Section 27.511(3), F.S.

³³ Section 782.04(1), F.S.

³⁴ A person is not eligible for automatic sealing if the dismissal was pursuant to ss. 916.145 or 985.19, F.S.

- A not guilty verdict was rendered by a judge or jury.³⁵
- A judgement of acquittal was rendered by the jury.³⁶

The clerk of court must transmit a certified copy of the disposition of the criminal history record that is eligible for automatic sealing to the FDLE. The FDLE must seal the criminal history record upon receipt of the certified copy.³⁷ There is no limitation on the number of records that a person may have automatically sealed.³⁸

Automatic sealing of a criminal history record does not require sealing by the court or other criminal justice agencies, or that such record be surrendered to the court. The record must continue to be maintained by the FDLE and other criminal justice agencies.³⁹

Critical Infrastructure Mapping

The United States depends on the reliable function of critical infrastructure. Cybersecurity threats exploit the increased complexity and connectivity of critical infrastructure systems, placing the Nation's security, economy, and public safety and health at risk.⁴⁰

“Critical infrastructure” is defined in the U.S. Patriot Act of 2001 to mean “systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”⁴¹ The critical infrastructure community includes public and private owners and operators, and other entities with a role in securing the Nation's infrastructure.

“Critical infrastructure” is addressed in several sections of Florida law, including in s. 119.0725, F.S., which defines it as existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.⁴²

“Critical infrastructure facility” is also defined in Florida Statute and is defined in s. 330.41, F.S., as if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders. In part, facilities include:

³⁵ A person is not eligible for automatic sealing if the defendant was found not guilty by reason of insanity.

³⁶ Section 943.0595(2)(a), F.S.

³⁷ Section 943.0595(3), F.S.

³⁸ Section 943.0595(2)(b), F.S.

³⁹ Section 943.0595(3), F.S.

⁴⁰ Framework for Improving Critical Infrastructure Cybersecurity, (NIST CSF), National Institute of Standards and Technology, April 16, 2018, <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf> (last visited on April 1, 2025).

⁴¹ 42 U.S.C. § 5195c(e).

⁴² Section 119.0725(1)(b), F.S.

- An electrical power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural or liquid gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A state or county correctional institution.

III. Effect of Proposed Changes:

The bill amends multiple statutes regarding the criminal justice system.

The bill creates s. 316.2675, F.S., to prohibit the use of devices that permit a person other than the person in physical control of a motor vehicle to shut off or prevent a vehicle's engine from starting. This does not apply to law enforcement officers performing their duties to prevent felonies; any subscriptions or memberships that are used with the consent of the vehicle owner, or any mechanism or feature that is used with consent of the vehicle owner.

Persons who utilize such devices are subject to second degree misdemeanor penalties.⁴³

The bill creates a new subsection (6) in s. 321.04, F.S., requiring the FHP officer's repayment of mileage for off-duty use to be retained by the FHP and not deposited in the General Revenue Fund.

The bill amends s. 775.0823, F.S., regarding violent offenses against justice system personnel to add a minimum mandatory sentence of 25 years for first degree attempted murder.⁴⁴

The bill amends s. 790.051, F.S., to add Correctional Probation Officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment.

The bill amends s. 790.052, F.S., adding judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off-duty hours and utilize their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

The bill amends s. 817.49, F.S., regarding false reports of the commission of crimes to increase penalties from a misdemeanor to a third degree felony. If such crime results in bodily harm or disfigurement the crime increases from a third degree felony to a second degree felony. If such crime results in death arising out of the response the crime increases from a second degree felony to a first degree felony.

⁴³ 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.

⁴⁴ Section 782.04, F.S.

The bill provides that State Attorneys shall “vigorously” prosecute false reports charged with making a false report of a crime. If probable cause exists to charge an individual, charges must be filed and a physical arrest initiated, if possible.

The bill amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless.

The bill adds battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense,” in s. 914.25, F.S.

The bill creates s. 943.0413, F.S., to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement to support the ongoing assessment of the state’s vulnerability to, and ability to recover from, acts of terrorism. The bill specifies that each map created using funds received from the Grant Program must be created in an electronic or digital format and must be provided to all local, state, and federal responding agencies upon request.

The bill amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs. Circumstances eliminated in the bill include:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed or issued in the case giving rise to the criminal history record but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court as to all counts.

The bill amends s. 943.135, F.S., to allow certified law enforcement officers not employed by a law enforcement agency to be able to retain certification if he or she complies with the certification requirements and continuing education requirements.

The bill amends s. 943.1718, F.S., to provide that artificial intelligence may be utilized to review an officer’s or first responder’s body camera, however any information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.

The bill amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and must require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee. The bill provides that any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from an arrestee to notice the facility within 24 hours after the exposure. If incapacitated the agency must make such notice. Notice invokes immediate testing of the arrestee.

The bill amends ss. 397.417 and 921.022, F.S., to make conforming changes.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

- Per the DOC, in FY 23-24, there were 3 new commitments to prison for attempted murder of a police officer, correctional officer, or correctional probation officer under s. 782.065, F.S. Since these numbers do not include other justice system personnel,

there are other statutes where these attempted murders would likely be included. There were 29 new commitments for attempted felony murder under s. 782.051, F.S. Also, there were 370 new commitments for 1st degree premeditated murder or attempted murder under s. 782.04, F.S. As described, the data under s. 782.04, F.S., includes both actual murder and attempted murder, so these numbers would likely be lower if only premeditated murder was included. Furthermore, it is not known how many of the other court system personnel are included in these numbers.

Additionally, there were two new commitments to prison in the same time period for manslaughter of those officers listed under s. 782.07, F.S., which includes other positions, such as firefighters. The sentence lengths for both were roughly fifteen years.

- Per the DOC, in FY 23-24, there were 2,520 new commitments to prison for weapons offenses. It is not known how many of these involved offenses committed by the officials described above, though their potential offenses would likely be for carrying a concealed firearm, where there were 79 new commitments.
- Per the FDLE, in FY 23-24, there were 67 arrests for misdemeanor false reports of commission of crimes, with 31 guilty/convicted charges and 8 adjudication withheld charges.
- Per the DOC, in FY 23-24, there were no new commitments to prison for either one of these felonies. Per the DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7%. The incarceration rate for a Level 3, 2nd degree felony was 20%, and the incarceration rate for a Level 6, 1st degree felony was 44.4%.⁴⁵

VI. Technical Deficiencies:

The bill does not specify where the Florida Department of Highway Safety and Motor Vehicles will deposit the repayment of mileage. Clarification is needed to stipulate if these funds will be deposited into an Employee Benefit Trust Fund Account or other fund.

The bill adds judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off duty hours and utilize their weapon in a manner reasonably expected of on duty officers. This section of law provides this right to persons who have CJSTC training. Judges, state attorneys and assistant state attorneys do not have CJSTC training.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 321.04, 775.0823, 790.051, 790.052, 817.49, 843.025, 914.25, 943.135, 943.1718, 951.27, 921.0022, 943.0595
This bill creates the following sections of the Florida Statutes: 316.2675, 943.0413

⁴⁵ Office of Economic and Demographic Research, *SB 1444 Criminal Justice*, (on file with the Senate Committee on Criminal Justice)

IX. Additional Information:

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

CS by Criminal Justice on April 1, 2025:

The amendment:

- Creates exceptions to the crime of using a vehicle kill switch.
- Removes provisions requiring a life sentence for manslaughter if the victim is a law enforcement officer.
- Provides that Artificial Intelligence may be used, however information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device.
- Creates the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement.
- Adds battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense,” in s. 914.25, F.S.
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 316.2675, Florida Statutes, is created
to read:

316.2675 Motor vehicle kill switches; prohibited uses.-

(1) A person may not use a device that allows a person,
other than the person in physical control of a motor vehicle, to
shut off that vehicle's engine or prevent the engine from



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11 starting. This subsection does not apply to any of the
12 following:

13 (a) A law enforcement officer in the course of his or her
14 duties in order to prevent the commission of a felony.

15 (b) Any subscription, membership, or other recurring-
16 payment programs or leased electronic consumer products, which
17 are used with the consent of the owner of the vehicle.

18 (c) A mechanism or feature that is used with the consent of
19 the owner of the vehicle and:

20 1. Addresses an imminent critical safety issue impacting a
21 mechanical or software component of a motor vehicle;

22 2. Activates when a driver of a motor vehicle is
23 incapacitated, suffers a medical emergency, or experiences a
24 loss of consciousness;

25 3. Takes corrective action in a motor vehicle with an
26 engaged partial driving automation feature if the driver is not
27 attentive or engaged in the driving task and does not respond to
28 warnings;

29 4. Brings a motor vehicle with an engaged automated driving
30 system to a minimal-risk condition; or

31 5. Automatically shuts off the engine or motor of an idling
32 motor vehicle that has been left on for an extended period of
33 time while in the park position.

34 (2) A person who violates subsection (1) commits a
35 misdemeanor of the second degree, punishable as provided in s.
36 775.082 or s. 775.083.

37 Section 2. Subsection (6) is added to section 321.04,
38 Florida Statutes, to read:

39 321.04 Personnel of the highway patrol; rank



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40 classifications; probationary status of new patrol officers;
41 subsistence; special assignments.—

42 (6) When patrol officers repay mileage for off-duty uses of
43 official vehicles, such funds may not be deposited in the
44 General Revenue Fund but shall be retained by the Florida
45 Highway Patrol for its use.

46 Section 3. Subsection (2) of section 775.0823, Florida
47 Statutes, is amended to read:

48 775.0823 Violent offenses committed against specified
49 justice system personnel.—The Legislature does hereby provide
50 for an increase and certainty of penalty for any person
51 convicted of a violent offense against any law enforcement or
52 correctional officer, as defined in s. 943.10(1), (2), (3), (6),
53 (7), (8), or (9); against any state attorney elected pursuant to
54 s. 27.01 or assistant state attorney appointed under s. 27.181;
55 against any public defender elected pursuant to s. 27.50 or
56 regional counsel appointed pursuant to s. 27.511(3); against any
57 court-appointed counsel appointed under s. 27.40 or defense
58 attorney in a criminal proceeding; or against any justice or
59 judge of a court described in Art. V of the State Constitution,
60 which offense arises out of or in the scope of the officer's
61 duty as a law enforcement or correctional officer, the state
62 attorney's or assistant state attorney's duty as a prosecutor or
63 investigator, the public defender or regional counsel acting in
64 his or her capacity as defense counsel, the court-appointed
65 counsel or defense attorney in a criminal proceeding acting in
66 his or her capacity as defense counsel, or the justice's or
67 judge's duty as a judicial officer, as follows:

68 (2) For attempted murder in the first degree as described



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69 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
70 or s. 775.084 with a mandatory minimum sentence of 25 years
71 imprisonment.

72

73 Notwithstanding s. 948.01, with respect to any person who is
74 found to have violated this section, adjudication of guilt or
75 imposition of sentence shall not be suspended, deferred, or
76 withheld.

77 Section 4. Section 790.051, Florida Statutes, is amended to
78 read:

79 790.051 Exemption from licensing requirements; law
80 enforcement officers.—Law enforcement officers and correctional
81 probation officers, as defined in s. 943.10(3), are exempt from
82 the licensing and penal provisions of this chapter when acting
83 at any time within the scope or course of their official duties
84 or when acting at any time in the line of or performance of
85 duty.

86 Section 5. Paragraph (a) of subsection (1) of section
87 790.052, Florida Statutes, is amended to read:

88 790.052 Carrying concealed firearms; off-duty law
89 enforcement officers.—

90 (1) (a) All persons holding active certifications from the
91 Criminal Justice Standards and Training Commission as law
92 enforcement officers or correctional officers as defined in s.
93 943.10(1), (2), (6), (7), (8), or (9), all judges, and all state
94 attorneys and assistant state attorneys shall have the right to
95 carry, on or about their persons, concealed firearms, during
96 off-duty hours, at the discretion of their superior officers,
97 and may perform those law enforcement functions that they



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98 normally perform during duty hours, utilizing their weapons in a
99 manner which is reasonably expected of on-duty officers in
100 similar situations.

101 Section 6. Section 817.49, Florida Statutes, is amended to
102 read:

103 817.49 False reports of commission of crimes; penalty.—

104 (1) Except as provided in subsection (2), whoever willfully
105 imparts, conveys, or causes to be imparted or conveyed to a law
106 enforcement officer or employee of a public safety agency false
107 information or reports concerning the alleged commission of any
108 crime under the laws of this state, knowing such information or
109 report to be false, when no such crime has actually been
110 committed, commits a felony ~~misdemeanor~~ of the third ~~first~~
111 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
112 s. 775.084.

113 (2)(a) As used in this section, the term "public safety
114 agency" means a law enforcement agency, professional or
115 volunteer fire department, emergency medical service, ambulance
116 service, or other public entity that dispatches or provides
117 first responder services to respond to crimes, to assist victims
118 of crimes, or to apprehend offenders.

119 (b) If the willful making of a false report of a crime as
120 set forth in this section results in a response by a federal,
121 state, district, municipal, or other public safety agency and
122 the response results in:

123 1. Great bodily harm, permanent disfigurement, or permanent
124 disability to any person as a proximate result of lawful conduct
125 arising out of a response, the person making such report commits
126 a felony of the second ~~third~~ degree, punishable as provided in



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127 s. 775.082, s. 775.083, or s. 775.084.

128 2. Death to any person as a proximate result of lawful
129 conduct arising out of a response, the person making such report
130 commits a felony of the first ~~second~~ degree, punishable as
131 provided in s. 775.082, s. 775.083, or s. 775.084.

132 (3) State attorneys shall vigorously prosecute persons
133 charged with making a false report of a crime. If probable cause
134 exists to charge an individual, charges must be filed and a
135 physical arrest initiated, if possible.

136 (4)~~(3)~~ A court shall order any person convicted of
137 violating this section to pay restitution, which shall include
138 full payment for any cost incurred by a responding public safety
139 agency.

140 Section 7. Subsection (5) is added to section 943.135,
141 Florida Statutes, to read:

142 943.135 Requirements for continued employment.—

143 (5) A certified law enforcement officer who is not employed
144 by a law enforcement agency may retain his or her certification
145 as long as he or she otherwise complies with the requirements
146 for certification, including compliance with continuing
147 education requirements.

148 Section 8. Present subsection (4) of section 943.1718,
149 Florida Statutes, is redesignated as subsection (5), and a new
150 subsection (4) is added to that section, to read:

151 943.1718 Body cameras; policies and procedures.—

152 (4) Artificial intelligence may be used to review, monitor,
153 enhance, or otherwise interact with a body camera worn by a
154 first responder as defined in s. 112.1815(1) or any video,
155 photograph, or other product produced with, through, or by such



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156 a body camera; however, any information or identification
157 obtained through artificial intelligence must be subject to
158 human oversight and may not be the sole basis for an arrest.

159 Section 9. Section 951.27, Florida Statutes, is amended to
160 read:

161 951.27 Blood tests of inmates.—

162 (1) Each county and each municipal detention facility shall
163 have a written procedure developed, in consultation with the
164 facility medical provider, establishing conditions under which
165 an inmate will be tested for infectious disease, including human
166 immunodeficiency virus pursuant to s. 775.0877, which procedure
167 is consistent with guidelines of the Centers for Disease Control
168 and Prevention and recommendations of the Correctional Medical
169 Authority. It is not unlawful for the person receiving the test
170 results to divulge the test results to the sheriff or chief
171 correctional officer. These procedures must include
172 circumstances that warrant the immediate testing of an arrestee
173 upon booking and must require that testing results be provided
174 to any first responder or criminal justice professional who has
175 been exposed to bodily fluids or bloodborne pathogens from the
176 arrestee.

177 (2) Except as otherwise provided in this subsection,
178 serologic blood test results obtained pursuant to subsection (1)
179 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
180 I of the State Constitution. However, such results may be
181 provided to employees or officers of the sheriff or chief
182 correctional officer who are responsible for the custody and
183 care of the affected inmate and have a need to know such
184 information, and as provided in ss. 775.0877 and 960.003. In



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185 addition, upon request of the victim or the victim's legal
186 guardian, or the parent or legal guardian of the victim if the
187 victim is a minor, the results of any HIV test performed on an
188 inmate arrested for any sexual offense involving oral, anal, or
189 female genital penetration by, or union with, the sexual organ
190 of another, must be disclosed to the victim or the victim's
191 legal guardian, or to the parent or legal guardian of the victim
192 if the victim is a minor. In such cases, the county or municipal
193 detention facility shall furnish the test results to the
194 Department of Health, which is responsible for disclosing the
195 results to public health agencies as provided in s. 775.0877 and
196 to the victim or the victim's legal guardian, or the parent or
197 legal guardian of the victim if the victim is a minor, as
198 provided in s. 960.003(3). As used in this subsection, the term
199 "female genitals" includes the labia minora, labia majora,
200 clitoris, vulva, hymen, and vagina.

201 (3) The results of any serologic blood test on an inmate
202 are a part of that inmate's permanent medical file. Upon
203 transfer of the inmate to any other correctional facility, such
204 file is also transferred, and all relevant authorized persons
205 must be notified of positive HIV test results, as required in s.
206 775.0877.

207 (4) A first responder or criminal justice professional who,
208 in the lawful performance of his or her duties, is exposed to a
209 potential communicable disease or bloodborne pathogen by a
210 subject who is arrested and booked into a county or municipal
211 detention facility shall notice the detention facility upon
212 booking or within 24 hours after the exposure. If the first
213 responder or criminal justice professional is incapacitated and



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214 cannot provide this notice, this responsibility falls upon his
215 or her employing department. This notice must invoke immediate
216 testing of the inmate, if it has not already been done,
217 according to the written procedures of the detention facility,
218 and such testing is required before release of the inmate. The
219 results of the testing must be handled in accordance with s.
220 775.0877(2).

221 Section 10. Paragraphs (c) and (f) of subsection (3) of
222 section 921.0022, Florida Statutes, are amended to read:

223 921.0022 Criminal Punishment Code; offense severity ranking
224 chart.-

225 (3) OFFENSE SEVERITY RANKING CHART

226 (c) LEVEL 3

227

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

228

229

230

231



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232			officer in patrol vehicle with siren and lights activated.
233	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
234	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
235	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
236	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
237	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



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238

328.07(4)

3rd

vessels.

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

239

376.302(5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

240

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.

241

379.2431
(1)(e)6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species



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242

379.2431
(1) (e) 7.

3rd

described in the Marine
Turtle Protection Act.

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

243

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

244

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

245

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making such
a report.

246

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.



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247	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
248	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
249	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
250	697.08	3rd	Equity skimming.
251	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
252	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.
253	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used



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254			in firefighting.
	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
255			
	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
256			
	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
257			
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
258			
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
259			
	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
260			
	812.081(2)	3rd	Theft of a trade secret.
261			
	815.04(4)(b)	2nd	Computer offense devised to



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262			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.
263			
	817.233	3rd	Burning to defraud insurer.
264			
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
265			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
266			
	817.236	3rd	Filing a false motor vehicle insurance application.
267			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
268			
	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
269			



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270	817.49 (2) (b) 1.	<u>2nd</u> 3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
271	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
272	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
273	836.13 (2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
274	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
275	847.01385	3rd	Harmful communication to a minor.



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276	860.15(3)	3rd	Overcharging for repairs and parts.
277	870.01(2)	3rd	Riot.
278	870.01(4)	3rd	Inciting a riot.
279	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).
280	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.,



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(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

281

893.13 (4) (c) 3rd Use or hire of minor;
deliver to minor other
controlled substances.

282

893.13 (6) (a) 3rd Possession of any
controlled substance other
than felony possession of
cannabis.

283

893.13 (7) (a) 8. 3rd Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

284

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

285

893.13 (7) (a) 10. 3rd Affix false or forged label
to package of controlled
substance.



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286	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
287	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.
288	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.
289	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
290	893.13(8)(a)4.	3rd	Write a prescription for a



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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.

291

918.13(1)

3rd

Tampering with or fabricating physical evidence.

292

944.47
(1) (a) 1. & 2.

3rd

Introduce contraband to correctional facility.

293

944.47(1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

294

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

295

296

297

(f) LEVEL 6

298

Florida
Statute

Felony
Degree

Description



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299	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
300	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
301	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
302	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
303	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
304	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
305	775.0875 (1)	3rd	Taking firearm from law



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306			enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
307			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
308			
	784.041	3rd	Felony battery; domestic battery by strangulation.
309			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
310			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
311			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
312			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
313			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age



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314			or older.
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
315			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
316			
	784.083 (2)	2nd	Aggravated assault on code inspector.
317			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
318			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
319			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
320			
	790.164 (1)	2nd	False report concerning



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326			years of age or older.
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
327			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
328			
	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
329			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
330			
	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
331			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
332			
	812.015 (9) (a)	2nd	Retail theft; property



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333			stolen \$750 or more; second or subsequent conviction.
334	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
335	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
336	812.015 (9) (e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
337	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
338	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	817.49 (2) (b) 2.	<u>1st</u> 2nd	Willful making of a



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339			false report of a crime resulting in death.
817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.	
340			
817.5695 (3) (b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.	
341			
825.102 (1)	3rd	Abuse of an elderly person or disabled adult.	
342			
825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.	
343			
825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	
344			
825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.	



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345	827.03 (2) (c)	3rd	Abuse of a child.
346	827.03 (2) (d)	3rd	Neglect of a child.
347	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
348	828.126 (3)	3rd	Sexual activities involving animals.
349	836.05	2nd	Threats; extortion.
350	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
351	843.12	3rd	Aids or assists person to escape.
352	847.011	3rd	Distributing, offering to distribute, or possessing with intent



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353			to distribute obscene materials depicting minors.
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
354			
	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
355			
	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
356			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
357			
	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.



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367 843.025 Interfering with an officer's ~~Depriving officer of~~
368 means of protection or communication.—

369 (1) It is unlawful for any person to do any of the
370 following to deprive a law enforcement officer as defined in s.
371 943.10(1), a correctional officer as defined in s. 943.10(2), or
372 a correctional probation officer as defined in s. 943.10(3):

373 (a) Deprive the officer of her or his weapon or radio;
374 digital recording device, including a body-worn camera; or
375 restraint device, including handcuffs, or to otherwise deprive
376 the officer of the means to defend herself or himself or summon
377 assistance.

378 (b) Render useless the officer's weapon or radio; digital
379 recording device, including a body-worn camera; or restraint
380 device, including handcuffs, or to otherwise prevent the officer
381 from defending herself or himself or to summon assistance.

382 (2) Any person who violates this section commits ~~is guilty~~
383 ~~of~~ a felony of the third degree, punishable as provided in s.
384 775.082, s. 775.083, or s. 775.084.

385 Section 12. Paragraph (e) of subsection (4) of section
386 397.417, Florida Statutes, is amended to read:

387 397.417 Peer specialists.—

388 (4) BACKGROUND SCREENING.—

389 (e) The background screening conducted under this
390 subsection must ensure that a peer specialist has not been
391 arrested for and is awaiting final disposition of, found guilty
392 of, regardless of adjudication, or entered a plea of nolo
393 contendere or guilty to, or been adjudicated delinquent and the
394 record has not been sealed or expunged for, any offense
395 prohibited under any of the following state laws or similar laws



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396 of another jurisdiction:

397 1. Section 393.135, relating to sexual misconduct with
398 certain developmentally disabled clients and reporting of such
399 sexual misconduct.

400 2. Section 394.4593, relating to sexual misconduct with
401 certain mental health patients and reporting of such sexual
402 misconduct.

403 3. Section 409.920, relating to Medicaid provider fraud, if
404 the offense was a felony of the first or second degree.

405 4. Section 415.111, relating to abuse, neglect, or
406 exploitation of vulnerable adults.

407 5. Any offense that constitutes domestic violence as
408 defined in s. 741.28.

409 6. Section 777.04, relating to attempts, solicitation, and
410 conspiracy to commit an offense listed in this paragraph.

411 7. Section 782.04, relating to murder.

412 8. Section 782.07, relating to manslaughter; aggravated
413 manslaughter of an elderly person or a disabled adult;
414 aggravated manslaughter of a child; or aggravated manslaughter
415 of an officer, a firefighter, an emergency medical technician,
416 or a paramedic.

417 9. Section 782.071, relating to vehicular homicide.

418 10. Section 782.09, relating to killing an unborn child by
419 injury to the mother.

420 11. Chapter 784, relating to assault, battery, and culpable
421 negligence, if the offense was a felony.

422 12. Section 787.01, relating to kidnapping.

423 13. Section 787.02, relating to false imprisonment.

424 14. Section 787.025, relating to luring or enticing a



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425 child.

426 15. Section 787.04(2), relating to leading, taking,
427 enticing, or removing a minor beyond state limits, or concealing
428 the location of a minor, with criminal intent pending custody
429 proceedings.

430 16. Section 787.04(3), relating to leading, taking,
431 enticing, or removing a minor beyond state limits, or concealing
432 the location of a minor, with criminal intent pending dependency
433 proceedings or proceedings concerning alleged abuse or neglect
434 of a minor.

435 17. Section 790.115(1), relating to exhibiting firearms or
436 weapons within 1,000 feet of a school.

437 18. Section 790.115(2)(b), relating to possessing an
438 electric weapon or device, a destructive device, or any other
439 weapon on school property.

440 19. Section 794.011, relating to sexual battery.

441 20. Former s. 794.041, relating to prohibited acts of
442 persons in familial or custodial authority.

443 21. Section 794.05, relating to unlawful sexual activity
444 with certain minors.

445 22. Section 794.08, relating to female genital mutilation.

446 23. Section 796.07, relating to procuring another to commit
447 prostitution, except for those offenses expunged pursuant to s.
448 943.0583.

449 24. Section 798.02, relating to lewd and lascivious
450 behavior.

451 25. Chapter 800, relating to lewdness and indecent
452 exposure.

453 26. Section 806.01, relating to arson.



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- 454 27. Section 810.02, relating to burglary, if the offense
455 was a felony of the first degree.
- 456 28. Section 810.14, relating to voyeurism, if the offense
457 was a felony.
- 458 29. Section 810.145, relating to digital voyeurism, if the
459 offense was a felony.
- 460 30. Section 812.13, relating to robbery.
- 461 31. Section 812.131, relating to robbery by sudden
462 snatching.
- 463 32. Section 812.133, relating to carjacking.
- 464 33. Section 812.135, relating to home-invasion robbery.
- 465 34. Section 817.034, relating to communications fraud, if
466 the offense was a felony of the first degree.
- 467 35. Section 817.234, relating to false and fraudulent
468 insurance claims, if the offense was a felony of the first or
469 second degree.
- 470 36. Section 817.50, relating to fraudulently obtaining
471 goods or services from a health care provider and false reports
472 of a communicable disease.
- 473 37. Section 817.505, relating to patient brokering.
- 474 38. Section 817.568, relating to fraudulent use of personal
475 identification, if the offense was a felony of the first or
476 second degree.
- 477 39. Section 825.102, relating to abuse, aggravated abuse,
478 or neglect of an elderly person or a disabled adult.
- 479 40. Section 825.1025, relating to lewd or lascivious
480 offenses committed upon or in the presence of an elderly person
481 or a disabled person.
- 482 41. Section 825.103, relating to exploitation of an elderly



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483 person or a disabled adult, if the offense was a felony.
484 42. Section 826.04, relating to incest.
485 43. Section 827.03, relating to child abuse, aggravated
486 child abuse, or neglect of a child.
487 44. Section 827.04, relating to contributing to the
488 delinquency or dependency of a child.
489 45. Former s. 827.05, relating to negligent treatment of
490 children.
491 46. Section 827.071, relating to sexual performance by a
492 child.
493 47. Section 831.30, relating to fraud in obtaining
494 medicinal drugs.
495 48. Section 831.31, relating to the sale; manufacture;
496 delivery; or possession with intent to sell, manufacture, or
497 deliver of any counterfeit controlled substance, if the offense
498 was a felony.
499 49. Section 843.01, relating to resisting arrest with
500 violence.
501 50. Section 843.025, relating to interfering with ~~depriving~~
502 a law enforcement, correctional, or correctional probation
503 officer's ~~officer of the~~ means of protection or communication.
504 51. Section 843.12, relating to aiding in an escape.
505 52. Section 843.13, relating to aiding in the escape of
506 juvenile inmates of correctional institutions.
507 53. Chapter 847, relating to obscenity.
508 54. Section 874.05, relating to encouraging or recruiting
509 another to join a criminal gang.
510 55. Chapter 893, relating to drug abuse prevention and
511 control, if the offense was a felony of the second degree or



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512 greater severity.

513 56. Section 895.03, relating to racketeering and collection
514 of unlawful debts.

515 57. Section 896.101, relating to the Florida Money
516 Laundering Act.

517 58. Section 916.1075, relating to sexual misconduct with
518 certain forensic clients and reporting of such sexual
519 misconduct.

520 59. Section 944.35(3), relating to inflicting cruel or
521 inhuman treatment on an inmate resulting in great bodily harm.

522 60. Section 944.40, relating to escape.

523 61. Section 944.46, relating to harboring, concealing, or
524 aiding an escaped prisoner.

525 62. Section 944.47, relating to introduction of contraband
526 into a correctional institution.

527 63. Section 985.701, relating to sexual misconduct in
528 juvenile justice programs.

529 64. Section 985.711, relating to introduction of contraband
530 into a detention facility.

531 Section 13. Paragraph (b) of subsection (4) of section
532 420.6241, Florida Statutes, is amended to read:

533 420.6241 Persons with lived experience.—

534 (4) BACKGROUND SCREENING.—

535 (b) The background screening conducted under this
536 subsection must ensure that the qualified applicant has not been
537 arrested for and is not awaiting final disposition of, has not
538 been found guilty of, regardless of adjudication, or entered a
539 plea of nolo contendere or guilty to, or has not been
540 adjudicated delinquent and the record has been sealed or



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541 expunged for, any offense prohibited under any of the following
542 state laws or similar laws of another jurisdiction:

543 1. Section 393.135, relating to sexual misconduct with
544 certain developmentally disabled clients and reporting of such
545 sexual misconduct.

546 2. Section 394.4593, relating to sexual misconduct with
547 certain mental health patients and reporting of such sexual
548 misconduct.

549 3. Section 409.920, relating to Medicaid provider fraud, if
550 the offense is a felony of the first or second degree.

551 4. Section 415.111, relating to criminal penalties for
552 abuse, neglect, or exploitation of vulnerable adults.

553 5. Any offense that constitutes domestic violence, as
554 defined in s. 741.28.

555 6. Section 777.04, relating to attempts, solicitation, and
556 conspiracy to commit an offense listed in this paragraph.

557 7. Section 782.04, relating to murder.

558 8. Section 782.07, relating to manslaughter, aggravated
559 manslaughter of an elderly person or a disabled adult,
560 aggravated manslaughter of a child, or aggravated manslaughter
561 of an officer, a firefighter, an emergency medical technician,
562 or a paramedic.

563 9. Section 782.071, relating to vehicular homicide.

564 10. Section 782.09, relating to killing of an unborn child
565 by injury to the mother.

566 11. Chapter 784, relating to assault, battery, and culpable
567 negligence, if the offense is a felony.

568 12. Section 787.01, relating to kidnapping.

569 13. Section 787.02, relating to false imprisonment.



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570 14. Section 787.025, relating to luring or enticing a
571 child.

572 15. Section 787.04(2), relating to leading, taking,
573 enticing, or removing a minor beyond the state limits, or
574 concealing the location of a minor, with criminal intent pending
575 custody proceedings.

576 16. Section 787.04(3), relating to leading, taking,
577 enticing, or removing a minor beyond the state limits, or
578 concealing the location of a minor, with criminal intent pending
579 dependency proceedings or proceedings concerning alleged abuse
580 or neglect of a minor.

581 17. Section 790.115(1), relating to exhibiting firearms or
582 weapons within 1,000 feet of a school.

583 18. Section 790.115(2)(b), relating to possessing an
584 electric weapon or device, a destructive device, or any other
585 weapon on school property.

586 19. Section 794.011, relating to sexual battery.

587 20. Former s. 794.041, relating to prohibited acts of
588 persons in familial or custodial authority.

589 21. Section 794.05, relating to unlawful sexual activity
590 with certain minors.

591 22. Section 794.08, relating to female genital mutilation.

592 23. Section 796.07, relating to procuring another to commit
593 prostitution, except for those offenses expunged pursuant to s.
594 943.0583.

595 24. Section 798.02, relating to lewd and lascivious
596 behavior.

597 25. Chapter 800, relating to lewdness and indecent
598 exposure.



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- 599 26. Section 806.01, relating to arson.
600 27. Section 810.02, relating to burglary, if the offense is
601 a felony of the first degree.
602 28. Section 810.14, relating to voyeurism, if the offense
603 is a felony.
604 29. Section 810.145, relating to digital ~~video~~ voyeurism,
605 if the offense is a felony.
606 30. Section 812.13, relating to robbery.
607 31. Section 812.131, relating to robbery by sudden
608 snatching.
609 32. Section 812.133, relating to carjacking.
610 33. Section 812.135, relating to home-invasion robbery.
611 34. Section 817.034, relating to communications fraud, if
612 the offense is a felony of the first degree.
613 35. Section 817.234, relating to false and fraudulent
614 insurance claims, if the offense is a felony of the first or
615 second degree.
616 36. Section 817.50, relating to fraudulently obtaining
617 goods or services from a health care provider and false reports
618 of a communicable disease.
619 37. Section 817.505, relating to patient brokering.
620 38. Section 817.568, relating to fraudulent use of personal
621 identification, if the offense is a felony of the first or
622 second degree.
623 39. Section 825.102, relating to abuse, aggravated abuse,
624 or neglect of an elderly person or a disabled adult.
625 40. Section 825.1025, relating to lewd or lascivious
626 offenses committed upon or in the presence of an elderly person
627 or a disabled person.



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628 41. Section 825.103, relating to exploitation of an elderly
629 person or a disabled adult, if the offense is a felony.

630 42. Section 826.04, relating to incest.

631 43. Section 827.03, relating to child abuse, aggravated
632 child abuse, or neglect of a child.

633 44. Section 827.04, relating to contributing to the
634 delinquency or dependency of a child.

635 45. Former s. 827.05, relating to negligent treatment of
636 children.

637 46. Section 827.071, relating to sexual performance by a
638 child.

639 47. Section 831.30, relating to fraud in obtaining
640 medicinal drugs.

641 48. Section 831.31, relating to the sale, manufacture,
642 delivery, or possession with intent to sell, manufacture, or
643 deliver any counterfeit controlled substance, if the offense is
644 a felony.

645 49. Section 843.01, relating to resisting arrest with
646 violence.

647 50. Section 843.025, relating to interfering with ~~depriving~~
648 a law enforcement, correctional, or correctional probation
649 officer's ~~officer of the~~ means of protection or communication.

650 51. Section 843.12, relating to aiding in an escape.

651 52. Section 843.13, relating to aiding in the escape of
652 juvenile inmates of correctional institutions.

653 53. Chapter 847, relating to obscenity.

654 54. Section 874.05, relating to encouraging or recruiting
655 another to join a criminal gang.

656 55. Chapter 893, relating to drug abuse prevention and



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657 control, if the offense is a felony of the second degree or
658 greater severity.

659 56. Section 895.03, relating to racketeering and collection
660 of unlawful debts.

661 57. Section 896.101, relating to the Florida Money
662 Laundering Act.

663 58. Section 916.1075, relating to sexual misconduct with
664 certain forensic clients and reporting of such sexual
665 misconduct.

666 59. Section 944.35(3), relating to inflicting cruel or
667 inhuman treatment on an inmate, resulting in great bodily harm.

668 60. Section 944.40, relating to escape.

669 61. Section 944.46, relating to harboring, concealing, or
670 aiding an escaped prisoner.

671 62. Section 944.47, relating to introduction of contraband
672 into a correctional institution.

673 63. Section 985.701, relating to sexual misconduct in
674 juvenile justice programs.

675 64. Section 985.711, relating to introduction of contraband
676 into a detention facility.

677 Section 14. Paragraph (xx) of subsection (2) of section
678 435.04, Florida Statutes, is amended to read:

679 435.04 Level 2 screening standards.—

680 (2) The security background investigations under this
681 section must ensure that persons subject to this section have
682 not been arrested for and are awaiting final disposition of;
683 have not been found guilty of, regardless of adjudication, or
684 entered a plea of nolo contendere or guilty to; or have not been
685 adjudicated delinquent and the record has not been sealed or



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686 expunged for, any offense prohibited under any of the following
687 provisions of state law or similar law of another jurisdiction:

688 (xx) Section 843.025, relating to interfering with
689 ~~depriving~~ a law enforcement, correctional, or correctional
690 probation officer's officer means of protection or
691 communication.

692 Section 15. Paragraph (d) of subsection (3) of section
693 921.0022, Florida Statutes, is amended to read:

694 921.0022 Criminal Punishment Code; offense severity ranking
695 chart.—

696 (3) OFFENSE SEVERITY RANKING CHART

697 (d) LEVEL 4

698

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.

699

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701	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
702	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
703	517.07 (1)	3rd	Failure to register securities.
704	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
705	784.031	3rd	Battery by strangulation.
706	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
707	784.074 (1) (c)	3rd	Battery of sexually



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715			certain fluids or materials.
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
716			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
717			
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
718			
	787.07	3rd	Human smuggling.
719			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
720			
	790.115 (2) (b)	3rd	Possessing electric



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721			weapon or device, destructive device, or other weapon on school property.
722	790.115 (2) (c)	3rd	Possessing firearm on school property.
723	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
724	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
725	806.135	2nd	Destroying or demolishing a memorial or historic property.
726	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;



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727			unarmed; no assault or battery.
	810.06	3rd	Burglary; possession of tools.
728			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
729			
	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
730			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
731			
	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
732			
	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
733			
	812.014 (2) (e) 3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its



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734			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.
735			
	817.505 (4) (a)	3rd	Patient brokering.
736			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
737			
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
738			
	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
739			
	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or



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reencoder.

740

817.625 (2) (c) 3rd Possess, sell, or
deliver skimming device.

741

828.125 (1) 2nd Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

742

836.14 (2) 3rd Person who commits theft
of a sexually explicit
image with intent to
promote it.

743

836.14 (3) 3rd Person who willfully
possesses a sexually
explicit image with
certain knowledge,
intent, and purpose.

744

837.02 (1) 3rd Perjury in official
proceedings.

745

837.021 (1) 3rd Make contradictory
statements in official
proceedings.



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746	838.022	3rd	Official misconduct.
747	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
748	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
749	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
750	843.025	3rd	<u>Interfering with a</u> Deprive law enforcement, correctional, or correctional probation <u>officer's</u> officer of means of protection or communication.
751	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
752			



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753	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
754	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
755	870.01(3)	2nd	Aggravated rioting.
756	870.01(5)	2nd	Aggravated inciting a riot.
757	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
758	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).
759	914.14(2)	3rd	Witnesses accepting bribes.
	914.22(1)	3rd	Force, threaten, etc., witness, victim, or



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informant.

760

914.23(2)

3rd

Retaliation against a witness, victim, or informant, no bodily injury.

761

916.1085
(2)(c)1.

3rd

Introduction of specified contraband into certain DCF facilities.

762

918.12

3rd

Tampering with jurors.

763

934.215

3rd

Use of two-way communications device to facilitate commission of a crime.

764

944.47(1)(a)6.

3rd

Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

765

951.22(1)(h),
(j) & (k)

3rd

Intoxicating drug, instrumentality or other



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device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

766

767

768 Section 16. Paragraph (b) of subsection (1) of section
769 914.25, Florida Statutes, is amended to read:

770 914.25 Protective services for certain victims and
771 witnesses.—

772 (1) For purposes of this section, the term:

773 (b) "Serious felony offense" means one of the following
774 offenses, including an attempt, solicitation, or conspiracy to
775 commit one of the following offenses: murder, manslaughter,
776 sexual battery, aggravated stalking, aggravated battery,
777 carjacking, home invasion robbery, burglary, arson, robbery,
778 kidnapping, racketeering, ~~or~~ trafficking in a controlled
779 substance, battery by strangulation, human smuggling, human
780 trafficking, or any other felony that involves the use or threat
781 of physical force or violence against any individual.

782 Section 17. For the purpose of incorporating the amendment
783 made by this act to section 914.25, Florida Statutes, in
784 references thereto, subsections (1), (2), and (5) of section
785 914.27, Florida Statutes, are reenacted to read:

786 914.27 Confidentiality of victim and witness information.—

787 (1) Information held by any state or local law enforcement
788 agency, state attorney, the statewide prosecutor, the Victim and



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789 Witness Protection Review Committee created pursuant to s.
790 943.031, or the Department of Law Enforcement which discloses:

791 (a) The identity or location of a victim or witness who has
792 been identified or certified for protective or relocation
793 services pursuant to s. 914.25;

794 (b) The identity or location of an immediate family member
795 of a victim or witness who has been identified or certified
796 pursuant to s. 914.25;

797 (c) Relocation sites, techniques, or procedures utilized or
798 developed as a result of the victim and witness protective
799 services afforded by s. 914.25; or

800 (d) The identity or relocation site of any victim, witness,
801 or immediate family member of a victim or witness who has made a
802 relocation of permanent residence by reason of the victim's or
803 witness's involvement in the investigation or prosecution giving
804 rise to certification for protective or relocation services
805 pursuant to s. 914.25;

806
807 is confidential and exempt from the provisions of s. 119.07(1)
808 and s. 24(a), Art. I of the State Constitution. Such information
809 may be shared by law enforcement agencies, state attorneys, and
810 the statewide prosecutor to facilitate the protective or
811 relocation services provided pursuant to s. 914.25 and to
812 support the prosecution efforts of the state attorneys and the
813 statewide prosecutor. Any information so shared must remain
814 confidential and exempt in the hands of any agency or entity to
815 which the information is provided.

816 (2) If a victim or witness is identified for protective
817 services under s. 914.25 and is later denied certification, the



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818 identity and location information exempt pursuant to paragraphs
819 (1) (a) and (b) becomes public information, unless otherwise
820 provided by law.

821 (5) For the purposes of effectively implementing s. 914.25,
822 any state or local law enforcement agency, state attorney, or
823 the statewide prosecutor may provide written notification to an
824 agency as defined in s. 119.011 or to a business entity
825 operating under contract with, licensed by, or having any other
826 business relationship with an agency, or providing services
827 pursuant to s. 914.25, that information described in subsection
828 (1) held by that agency or business is confidential and exempt
829 from public disclosure. The state or local law enforcement
830 agency, state attorney, or the statewide prosecutor providing
831 such written notification shall also provide written
832 notification to the agency or business as to when, in accordance
833 with this section, identity and location information exempted
834 pursuant to paragraphs (1) (a) and (b) can be made publicly
835 available.

836 Section 18. For the purpose of incorporating the amendment
837 made by this act to section 914.25, Florida Statutes, in a
838 reference thereto, paragraph (c) of subsection (8) of section
839 943.031, Florida Statutes, is reenacted to read:

840 943.031 Florida Violent Crime and Drug Control Council.—

841 (8) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.—

842 (c) The lead law enforcement agency providing victim or
843 witness protective or temporary relocation services pursuant to
844 the provisions of s. 914.25 may submit a request for
845 reimbursement to the Victim and Witness Protection Review
846 Committee in a format approved by the committee. The lead law



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847 enforcement agency shall submit such reimbursement request on
848 behalf of all law enforcement agencies that cooperated in
849 providing protective or temporary relocation services related to
850 a particular criminal investigation or prosecution. As part of
851 the reimbursement request, the lead law enforcement agency must
852 indicate how any reimbursement proceeds will be distributed
853 among the agencies that provided protective or temporary
854 relocation services.

855 Section 19. Effective July 1, 2025, paragraph (a) of
856 subsection (2) of section 943.0595, Florida Statutes, is
857 amended, and paragraph (e) is added to subsection (3) of that
858 section, to read:

859 943.0595 Automatic sealing of criminal history records;
860 confidentiality of related court records.—

861 (2) ELIGIBILITY.—

862 (a) The department shall automatically seal a criminal
863 history record that does not result from an indictment,
864 information, or other charging document for a forcible felony as
865 defined in s. 776.08 or for an offense enumerated in s.

866 943.0435(1)(h)1.a.(I), if:

867 ~~1. An indictment, information, or other charging document~~
868 ~~was not filed or issued in the case giving rise to the criminal~~
869 ~~history record.~~

870 ~~2. An indictment, information, or other charging document~~
871 ~~was filed in the case giving rise to the criminal history~~
872 ~~record, but was dismissed or nolle prosequi by the state~~
873 ~~attorney or statewide prosecutor or was dismissed by a court of~~
874 ~~competent jurisdiction as to all counts. However, a person is~~
875 ~~not eligible for automatic sealing under this section if the~~



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876 ~~dismissal was pursuant to s. 916.145 or s. 985.19.~~

877 ~~1.3.~~ A not guilty verdict was rendered by a judge or jury
878 as to all counts. However, a person is not eligible for
879 automatic sealing under this section if the defendant was found
880 not guilty by reason of insanity.

881 ~~2.4.~~ A judgment of acquittal was rendered by a judge as to
882 all counts.

883 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

884 (e) This section does not limit a prosecutor from accessing
885 a criminal history record sealed pursuant to this section to
886 determine an appropriate plea offer, to access evidence that can
887 be used in a prosecution, or to determine eligibility for
888 diversion.

889 Section 20. Effective July 1, 2025, section 943.0413,
890 Florida Statutes, is created to read:

891 943.0413 Critical Infrastructure Mapping Grant Program.—

892 (1) (a) Subject to Legislative appropriation, the Critical
893 Infrastructure Mapping Grant Program is created within the
894 department to support the ongoing assessment of this state's
895 vulnerability to, and ability to detect, prevent, prepare for,
896 respond to, and recover from, acts of terrorism within or
897 affecting this state.

898 (b) The state, or any law enforcement agency, county,
899 municipality, or other political subdivision of this state, or
900 any agent thereof, which has constitutional or statutory
901 authority to employ or appoint law enforcement officers, is
902 eligible to receive funding from the grant program to map
903 critical infrastructure locations that meet the requirements of
904 this section.



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905 (2) Grant funds may be used to map critical infrastructure
906 as defined in s. 812.141, public gathering places, places of
907 worship, and any other locations for which a map would be deemed
908 of high value for facilitating an emergency response.

909 (3) Each map of such locations must be created in an
910 electronic or digital format and must be provided to all local,
911 state, and federal responding agencies that request such maps
912 for use in responding to emergencies. Each map must satisfy all
913 of the following requirements:

914 (a) Be compatible with and integrate into the department's
915 statewide database and be compatible with software platforms
916 used by local, state, and federal public safety agencies that
917 provide emergency services to the specific location for which
918 the data is provided without requiring such agencies to purchase
919 additional software or requiring a fee to view or access the
920 data.

921 (b) Be in a printable format and, if requested, be in a
922 digital file format that can be integrated into interactive
923 mobile platforms currently in use.

924 (c) Be verified for accuracy, which must include a walk-
925 through of a building or grounds.

926 (d) Be oriented to true north.

927 (e) Be overlaid on current aerial imagery.

928 (f) Contain site-specific labeling that matches the
929 structure of the building, including, but not limited to, room
930 labels, hallway names, and external door or stairwell numbers
931 and locations of hazards, critical utility locations, key boxes,
932 automated external defibrillators, and trauma kits.

933 (g) Contain site-specific labeling that matches the



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934 grounds, including, but not limited to, parking areas,
935 surrounding roads, and neighboring properties.

936 (h) Be overlaid with gridded x and y coordinates.

937 (4) The department may adopt rules to administer this
938 section.

939 Section 21. Except as otherwise expressly provided in this
940 act and except for this section, which shall take effect July 1,
941 2025, this act shall take effect October 1, 2025.

942
943 ===== T I T L E A M E N D M E N T =====

944 And the title is amended as follows:

945 Delete everything before the enacting clause
946 and insert:

947 A bill to be entitled
948 An act relating to criminal justice; creating s.
949 316.2675, F.S.; prohibiting the use of motor vehicle
950 kill switches; providing exceptions; providing
951 criminal penalties; amending s. 321.04, F.S.;
952 providing for retention by the Florida Highway Patrol
953 of certain reimbursement funds paid by patrol
954 officers; amending s. 775.0823, F.S.; providing a
955 minimum mandatory sentence for attempted murder of
956 specified justice system personnel; amending s.
957 790.051, F.S.; providing correctional probation
958 officers with the same firearms rights as law
959 enforcement officers; amending s. 790.052, F.S.;
960 providing that specified persons may carry weapons on
961 the same basis as law enforcement officers; amending
962 s. 817.49, F.S.; providing increased criminal



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963 penalties for making a false report of a crime;
964 providing policies concerning enforcement; amending s.
965 943.135, F.S.; providing that certified law
966 enforcement officers who are not actively employed by
967 law enforcement agencies may retain their
968 certification by complying with certification
969 requirements; amending s. 943.1718, F.S.; authorizing
970 the use of artificial intelligence for specified
971 purposes in conjunction with data from first responder
972 body cameras; providing requirements on the use of
973 such artificial intelligence; amending s. 951.27,
974 F.S.; requiring certain testing of an arrestee and
975 provision of test results to a first responder or
976 criminal justice professional who has been exposed to
977 bodily fluids or bloodborne pathogens from the
978 arrestee; requiring a first responder or criminal
979 justice professional exposed to a potential
980 communicable disease or bloodborne pathogen from an
981 arrestee to provide a notice of the exposure to the
982 detention facility; authorizing the first responder or
983 criminal justice professional to obtain blood test
984 results according to certain provisions; amending s.
985 921.0022, F.S.; conforming provisions to changes made
986 by the act; amending s. 843.025, F.S.; prohibiting a
987 person from depriving certain officers of digital
988 recording devices or restraint devices; prohibiting a
989 person from rendering useless certain officer's
990 weapons or radios, digital recording devices, or
991 restraint devices; providing criminal penalties;



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992 amending ss. 397.417, 420.6241, 435.04, and 921.0022,
993 F.S.; conforming provisions to changes made by the
994 act; amending s. 914.25, F.S.; revising the definition
995 of the term "serious felony offense"; reenacting ss.
996 914.27(1), (2), and (5) and 943.031(8)(c), F.S.,
997 relating to the confidentiality of victim and witness
998 information and the Victim and Witness Protection
999 Review Committee, respectively, to incorporate the
1000 amendment made to s. 914.25, F.S., in references
1001 thereto; amending s. 943.0595, F.S.; eliminating
1002 certain circumstances in which criminal history
1003 records are automatically sealed; providing that
1004 specified provisions do not limit a prosecutor from
1005 accessing automatically sealed criminal history
1006 records for certain purposes; creating s. 943.0413,
1007 F.S.; creating the Critical Infrastructure Mapping
1008 Grant Program within the Florida Department of Law
1009 Enforcement; providing eligibility; specifying
1010 requirements for maps created by the program;
1011 providing effective dates.

By Senator Collins

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1 A bill to be entitled
 2 An act relating to criminal justice; creating s.
 3 316.2675, F.S.; prohibiting the use of a motor vehicle
 4 kill switch; providing an exception; providing
 5 criminal penalties; amending s. 321.04, F.S.;
 6 providing for retention by the Florida Highway Patrol
 7 of certain reimbursement funds paid by patrol
 8 officers; amending s. 775.0823, F.S.; providing a
 9 minimum mandatory sentence for attempted murder of
 10 specified justice system personnel; amending s.
 11 782.065, F.S.; providing that a person convicted of
 12 manslaughter of a specified officer while the officer
 13 was engaged in his or her duties shall be sentenced to
 14 life in prison without eligibility for release;
 15 amending s. 790.051, F.S.; providing correctional
 16 probation officers with the same firearms rights as
 17 law enforcement officers; amending s. 790.052, F.S.;
 18 providing that specified persons may carry weapons on
 19 the same basis as law enforcement officers; amending
 20 s. 817.49, F.S.; providing increased criminal
 21 penalties for making a false report of a crime;
 22 providing policies concerning enforcement; amending s.
 23 943.135, F.S.; providing that certified law
 24 enforcement officers who are not actively employed by
 25 law enforcement agencies may retain their
 26 certification by complying with certification
 27 requirements; amending s. 943.1718, F.S.; prohibiting
 28 the use of artificial intelligence for specified
 29 purposes in conjunction with data from first responder

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30 body cameras; amending s. 951.27, F.S.; requiring
 31 certain testing of an arrestee and provision of test
 32 results to a first responder or criminal justice
 33 professional who has been exposed to bodily fluids or
 34 bloodborne pathogens from the arrestee; requiring a
 35 first responder or criminal justice professional
 36 exposed to a potential communicable disease or
 37 bloodborne pathogen from an arrestee to provide a
 38 notice of the exposure to the detention facility;
 39 authorizing the first responder or criminal justice
 40 professional to obtain blood test results according to
 41 certain provisions; amending s. 921.0022, F.S.;
 42 conforming provisions to changes made by the act;
 43 providing an effective date.

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

45 Section 1. Section 316.2675, Florida Statutes, is created
 46 to read:

47 316.2675 Motor vehicle kill switches; prohibited uses.—

48 (1) A device that permits a person other than the person in
 49 physical control of a motor vehicle to shut off the vehicle's
 50 engine or prevent the engine from starting may not be used
 51 except by a law enforcement officer in the course of his or her
 52 duties in order to prevent the commission of a felony.

53 (2) A person who violates subsection (1) commits a
 54 misdemeanor of the second degree, punishable as provided in s.
 55 775.082 or s. 775.083.

56 Section 2. Subsection (6) is added to section 321.04,
 57
 58

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59 Florida Statutes, to read:

60 321.04 Personnel of the highway patrol; rank
61 classifications; probationary status of new patrol officers;
62 subsistence; special assignments.-

63 (6) When patrol officers repay mileage for off-duty uses of
64 official vehicles, such funds may not be deposited in the
65 General Revenue Fund but shall be retained by the Florida
66 Highway Patrol for its use.

67 Section 3. Subsection (2) of section 775.0823, Florida
68 Statutes, is amended to read:

69 775.0823 Violent offenses committed against specified
70 justice system personnel.-The Legislature does hereby provide
71 for an increase and certainty of penalty for any person
72 convicted of a violent offense against any law enforcement or
73 correctional officer, as defined in s. 943.10(1), (2), (3), (6),
74 (7), (8), or (9); against any state attorney elected pursuant to
75 s. 27.01 or assistant state attorney appointed under s. 27.181;
76 against any public defender elected pursuant to s. 27.50 or
77 regional counsel appointed pursuant to s. 27.511(3); against any
78 court-appointed counsel appointed under s. 27.40 or defense
79 attorney in a criminal proceeding; or against any justice or
80 judge of a court described in Art. V of the State Constitution,
81 which offense arises out of or in the scope of the officer's
82 duty as a law enforcement or correctional officer, the state
83 attorney's or assistant state attorney's duty as a prosecutor or
84 investigator, the public defender or regional counsel acting in
85 his or her capacity as defense counsel, the court-appointed
86 counsel or defense attorney in a criminal proceeding acting in
87 his or her capacity as defense counsel, or the justice's or

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88 judge's duty as a judicial officer, as follows:

89 (2) For attempted murder in the first degree as described
90 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
91 or s. 775.084 with a mandatory minimum sentence of 25 years
92 imprisonment.

93
94 Notwithstanding s. 948.01, with respect to any person who is
95 found to have violated this section, adjudication of guilt or
96 imposition of sentence shall not be suspended, deferred, or
97 withheld.

98 Section 4. Section 782.065, Florida Statutes, is amended to
99 read:

100 782.065 Murder; law enforcement officer, correctional
101 officer, correctional probation officer.-Notwithstanding ss.
102 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
103 shall be sentenced to life imprisonment without eligibility for
104 release upon findings by the trier of fact that, beyond a
105 reasonable doubt:

106 (1) The defendant committed murder in the first degree in
107 violation of s. 782.04(1) and a death sentence was not imposed;
108 murder in the second or third degree in violation of s.
109 782.04(2), (3), or (4); attempted murder in the first or second
110 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted
111 felony murder in violation of s. 782.051; or manslaughter in
112 violation of s. 782.07; and

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

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117 officer, correctional probation officer, part-time correctional
118 probation officer, or auxiliary correctional probation officer,
119 as those terms are defined in s. 943.10, engaged in the lawful
120 performance of a legal duty.

121 Section 5. Section 790.051, Florida Statutes, is amended to
122 read:

123 790.051 Exemption from licensing requirements; law
124 enforcement officers.—Law enforcement officers and correctional
125 probation officers, as defined in s. 943.10(3), are exempt from
126 the licensing and penal provisions of this chapter when acting
127 at any time within the scope or course of their official duties
128 or when acting at any time in the line of or performance of
129 duty.

130 Section 6. Paragraph (a) of subsection (1) of section
131 790.052, Florida Statutes, is amended to read:

132 790.052 Carrying concealed firearms; off-duty law
133 enforcement officers.—

134 (1) (a) All persons holding active certifications from the
135 Criminal Justice Standards and Training Commission as law
136 enforcement officers or correctional officers as defined in s.
137 943.10(1), (2), (6), (7), (8), or (9), all judges, and all state
138 attorneys and assistant state attorneys shall have the right to
139 carry, on or about their persons, concealed firearms, during
140 off-duty hours, at the discretion of their superior officers,
141 and may perform those law enforcement functions that they
142 normally perform during duty hours, utilizing their weapons in a
143 manner which is reasonably expected of on-duty officers in
144 similar situations.

145 Section 7. Section 817.49, Florida Statutes, is amended to

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146 read:

147 817.49 False reports of commission of crimes; penalty.—

148 (1) Except as provided in subsection (2), whoever willfully
149 imparts, conveys, or causes to be imparted or conveyed to a law
150 enforcement officer or employee of a public safety agency false
151 information or reports concerning the alleged commission of any
152 crime under the laws of this state, knowing such information or
153 report to be false, when no such crime has actually been
154 committed, commits a felony misdemeanor of the third first
155 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
156 s. 775.084.

157 (2) (a) As used in this section, the term "public safety
158 agency" means a law enforcement agency, professional or
159 volunteer fire department, emergency medical service, ambulance
160 service, or other public entity that dispatches or provides
161 first responder services to respond to crimes, to assist victims
162 of crimes, or to apprehend offenders.

163 (b) If the willful making of a false report of a crime as
164 set forth in this section results in a response by a federal,
165 state, district, municipal, or other public safety agency and
166 the response results in:

167 1. Great bodily harm, permanent disfigurement, or permanent
168 disability to any person as a proximate result of lawful conduct
169 arising out of a response, the person making such report commits
170 a felony of the second third degree, punishable as provided in
171 s. 775.082, s. 775.083, or s. 775.084.

172 2. Death to any person as a proximate result of lawful
173 conduct arising out of a response, the person making such report
174 commits a felony of the first second degree, punishable as

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175 provided in s. 775.082, s. 775.083, or s. 775.084.

176 (3) State attorneys shall vigorously prosecute persons
 177 charged with making a false report of a crime. If probable cause
 178 exists to charge an individual, charges must be filed and a
 179 physical arrest initiated, if possible.

180 ~~(4)(3)~~ A court shall order any person convicted of
 181 violating this section to pay restitution, which shall include
 182 full payment for any cost incurred by a responding public safety
 183 agency.

184 Section 8. Subsection (5) is added to section 943.135,
 185 Florida Statutes, to read:

186 943.135 Requirements for continued employment.—

187 (5) A certified law enforcement officer who is not employed
 188 by a law enforcement agency may retain his or her certification
 189 as along as he or she otherwise complies with the requirements
 190 for certification, including compliance with continuing
 191 education requirements.

192 Section 9. Subsection (5) is added to section 943.1718,
 193 Florida Statutes, to read:

194 943.1718 Body cameras; policies and procedures.—

195 (5) Artificial intelligence may not be used to review,
 196 monitor, enhance, or otherwise interact with a body camera worn
 197 by a first responder as defined in s. 112.1815(1) or any video,
 198 photograph, or other product produced with, through, or by such
 199 a body camera.

200 Section 10. Section 951.27, Florida Statutes, is amended to
 201 read:

202 951.27 Blood tests of inmates.—

203 (1) Each county and each municipal detention facility shall

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204 have a written procedure developed, in consultation with the
 205 facility medical provider, establishing conditions under which
 206 an inmate will be tested for infectious disease, including human
 207 immunodeficiency virus pursuant to s. 775.0877, which procedure
 208 is consistent with guidelines of the Centers for Disease Control
 209 and Prevention and recommendations of the Correctional Medical
 210 Authority. It is not unlawful for the person receiving the test
 211 results to divulge the test results to the sheriff or chief
 212 correctional officer. These procedures must include
 213 circumstances that warrant the immediate testing of an arrestee
 214 upon booking and must require that testing results be provided
 215 to any first responder or criminal justice professional who has
 216 been exposed to bodily fluids or bloodborne pathogens from the
 217 arrestee.

218 (2) Except as otherwise provided in this subsection,
 219 serologic blood test results obtained pursuant to subsection (1)
 220 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 221 I of the State Constitution. However, such results may be
 222 provided to employees or officers of the sheriff or chief
 223 correctional officer who are responsible for the custody and
 224 care of the affected inmate and have a need to know such
 225 information, and as provided in ss. 775.0877 and 960.003. In
 226 addition, upon request of the victim or the victim's legal
 227 guardian, or the parent or legal guardian of the victim if the
 228 victim is a minor, the results of any HIV test performed on an
 229 inmate arrested for any sexual offense involving oral, anal, or
 230 female genital penetration by, or union with, the sexual organ
 231 of another, must be disclosed to the victim or the victim's
 232 legal guardian, or to the parent or legal guardian of the victim

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233 if the victim is a minor. In such cases, the county or municipal
 234 detention facility shall furnish the test results to the
 235 Department of Health, which is responsible for disclosing the
 236 results to public health agencies as provided in s. 775.0877 and
 237 to the victim or the victim's legal guardian, or the parent or
 238 legal guardian of the victim if the victim is a minor, as
 239 provided in s. 960.003(3). As used in this subsection, the term
 240 "female genitals" includes the labia minora, labia majora,
 241 clitoris, vulva, hymen, and vagina.

242 (3) The results of any serologic blood test on an inmate
 243 are a part of that inmate's permanent medical file. Upon
 244 transfer of the inmate to any other correctional facility, such
 245 file is also transferred, and all relevant authorized persons
 246 must be notified of positive HIV test results, as required in s.
 247 775.0877.

248 (4) A first responder or criminal justice professional who,
 249 in the lawful performance of his or her duties, is exposed to a
 250 potential communicable disease or bloodborne pathogen by a
 251 subject who is arrested and booked into a county or municipal
 252 detention facility shall notice the detention facility upon
 253 booking or within 24 hours after the exposure. If the first
 254 responder or criminal justice professional is incapacitated and
 255 cannot provide this notice, this responsibility falls upon his
 256 or her employing department. This notice must invoke immediate
 257 testing of the inmate, if it has not already been done,
 258 according to the written procedures of the detention facility,
 259 and such testing is required before release of the inmate. The
 260 results of the testing must be handled in accordance with s.
 261 775.0877(2).

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262 Section 11. Paragraphs (c) and (f) of subsection (3) of
 263 section 921.0022, Florida Statutes, are amended to read:
 264 921.0022 Criminal Punishment Code; offense severity ranking
 265 chart.-
 266 (3) OFFENSE SEVERITY RANKING CHART
 267 (c) LEVEL 3
 268

Florida Statute	Felony Degree	Description
269 119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
270 316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
271 316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
272 316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
273 319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate

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 removed.
 274 319.33(1) (a) 3rd Alter or forge any
 certificate of title to a
 motor vehicle or mobile
 home.
 275 319.33(1) (c) 3rd Procure or pass title on
 stolen vehicle.
 276 319.33(4) 3rd With intent to defraud,
 possess, sell, etc., a
 blank, forged, or
 unlawfully obtained title
 or registration.
 277 327.35(2) (b) 3rd Felony BUI.
 278 328.05(2) 3rd Possess, sell, or
 counterfeit fictitious,
 stolen, or fraudulent
 titles or bills of sale of
 vessels.
 279 328.07(4) 3rd Manufacture, exchange, or
 possess vessel with
 counterfeit or wrong ID
 number.

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 376.302(5) 3rd Fraud related to
 reimbursement for cleanup
 expenses under the Inland
 Protection Trust Fund.
 281 379.2431 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.
 282 379.2431 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.
 283 379.2431 3rd Soliciting to commit or
 conspiring to commit a
 violation of the Marine
 Turtle Protection Act.

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284	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
285	400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
286	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
287	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
288	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
289	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of

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			authority; premium collected less than \$20,000.
290	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
291	697.08	3rd	Equity skimming.
292	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
293	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.
294	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
295	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
296	810.09(2)(b)	3rd	Trespass on property other

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297 than structure or
conveyance armed with
firearm or dangerous
weapon.

298 810.145(2)(c) 3rd Digital voyeurism; 19 years
of age or older.

299 812.014(2)(c)2. 3rd Grand theft; \$5,000 or more
but less than \$10,000.

300 812.0145(2)(c) 3rd Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

301 812.015(8)(b) 3rd Retail theft with intent to
sell; conspires with
others.

302 812.081(2) 3rd Theft of a trade secret.

303 815.04(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.

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304 817.233 3rd Burning to defraud insurer.

305 817.234 3rd Unlawful solicitation of
(8)(b) & (c) persons involved in motor
vehicle accidents.

306 817.234(11)(a) 3rd Insurance fraud; property
value less than \$20,000.

307 817.236 3rd Filing a false motor
vehicle insurance
application.

308 817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

309 817.413(2) 3rd Sale of used goods of
\$1,000 or more as new.

310 817.49(2)(b)1. 2nd ~~3rd~~ Willful making of a false
report of a crime causing
great bodily harm,
permanent disfigurement, or
permanent disability.

311 831.28(2)(a) 3rd Counterfeiting a payment

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			instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
312	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
313	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
314	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
315	847.01385	3rd	Harmful communication to a minor.
316	860.15(3)	3rd	Overcharging for repairs and parts.
317	870.01(2)	3rd	Riot.
318	870.01(4)	3rd	Inciting a riot.
319			

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	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).
320	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.
321	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.
322	893.13(4)(c)	3rd	Use or hire of minor;

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deliver to minor other
controlled substances.

323

893.13(6)(a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

324

893.13(7)(a)8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

325

893.13(7)(a)9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

326

893.13(7)(a)10.

3rd

Affix false or forged label
to package of controlled
substance.

327

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any
document or record required
by chapter 893.

328

893.13(8)(a)1.

3rd

Knowingly assist a patient,

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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.

329

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.

330

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

331

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.

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332	14-00879A-25		20251444	
	918.13(1)	3rd	Tampering with or fabricating physical evidence.	
333	944.47	3rd	Introduce contraband to correctional facility.	
	(1) (a) 1. & 2.			
334	944.47(1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.	
335	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	
336				
337	(f) LEVEL 6			
338				
	Florida Statute	Felony Degree	Description	
339	316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.	
340	316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.	
341				

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	400.9935(4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.	
342	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.	
343	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.	
344	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.	
345	775.0875(1)	3rd	Taking firearm from law enforcement officer.	
346	784.021(1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.	
347	784.021(1) (b)	3rd	Aggravated assault; intent to commit felony.	

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348	784.041	3rd	Felony battery; domestic battery by strangulation.
349	784.048(3)	3rd	Aggravated stalking; credible threat.
350	784.048(5)	3rd	Aggravated stalking of person under 16.
351	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
352	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
353	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
354	784.081(2)	2nd	Aggravated assault on specified official or employee.
355	784.082(2)	2nd	Aggravated assault by detained person on

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			visitor or other detainee.
356	784.083(2)	2nd	Aggravated assault on code inspector.
357	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
358	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
359	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
360	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.
361	790.19	2nd	Shooting or throwing

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				deadly missiles into dwellings, vessels, or vehicles.
362	794.011(8)(a)	3rd		Solicitation of minor to participate in sexual activity by custodial adult.
363	794.05(1)	2nd		Unlawful sexual activity with specified minor.
364	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.
365	800.04(6)(b)	2nd		Lewd or lascivious conduct; offender 18 years of age or older.
366	806.031(2)	2nd		Arson resulting in great bodily harm to firefighter or any other person.
367	810.02(3)(c)	2nd		Burglary of occupied

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				structure; unarmed; no assault or battery.
368	810.145(8)(b)	2nd		Digital voyeurism; certain minor victims; 2nd or subsequent offense.
369	812.014(2)(b)1.	2nd		Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
370	812.014(2)(c)5.	3rd		Grand theft; third degree; firearm.
371	812.014(6)	2nd		Theft; property stolen \$3,000 or more; coordination of others.
372	812.015(9)(a)	2nd		Retail theft; property stolen \$750 or more; second or subsequent conviction.
373	812.015(9)(b)	2nd		Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of

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				others.
374	812.015(9)(d)	2nd		Retail theft; multiple thefts within specified period.
375	812.015(9)(e)	2nd		Retail theft; committed with specified number of other persons and use of social media platform.
376	812.13(2)(c)	2nd		Robbery, no firearm or other weapon (strong-arm robbery).
377	817.4821(5)	2nd		Possess cloning paraphernalia with intent to create cloned cellular telephones.
378	817.49(2)(b)2.	<u>1st</u> 2nd		Willful making of a false report of a crime resulting in death.
379	817.505(4)(b)	2nd		Patient brokering; 10 or more patients.
380	817.5695(3)(b)	2nd		Exploitation of person 65 years of age or

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				older, value \$10,000 or more, but less than \$50,000.
381	825.102(1)	3rd		Abuse of an elderly person or disabled adult.
382	825.102(3)(c)	3rd		Neglect of an elderly person or disabled adult.
383	825.1025(3)	3rd		Lewd or lascivious molestation of an elderly person or disabled adult.
384	825.103(3)(c)	3rd		Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
385	827.03(2)(c)	3rd		Abuse of a child.
386	827.03(2)(d)	3rd		Neglect of a child.
387	827.071(5)	3rd		Possess, control, or intentionally view any photographic material,

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388 motion picture, etc.,
 which includes child
 pornography.

389 828.126(3) 3rd Sexual activities
 involving animals.

390 836.05 2nd Threats; extortion.

391 836.10 2nd Written or electronic
 threats to kill, do
 bodily injury, or
 conduct a mass shooting
 or an act of terrorism.

392 843.12 3rd Aids or assists person
 to escape.

393 847.011 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.

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394 847.0135(2) 3rd Facilitates sexual
 conduct of or with a
 minor or the visual
 depiction of such
 conduct.

395 893.131 2nd Distribution of
 controlled substances
 resulting in overdose or
 serious bodily injury.

396 914.23 2nd Retaliation against a
 witness, victim, or
 informant, with bodily
 injury.

397 918.13(2)(b) 2nd Tampering with or
 fabricating physical
 evidence relating to a
 capital felony.

398 944.35(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

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bodily harm.

399

944.40

2nd

Escapes.

400

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

401

944.47(1)(a)5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

402

951.22(1)(i)

3rd

Firearm or weapon
introduced into county
detention facility.

403

404

Section 12. 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 #1444**, relating to Criminal Justice, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

SB 1444 – Criminal Justice

This bill creates and amends multiple statutes. First, it creates s. 316.2675, F.S., adding a **2nd degree misdemeanor** for a person other than a police officer using “a device that permits a person other than the person in physical control of a motor vehicle to shut off the vehicle’s engine or prevent the engine from starting.” It then amends s. 775.0823, F.S., adding “a mandatory minimum sentence of 25 years imprisonment” for attempted murder of specified justice system personnel. Furthermore, it amends s. 782.065, F.S., adding “manslaughter in violation of s. 782.07, F.S.” to the current murder of law enforcement, correctional, or probation officers where “a defendant shall be sentenced to life imprisonment without eligibility for release.”

Per DOC, in FY 23-24, there were 3 new commitments to prison for attempted murder of a police officer, correctional officer, or correctional probation officer under s. 782.065, F.S. Since these numbers do not include other justice system personnel, there are other statutes where these attempted murders would likely be included. There were 29 new commitments for attempted felony murder under s. 782.051, F.S. Also, there were 370 new commitments for 1st degree premeditated murder or attempted murder under s. 782.04, F.S. As described, the data under s. 782.04, F.S. includes both actual murder and attempted murder, so these numbers would likely be lower if only premeditated murder was included. Furthermore, it is not known how many of the other court system personnel are included in these numbers. Additionally, there were two new commitments to prison in the same time period for manslaughter of those officers listed under s. 782.07, F.S., which includes other positions, such as firefighters. The sentence lengths for both were roughly fifteen years.

This bill then amends s. 790.051, F.S., exempting correctional probation officers from the licensing requirements for weapons and firearms during official duties, and amends s. 790.052, F.S., adding “all judges, and all state attorneys and assistant state attorneys” to the language permitting the right to carry concealed firearms during off-duty hours.

Per DOC, in FY 23-24, there were 2,520 new commitments to prison for weapons offenses. It is not known how many of these involved offenses committed by the officials described above, though their potential offenses would likely be for carrying a concealed firearm, where there were 79 new commitments.

Additionally, it amends s. 817.49, F.S. increasing the current 1st degree misdemeanor to a an **unranked, 3rd degree felony (Level 1 by default)** for “false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed.” Furthermore, it increases the current Level 3, 3rd degree felony to a **Level 3, 2nd degree felony** if a false report of a crime “results in a response by a federal, state, district, municipal, or other public safety agency and the response results in...great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response.” It also increases the

Level 6, 2nd degree felony to a **Level 6, 1st degree felony** for when it results in “death to any person as a proximate result of lawful conduct arising out of a response.” Finally, it adds that “state attorneys shall vigorously prosecute persons charged with making a false report of a crime. If probable cause exists to charge an individual, charges must be filed and a physical arrest initiated, if possible.”

Per FDLE, in FY 23-24, there were 67 arrests for misdemeanor false reports of commission of crimes, with 31 guilty/convicted charges and 8 adjudication withheld charges. Per DOC, in FY 23-24, there were no new commitments to prison for either one of these felonies.

Per DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7%. The incarceration rate for a Level 3, 2nd degree felony was 20%, and the incarceration rate for a Level 6, 1st degree felony was 44.4%.

EDR PROPOSED ESTIMATE: Positive Insignificant

Requested by: Senate

The Florida Senate

APPEARANCE RECORD

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

4/1/25

Meeting Date

1444

Bill Number or Topic

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E. BREVARD ST.

Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL PBA

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

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

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

S-001 (08/10/2021)

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

1444

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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

April 1 2025

Meeting Date

Crim Justice

Committee

1444

Bill Number or Topic

668982

Amendment Barcode (if applicable)

Name Jennifer Pritt

Phone 8502193631

Address 2636 Mitcham Drive

Street

Email jpritt@fpca.com

Tall

City

FL

State

32309

Zip

Speaking: For Against Information

OR

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1450

INTRODUCER: Criminal Justice Committee and Senator Burgess

SUBJECT: Arrest and Detention of Individuals with Significant Medical Conditions

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1450 creates s. 901.1501, F.S., to provide that a law enforcement officer may use his or her discretion based on the totality of the circumstances in determining whether to make an immediate arrest of a person with a significant medical condition, including an arrest for an offense committed against an elderly person or disabled adult.

The bill defines a “person with a significant medical condition” as a person who is a patient or resident of a hospital, nursing home facility or an assisted living facility.

The bill specifies that a law enforcement officer may consider all lawful methods to make an arrest of such a person, including seeking an arrest warrant, but does not preclude the officer from making an immediate physical arrest of such a person.

The bill takes effect on July 1, 2025.

II. Present Situation:

Senior aggression and violence encountered in the long-term care service industry occurs when residents assault staff or each other.¹ Residents of a hospital,² nursing home facility³ or an assisted living facility⁴ may suffer from dementia or other cognitive impairments that can result in residential aggression and mistreatment of others in the facility.

Arrests

A law enforcement officer⁵ is authorized to arrest a person who commits a criminal offense. A law enforcement officer may make such an arrest after first obtaining an arrest warrant or, in specified circumstances, he or she may make an immediate arrest without a warrant.

A law enforcement officer must request approval from a judge to obtain an arrest warrant. A judge is authorized to issue a warrant authorizing a person's arrest for committing any crime if he or she finds probable cause that the person committed a crime within his or her jurisdiction.⁶ When a judge signs an arrest warrant, he or she also sets a bond amount for a defendant which allows a defendant to be released from jail upon payment if a defendant is arrested under the warrant.⁷

An officer making an arrest by a warrant shall inform the person to be arrested of the cause of arrest and that a warrant has been issued, except when the person flees or forcibly resists before the officer has an opportunity to inform the person, or when giving the information will imperil the arrest. The warrant does not need to be in the officer's possession at the time of arrest, but available on request as soon as practicable.⁸

¹ International Association for Healthcare Security and Safety Foundation, *Violence and Security in Skilled Nursing/Assisted Care Facilities*, available at <https://iahssf.org/assets/IAHSS-Foundation-Violence-and-Security-in-Skilled-Nursing-and-Assisted-Care-Facilities-181203.pdf> (last visited April 2, 2025).

² Hospital” means any establishment that offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, except that a critical access hospital, as defined in s. 408.07, F.S., shall not be required to make available treatment facilities for surgery, obstetrical care, or similar services as long as it maintains its critical access hospital designation and shall be required to make such facilities available only if it ceases to be designated as a critical access hospital. However, the provisions of ch. 395, F.S., do not apply to any institution conducted by or for the adherents of any well-recognized church or religious denomination that depends exclusively upon prayer or spiritual means to heal, care for, or treat any person. For purposes of local zoning matters, the term “hospital” includes a medical office building located on the same premises as a hospital facility, provided the land on which the medical office building is constructed is zoned for use as a hospital; provided the premises were zoned for hospital purposes on January 1, 1992. Section 395.002(12), F.S.

³ “Nursing home facility” means any facility which provides nursing services under part I, ch. 464, F.S., and which is licensed under part II, ch. 400, F.S. Section. 400.021(12), F.S

⁴ “Long-term care facility” means a nursing home facility, assisted living facility, adult family-care home, board and care facility, or any other similar residential adult care facility. Section 400.0060(6), F.S.

⁵ Section 943.10(1), F.S.

⁶ Section 901.02, F.S.

⁷ Section 901.02, F.S.

⁸ Section 901.16, F.S.

A law enforcement officer may arrest a person without a warrant under certain statutorily enumerated circumstances, including when:

- The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer
- A felony has been committed and he or she reasonably believes that the person committed it.
- He or she reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
- There is probable cause to believe a person has committed certain enumerated misdemeanor offenses for which a warrantless arrest has been explicitly authorized by statute, such as a battery, criminal mischief or graffiti, an act of domestic violence, an injunction violation, or sexual cyberharassment; or
- A person commits a felony or misdemeanor in an officer's presence and the arrest is made immediately or in fresh pursuit after the officer observes the offense.⁹

Bail and Pretrial Detention

A person must appear before a judge within 24 hours of arrest for a “first appearance.”¹⁰ During first appearance, a judge advises a defendant of the charges for which he or she was arrested, determines whether there is probable cause that a defendant committed such an offense, and advises a defendant of specified rights.¹¹ If a judge determines that probable cause exists, the judge then determines whether a defendant is entitled to pretrial release. A judge may grant pretrial release either by setting a specified bail amount or releasing the defendant on his or her own recognizance.¹²

Pretrial Detention

Some offenses committed against an elderly person or disabled adult are classified as a “dangerous crime” and may require a person to post a bond in order to be released from jail. Section 907.041, F.S., creates a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a “dangerous crime.”¹³ A person may not be released on nonmonetary conditions to supervised pretrial release, unless the pretrial release service certifies to the court it has investigated or otherwise verified:

- The circumstances of the accused's family, employment, financial resources, character, mental condition, and length of residence in the community.
- The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings.
- Other facts necessary to assist the court in determining the accused indigency status and whether he or she should be released on supervised pretrial release.¹⁴

⁹ Section 901.15, F.S.

¹⁰ Fl. R. Crim. P. 3.130

¹¹ *Id.*

¹² Fl. R. Crim. P. 3.131

¹³ Section 907.041(5)(a), F.S.

¹⁴ Section 907.041(3)(b), F.S.

No Pretrial Detention

There are offenses for which a person may not be released prior to his or her first appearance hearing. Under s. 903.011(6), F.S., a defendant may not be released prior to his or her first appearance hearing if he or she:

- Was on pretrial release, probation, or community control in this state or any other state at the time of arrest for a felony;
- Was designated as a sexual offender or sexual predator in this state or any other state at the time of arrest;
- Was arrested for violating a protective injunction;
- Was, at the time of arrest, on release from supervision by the Department of Corrections under conditional release, control release, conditional medical release, or an addiction recovery supervision program;
- Has, at any time before the current arrest, been sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;
- Has been arrested three or more times in the six months immediately preceding his or her current arrest; or
- Was arrested for one or more of the following crimes:
 - A capital felony, life felony, first degree felony, or second degree felony;
 - A homicide under ch. 782, F.S.; or any attempt, solicitation, or conspiracy to commit a homicide;
 - Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in s. 741.28, F.S.; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on a juvenile probation officer or other staff of a detention center or commitment facility, or a staff member of a commitment facility or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;
 - Kidnapping, false imprisonment, human trafficking, or human smuggling;
 - Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;
 - Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child pornography;
 - Abuse, neglect, or exploitation of an elderly person or disabled adult;
 - Child abuse or aggravated child abuse;
 - Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;
 - Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;
 - Any offense committed for the purpose of benefitting, promoting, or furthering the interests of a criminal gang;
 - Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;
 - Racketeering; or
 - Failure to appear at required court proceedings while on bail.

III. Effect of Proposed Changes:

The bill creates s. 901.1501, F.S., to provide that a law enforcement officer may use his or her discretion based on the totality of the circumstances in determining whether to make an immediate arrest of a person with a significant medical condition, including an arrest for an offense committed against an elderly person or disabled adult.

The bill defines a “person with a significant medical condition” as a person who is a patient or resident of a hospital, nursing home facility or an assisted living facility.

The bill specifies that a law enforcement officer may consider all lawful methods to make an arrest of such a person, including seeking an arrest warrant, but does not preclude the officer from making an immediate physical arrest of such a person.

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 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/negative indeterminate prison bed impact on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- There is no data available on the number of offenders who would be impacted by this new language. Furthermore, it is not known how police officers would use their discretion in these situations.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 901.1501

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

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

CS by Criminal Justice on April 1, 2025:

The amendment defines “person with a significant medical condition,” and adds “nursing home facility” to the list of facilities in which such person may reside. The amendment specifies that officers may use discretion when an offense is against an elderly persons or disabled adults and committed by a person with a significant medical condition.

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 1450 Arrest and Detention of Individuals with Significant Medical Conditions*, (on file with the Senate Committee on Criminal Justice)



351460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 901.1501, Florida Statutes, is created
to read:

901.1501 Immediate arrest of a person with a significant
medical condition.—

(1) As used in this section, the term "person with a
significant medical condition" means a person who is a patient



351460

11 or resident of a hospital licensed under chapter 395, a nursing
12 home facility licensed under part II of chapter 400, or an
13 assisted living facility licensed under part I of chapter 429.

14 (2) In determining whether to make an immediate arrest of a
15 person with a significant medical condition, including an arrest
16 for an offense committed against an elderly person or a disabled
17 adult, a law enforcement officer may use his or her discretion
18 based on the totality of the circumstances, including
19 consideration of whether the person is a current or continued
20 threat to public safety or himself or herself or a flight risk,
21 and may consider all available lawful methods of making an
22 arrest, including seeking an arrest warrant under s. 901.02.

23 (3) This section does not prohibit a law enforcement
24 officer from arresting a person without a warrant under s.
25 901.15, or making such an arrest by any lawful method.

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

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause
31 and insert:

32 A bill to be entitled
33 An act relating to arrest and detention of individuals
34 with significant medical conditions; creating s.
35 901.1501, F.S.; defining the term "person with a
36 significant medical condition"; providing that a law
37 enforcement officer may use his or her discretion in
38 determining whether to make an immediate arrest of
39 such person; providing construction; providing an



351460

40

effective date.

By Senator Burgess

23-01394A-25

20251450__

1 A bill to be entitled
 2 An act relating to arrest and detention of individuals
 3 with significant medical conditions; creating s.
 4 901.1501, F.S.; authorizing a law enforcement officer
 5 to use his or her discretion in determining whether to
 6 make an immediate arrest of a person with a
 7 significant medical condition who resides in or is
 8 confined to a hospital or long-term care facility;
 9 providing construction; providing an effective date.

10

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

12

13 Section 1. Section 901.1501, Florida Statutes, is created
 14 to read:

15 901.1501 Immediate arrest of a person with a significant
 16 medical condition.-

17 (1) In determining whether to make an immediate arrest,
 18 including an arrest for an offense listed in s. 903.011(6) or s.
 19 907.041(5) (a), of a person with a significant medical condition
 20 who, at the time of the commission of the crime, resides in or
 21 is confined to a hospital or long-term care facility as defined
 22 in s. 400.0060, a law enforcement officer may use his or her
 23 discretion based on the totality of the circumstances, including
 24 consideration of whether the person is a threat to public safety
 25 or a flight risk, and consider all available lawful methods of
 26 making an arrest, including seeking an arrest warrant under s.
 27 901.02.

28 (2) This section does not prohibit a law enforcement
 29 officer from arresting a person without a warrant under s.

Page 1 of 2

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

23-01394A-25

20251450__

30 901.15, or making such an arrest by any lawful method.

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

Page 2 of 2

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

SB 1450 – Arrest and Detention of Individuals with Significant Medical Conditions

This bill creates s. 901.1501, F.S., stating that “in determining whether to make an immediate arrest...of a person with a significant medical condition who, at the time of the commission of the crime, resides in or is confined to a hospital or long-term care facility...a law enforcement officer may use his or her discretion based on the totality of the circumstances, including consideration of whether the person is a threat to public safety or a flight risk, and consider all available lawful methods of making an arrest, including seeking an arrest warrant...”

There is no data available on the number of offenders who would be impacted by this new language. Furthermore, it is not known how police officers would use their discretion in these situations.

EDR PROPOSED ESTIMATE: Positive/Negative Indeterminate

Requested by: Senate



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 12, 2025

I respectfully request that **Senate Bill #1450**, relating to Arrest and Detention of Individuals with Significant Medical Conditions, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

CC: Amanda Stokes, Staff Director
CC: Tori Denson, Committee Administrative Assistant

APPEARANCE RECORD

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

4/1/25

Meeting Date

SB 1450

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address 123 S. Adams Street

Email shepp@thesoutherngroup.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Polk County Sheriff's Office

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

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name

Barney Bishop III

Phone

850-510-9922

Address

1454 Vieux Carre Drive

Email

Barney@BarneyBishop.com

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida 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

1450

Bill Number or Topic

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

Amendment Barcode (if applicable)

The Florida Senate
APPEARANCE RECORD

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

4/1/25
Meeting Date
Criminal Justice
Committee

1450
Bill Number or Topic
Amendment Barcode (if applicable)

Name Andrew Rutledge

Phone 850-681-6788

Address 119 S. Monroe St
Street

Email andrew@rutledge-cenaria.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:

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1546

INTRODUCER: Criminal Justice Committee and Senator Grall

SUBJECT: Background Screening of Athletic Coaches

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1546 amends s. 943.0438, F.S., to extend the effective date for requiring a Level 2 background screening for athletic coaches from January 1, 2025, to July 1, 2026.

The bill amends the definition of “athletic coach” to provide that a person must work more than 20 hours in a calendar year to meet the definition.

The bill provides that an independent sanctioning authority is considered a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse.

The bill provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

The bill takes effect upon becoming law.

II. Present Situation:

Background Screening

Florida provides standard procedures for screening a prospective employee¹ where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.² Chapter 435, F.S., establishes procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: Level 1 and Level 2.

- Level 1 screening includes, at a minimum, employment history checks, statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website,³ and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.⁴
- Level 2 screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.⁵

Florida law authorizes and outlines specific elements required for Level 1 and Level 2 background screening and establishes requirements for determining whether an individual passes a screening regarding an individual's criminal history. All individuals subject to background screening must be confirmed to 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 been adjudicated delinquent, and the record has not been sealed or expunged for, any of the offenses prohibited under Florida law.⁶

Background Screening of Youth Athletic Team Coaches

An independent sanctioning authority is a private, non-governmental entity that organizes, operates, or coordinates a youth athletic team in Florida which includes one or more minors and is not affiliated with a private school.⁷ Beginning January 1, 2025, an independent sanctioning authority is required to conduct a Level 2 background screening of each current and prospective athletic coach. The authority is not authorized to delegate the responsibility to conduct the required screening to an individual team and may not authorize any person to serve as an athletic coach⁸ unless a Level 2 screening has been conducted, and the screening does not result in his or her disqualification.

¹ Section 435.02(2), F.S., defines "employee" to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.

² Chapter 435, F.S.

³ The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. Available at www.nsopw.gov (last visited March 28 2025).

⁴ Florida Department of Law Enforcement, State of Florida Criminal History Records Check. Available at <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited March 28 2025).

⁵ Section 435.04(1)(a), F.S.

⁶ Section 435.04(2), F.S.

⁷ Sections 1002.01 and 943.0438(1)(b), F.S.

⁸ "Athletic coach" means a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for whether for compensation or as a volunteer, for a youth athletic team in this state; and has direct contact with one or more minors on the youth athletic team. Section 943.0438(1)(a), F.S.

Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration (AHCA), the authority must disqualify any person who does not pass the background screening qualifications established in s. 435.04, F.S., from acting as an athletic coach except that the authority may authorize such person to serve as an athletic coach if the person meets the requirements for an exemption in s. 435.07, F.S. Additionally, on or after January 1, 2026, or a later date as determined by the AHCA, an authority may not allow any person to act as an athletic coach if he or she does not pass the required background screening except that the authority may allow such a person to serve if he or she successfully completes the exemption process under s. 435.07, F.S.

Timing of Athletic Coach Background Screening Requirements

In 2014, the Legislature expanded background screening requirements for athletic coaches, assistant coaches, and referees of independent sanctioning authorities and allowed a background screening conducted by a commercial consumer reporting agency in compliance with federal standards to satisfy the state level requirement so long as such screening includes a Level 1 background screening and a search against the state and federal registries of sexual predators and sexual offenders to meet the requirements under s. 943.0438, F.S.⁹

In 2023, the Legislature updated the required background screening for athletic coaches to require that they pass a Level 2 background screening and, by January 1, 2026, be included in the background screening clearinghouse¹⁰ run by the AHCA.¹¹ The Legislature further amended this requirement in 2024 to extend the start date for the requirement for the authority to begin conducting the Level 2 background screenings to January 1, 2025.¹²

Care Provider Background Screening Clearinghouse

In 2012, the Florida Legislature created a Care Provider Background Screening Clearinghouse (Clearinghouse). The purpose of the Clearinghouse is to provide a single data source for background screening results of persons required to be screened by law for employment in positions that provide services to children, the elderly, and disabled individuals. The Clearinghouse shall allow the results of criminal history checks to be shared among specified agencies when a person has applied to volunteer, be employed, be licensed, or enter into a contract that requires a state and national fingerprint-based criminal history check.^{13,14}

III. Effect of Proposed Changes:

The bill amends s. 943.0438, F.S., to extend the effective date for requiring a Level 2 background screening for athletic coaches from January 1, 2025, to July 1, 2026.

⁹ Chapter 2014-9, L.O.F.

¹⁰ Section 435.12, F.S.

¹¹ Chapter 2023-220, L.O.F.

¹² Chapter 2024-243, L.O.F.

¹³ Section 435.12, F.S.

¹⁴ Florida Agency for Health Care Administration, *Care Provider Background Screening Clearinghouse*, available at <https://ahca.myflorida.com/site/health-quality-assurance/bureau-of-central-services/background-screening/clearinghouse/care-provider-background-screening-clearinghouse> (last visited April 1, 2025).

The bill amends the definition of “athletic coach” to provide that a person must work more than 20 hours in a calendar year to meet the definition.

The bill provides that an independent sanctioning authority is considered a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse.

The bill provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0438 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 April 1, 2025:

The amendment:

- Amends the definition of “athletic coach” to provide that a person must work more than 20 hours in a calendar year to meet the definition.
- Provides that an independent sanctioning authority be considered a qualified entity for purposes of participating in the Care provider Background Screening Clearing house.
- Provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

- B. **Amendments:**

None.



972212

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) and paragraphs
(a) and (b) of subsection (2) of section 943.0438, Florida
Statutes, are amended, and subsection (5) is added to that
section, to read

943.0438 Athletic coaches for independent sanctioning
authorities.-



972212

- 11 (1) As used in this section, the term:
- 12 (a) "Athletic coach" means a person who:
- 13 1. Is authorized by an independent sanctioning authority to
- 14 work as a coach, an assistant coach, a manager, or a referee for
- 15 more than 20 hours in a calendar year, whether for compensation
- 16 or as a volunteer, for a youth athletic team based in this
- 17 state; and
- 18 2. Has direct contact with one or more minors on the youth
- 19 athletic team.
- 20 (2) An independent sanctioning authority shall:
- 21 (a) Effective July 1, 2026 ~~January 1, 2025~~, conduct a level
- 22 2 background screening under s. 435.04 of each current and
- 23 prospective athletic coach. The authority may not delegate this
- 24 responsibility to an individual team and may not authorize any
- 25 person to act as an athletic coach unless a level 2 background
- 26 screening is conducted and does not result in disqualification
- 27 under paragraph (b).
- 28 (b) ~~1. Be considered a Before January 1, 2026, or a later~~
- 29 ~~date as determined by the Agency for Health Care Administration~~
- 30 ~~for the participation of~~ qualified entity for purposes of
- 31 participating entities in the Care Provider Background Screening
- 32 Clearinghouse under s. 435.12, ~~disqualify any person from acting~~
- 33 ~~as an athletic coach as provided in s. 435.04. The authority may~~
- 34 ~~allow a person disqualified under this subparagraph to act as an~~
- 35 ~~athletic coach if it determines that the person meets the~~
- 36 ~~requirements for an exemption from disqualification under s.~~
- 37 ~~435.07.~~
- 38 ~~2. On or after January 1, 2026, or a later date as~~
- 39 ~~determined by~~ The Agency for Health Care Administration may, not



972212

40 allow a ~~any~~ person to act as an athletic coach if he or she does
41 not pass the background screening qualifications in s. 435.04.
42 The authority may allow a person disqualified under this
43 paragraph ~~subparagraph~~ to act as an athletic coach if the person
44 has successfully completed the exemption from the
45 disqualification process under s. 435.07.

46 (5) A person under the age of 16 who is acting as a coach,
47 an assistant coach, a manager, or a referee, whether for
48 compensation or as a volunteer, for a youth athletic team based
49 in this state must be under the direct supervision of an
50 athletic coach who meets the background screening requirements
51 of this section.

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

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

55 And the title is amended as follows:

56 Delete everything before the enacting clause
57 and insert:

58 A bill to be entitled
59 An act relating to background screening of athletic
60 coaches; amending s. 943.0438, F.S.; revising the
61 definition of the term "athletic coach"; revising the
62 effective date upon which an independent sanctioning
63 authority is required to conduct certain background
64 screenings of athletic coaches; providing that an
65 independent sanctioning authority is considered a
66 qualified entity for the purpose of participating in
67 the Care Provider Background Screening Clearinghouse;
68 prohibiting the Agency for Health Care Administration



972212

69 from allowing certain persons to act as athletic
70 coaches; requiring that certain persons be under the
71 direct supervision of an athletic coach who meets
72 certain background screening requirements; providing
73 an effective date.



645826

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

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

- 1 **Senate Amendment to Amendment (972212)**
- 2
- 3 Delete line 52
- 4 and insert:
- 5 Section 2. This act shall take effect upon becoming a law.

By Senator Grall

29-01414A-25

20251546__

1 A bill to be entitled
2 An act relating to background screening of athletic
3 coaches; amending s. 943.0438, F.S.; revising the date
4 upon which certain background screenings of athletic
5 coaches must be conducted; providing an effective
6 date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Paragraph (a) of subsection (2) of section
11 943.0438, Florida Statutes, is amended to read:
12 943.0438 Athletic coaches for independent sanctioning
13 authorities.—
14 (2) An independent sanctioning authority shall:
15 (a) Effective July 1, 2026, ~~January 1, 2025~~, conduct a
16 level 2 background screening under s. 435.04 of each current and
17 prospective athletic coach. The authority may not delegate this
18 responsibility to an individual team and may not authorize any
19 person to act as an athletic coach unless a level 2 background
20 screening is conducted and does not result in disqualification
21 under paragraph (b).
22 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #1546**, relating to Background Screening of Athletic Coaches, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

APPEARANCE RECORD

1546

4-1-25

Meeting Date

Bill Number or Topic

Civil Justice

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

Committee

Amendment Barcode (if applicable)

Name

Sean Stafford

Phone

727-5000

Address

115 E. Park

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Youth Soccer Association

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

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

1546

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.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:

Florida 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1696

INTRODUCER: Senator Calatayud

SUBJECT: Prearranged Transportation Services

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1696 prohibits a person from willfully impersonating a transportation network company (TNC) driver by engaging in specified conduct. Under the bill, a violation of the prohibition is generally a second degree misdemeanor; however, a person commits a third degree felony if he or she impersonates a TNC driver during the commission of a separate felony offense.

Additionally, the bill clarifies that services purchased from a TNC do not qualify as privately owned or operated bus transit systems, and that a TNC is not a transportation service provider, and thus not subject to specified regulations relating to paratransit service contracts. The bill also modifies training requirements for paratransit drivers to authorize access to third-party training materials.

The bill may have a fiscal impact on both governmental entities and the private sector. See Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Transportation Network Companies (TNCs)

A Transportation Network Company (TNC), codified in s. 627.748, F.S., is defined to mean an entity operating pursuant to s. 627.748, F.S., using a digital network to connect a rider to a TNC driver, who provides prearranged rides. Specifically, a TNC:

- Does not own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract.
- Is not a taxicab association.

- Is not an individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization.¹

A TNC driver receives connections to potential riders and related services from a TNC and in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider after being connected through a digital network.² A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab service, and is not required to register a TNC vehicle as a commercial motor vehicle or a for-hire vehicle.³ A TNC's digital network must display the TNC driver's photograph and the TNC vehicle's license plate number before the rider enters the TNC vehicle.⁴

Transit Safety Standards

Section 341.061, F.S., requires the Florida Department of Transportation (FDOT) to adopt rules establishing minimum equipment and operational safety standards for the following entities:

- Governmentally owned bus transit systems and privately owned or operated bus transit systems operating in this state that are financed wholly or partly by state funds;
- Bus transit systems created pursuant to ch. 427, F.S., providing for the transportation disadvantaged system; and
- Privately owned or operated bus transit systems under contract with any of the above systems.

Such bus transit system standards must be developed jointly by the FDOT and representatives of the transit systems. Accordingly, each bus transit system must:

- Develop a transit safety program plan that complies with established standards;
- Certify to the FDOT that such plan complies with established standards; and
- Implement and comply with the plan during the operation of the transit system.⁵

Additionally, as part of its safety plan, each bus transit system must:

- Require all transit buses operated by the system to be inspected at least annually in accordance with established standards;
- Ensure that qualified personnel of the bus transit system, or public or private entities qualified by the bus transit system, perform safety inspections; and
- Annually certify in writing to the department that it has complied with the adopted safety program plan and safety inspections.⁶

¹ However, a TNC may provide prearranged rides to individuals who qualify for Medicaid or Medicare if it meets specified requirements under s. 627.748, F.S.

² Section 627.748(1)(g), F.S.

³ Section 627.748(2), F.S.

⁴ Section 627.748(5), F.S.

⁵ Section 341.061(2)(a), F.S.

⁶ Section 341.061(2)(b), F.S.

Transportation Service Provider Contracts

For purposes of transportation service contracts, the term “transportation service provider” is defined to mean an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities.⁷

For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets requirements established by the Agency for Persons with Disabilities (APD) for training and professional development of staff providing direct services to clients of the agency.⁸

III. Effect of Proposed Changes:

The bill creates a criminal offense related to the impersonation of a TNC driver. Under the bill, a person commits a second degree misdemeanor⁹ if he or she impersonates a TNC driver by:

- Making a false statement;
- Displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a TNC; or
- Engaging in any other act that falsely represents that he or she represents a TNC or is responding to a passenger ride request for a TNC.

Additionally, a person who impersonates a TNC driver during the commission of a separate felony offense commits a third degree felony.¹⁰

The bill clarifies that services purchased from a TNC which otherwise comply with the TNC statute, are not considered privately owned or operated bus transit systems for purposes of the FDOT’s transit safety standards. Therefore, TNCs are not subject to specified regulations related to transit safety standards, inspections, and system safety reviews.

The bill amends the definition of “transportation service provider” as it relates to paratransit service contracts, specifying that such service providers use a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The bill provides that the term “transportation service provider” does not include a TNC.

The bill amends the current requirement that transportation service providers provide training to each driver providing paratransit service to persons with disabilities that meet requirements established by the APD. The bill requires each transportation service provider to provide each driver with access to third-party training materials that meet such requirements.

The bill takes effect July 1, 2025.

⁷ Section 427.02(1), F.S.

⁸ Section 427.02(2)(a), F.S.

⁹ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections. 775.082 and 775.083, F.S.

¹⁰ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Sections. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector by exempting TNCs from specified requirements related to safety inspections and driver training, which may reduce expenses incurred by TNCs that are currently complying with such requirements.

C. Government Sector Impact:

The bill may create an increase in the need for state prison beds due to creating a felony offense related to impersonating a TNC driver, which may result in more offenders being sentenced to prison. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the prison population cannot be determined.

The bill may create an increase in the need for county jail beds due to creating a misdemeanor offense related to impersonating a TNC driver, which may result in more offenders being sentenced to jail. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the county jail population cannot be determined.

VI. Technical Deficiencies:

The term “willfully” may need to be added at the end of line 29.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.2021, 341.061, and 427.02.

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

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

None.

B. Amendments:

None.

By Senator Calatayud

38-01618B-25

20251696__

A bill to be entitled

An act relating to prearranged transportation services; creating s. 316.2021, F.S.; prohibiting the impersonation of a transportation network company driver; providing criminal penalties; amending s. 341.061, F.S.; providing that services purchased from a transportation network company are not considered privately owned or operated bus transit systems; amending s. 427.02, F.S.; revising the definition of the term "transportation service provider"; requiring transportation service providers to provide certain drivers with access to certain training materials; providing an effective date.

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

Section 1. Section 316.2021, Florida Statutes, is created to read:

316.2021 Unlawful impersonation of transportation network company driver.—A person may not impersonate a transportation network company driver, as defined in s. 627.748(1), by making a false statement; displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a transportation network company; or engaging in any other act that falsely represents that the person represents a transportation network company or is responding to a passenger ride request for a transportation network company. A person who willfully violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who

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

38-01618B-25

20251696__

impersonates a transportation network company driver during the commission of a separate felony offense commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (d) is added to subsection (2) of section 341.061, Florida Statutes, to read:

341.061 Transit safety standards; inspections and system safety reviews.—

(2)

(d) Services purchased from a transportation network company as defined in s. 627.748(1) which otherwise comply with the provisions of s. 627.748 are not privately owned or operated bus transit systems.

Section 3. Subsection (1) and paragraph (a) of subsection (2) of section 427.02, Florida Statutes, are amended to read:

427.02 Paratransit service contracts for transportation service providers.—

(1) For purposes of this section, the term "transportation service provider" means an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities using a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The term does not include a transportation network company as defined in s. 627.748(1).

(2) For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to:

(a) Provide ~~training to~~ each driver of a motor vehicle used to provide paratransit service to persons with disabilities with

Page 2 of 3

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

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59 access to third-party training materials which, at a minimum,
60 ~~meet meets~~ requirements established by the Agency for Persons
61 with Disabilities for training and professional development of
62 staff providing direct services to clients of the agency.

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 25th, 2025

I respectfully request that **Senate Bill #1696**, relating to Prearranged Transportation Services, be placed on the:

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

A handwritten signature in black ink that reads "Alexis Calatayud".

Senator Alexis Calatayud
Florida Senate, District 38

The Florida Senate

APPEARANCE RECORD

4/1

Meeting Date

11696

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name BRAD Miller

Phone 727.459.9697

Address Street

Email BMiller@PSTA.net

Street

ST. Petersburg FL

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

Pinellas Suncoast Transit Authority

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

The Florida Senate

APPEARANCE RECORD

4/1/2025

Meeting Date

SB1696

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name Jorge Chamizo

Phone (850) 681-0024

Address 108 South Monroe Street

Email jorge@flapartners.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:

Uber Technologies, Inc.

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

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

The Florida Senate
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 1804

INTRODUCER: Senator Martin

SUBJECT: Capital Sex Trafficking

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Favorable
2.			ACJ	
3.			FP	

I. Summary:

SB 1804 creates a new crime in s. 787.062, F.S., Capital Sex Trafficking, and an applicable death penalty sentencing procedure.

A person who knowingly engages in human trafficking by use of physical force for sexual violence upon a child less than 12 years of age, or upon a person who is mentally defective or mentally incapacitated commits capital sex trafficking.

A person younger than 18 years of age who violates s. 787.062, F.S., commits a life felony.

The bill contains Legislative findings.

The bill takes effect October 1, 2025.

II. Present Situation:

“Human trafficking” is defined in s. 787.06(2)(d), F.S., as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.

Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

- For commercial sexual activity who does so by the transfer or transport of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of

age from outside this state to within this state commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life.

- For commercial sexual activity in which any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), F.S., is involved commits a life felony, punishable as provided in s. 775.082(3)(a)6., F.S., s. 775.083, F.S., or s. 775.084, F.S. For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized.
- Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking commits a life felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.
- Any person who, for the purpose of committing or facilitating an offense under this section, permanently brands, or directs to be branded, a victim of an offense under this section commits a second degree felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S. For purposes of this subsection, the term “permanently branded” means a mark on the individual's body that, if it can be removed or repaired at all, can only be removed or repaired by surgical means, laser treatment, or other medical procedure.

Capital Felonies for Sexual Battery Cases and the Eighth Amendment

Section 794.011(2)(a), F.S., states that a person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a *capital felony*, punishable as provided in ss. 775.082, and 921.141, F.S.¹

Section 794.011(8)(c), F.S., provides that a person who is in a position of familial or custodial authority who engages in any act with a person less than 12 years of age which constitutes sexual battery, or in an attempt to commit sexual battery injures the sexual organs of such person commits a *capital or life felony*, punishable as provided in ss. 775.082 and 921.141, F.S.²

Sexual battery means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.³

¹ Section 775.082, F.S., provides that a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141, F.S., results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole. Section 921.141, F.S., provides that upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082, F.S.

² *Id.*; and see s. 775.082(3), F.S., setting forth the sentence for a life felony, in general, as: for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

³ Section 794.011(1)(j), F.S.

No one has been executed for a non-murder offense in this country since 1964, although two people were convicted in Louisiana of capital sexual battery of a child and sentenced to death. One of those individuals, Patrick Kennedy, appealed his case to the U.S. Supreme Court, which struck down Louisiana's law.⁴ Five other states have laws allowing the death penalty for sexual battery against a minor, though no one has been sentenced to death in those states.⁵

Historically, capital sexual battery has been punishable by up to a penalty of death in Florida. Although the crimes found in ss. 794.011(2)(a) and (8)(c), F.S., are categorized as capital crimes, life imprisonment without the possibility of parole is the current maximum sentence for these crimes under the applicable case law. This is largely due to a string of court cases from the seventies and early eighties ruling on the constitutionality of the death penalty as applied by the states.⁶

In 1977, the U.S. Supreme Court decided *Coker v. Georgia*, a case involving a death sentence for the sexual battery of an adult female.⁷ Relying heavily on the *Gregg v. Georgia*⁸ decision from the prior term of court, the *Coker* court explained that the Eighth Amendment⁹ bars excessive punishment in relation to the offense committed. Therefore, a particular punishment can be excessive if it “is grossly out of proportion to the severity of the crime.”¹⁰

In applying an Eighth Amendment analysis, the *Coker* court said that “judgment should be informed by objective factors to the maximum possible extent...attention must be given to the public attitudes concerning a particular sentence history and precedent, legislative attitudes, and the response of juries reflected in their sentencing decisions.”¹¹ After performing such a review,¹² the court found that “in the light of the legislative decisions in almost all of the States and in most of the countries around the world, it would be difficult to support a claim that the death penalty for rape is an indispensable part of the States’ criminal justice system.”¹³ The court

⁴ Death Penalty Information Center, Death Penalty for Offenses Other than Murder, available at <https://deathpenaltyinfo.org/facts-and-research/crimes-punishable-by-death/death-penalty-for-offenses-other-than-murder> (last visited March 28, 2025); Death Penalty Information Center, Kennedy v. Louisiana Resource Page, available at <https://deathpenaltyinfo.org/facts-and-research/united-states-supreme-court/significant-supreme-court-opinions/kennedy-v-louisiana-resource-page> (last visited March 28, 2025).

⁵ Those states are Montana, South Carolina, Oklahoma, Georgia, and Texas. Death Penalty Information Center, Kennedy v. Louisiana Resource Page, available at <https://deathpenaltyinfo.org/facts-and-research/united-states-supreme-court/significant-supreme-court-opinions/kennedy-v-louisiana-resource-page> (last visited March 28, 2025).

⁶ *Gibson v. State*, 721 So.2d 363 (Fla. 2nd DCA, 1998).

⁷ *Coker v. Georgia*, 433 U.S. 584, (1977).

⁸ *Gregg v. Georgia*, 428 U.S. 153 (1976), (finding that the Georgia death penalty scheme satisfied the requirements of the Eighth Amendment when imposed for the crime of murder. In a footnote, the *Gregg* court specified: “We do not address here the question whether the taking of the criminal's life is a proportionate sanction where no victim has been deprived of life for example, when capital punishment is imposed for rape, kidnapping, or armed robbery that does not result in the death of any human being.” at footnote 35).

⁹ The Eighth Amendment to the U.S. Constitution states, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. CONST. Amend VIII.

¹⁰ *Coker v. Georgia*, 433 U.S. 584, 592 (1977).

¹¹ *Coker v. Georgia*, 433 U.S. 584, 592 (1977).

¹² *Coker v. Georgia*, 433 U.S. 584, 593-597 (1977).

¹³ *Id.*

held that a death sentence is disproportionate punishment for the rape of an adult woman, and is therefore cruel and unusual punishment within the meaning of the Eighth Amendment.¹⁴

In 1981, the Florida Supreme Court, in *Buford v. State*,¹⁵ held that a death sentence for sexual battery by an adult upon a child, is constitutionally prohibited.¹⁶ The court stated that “[t]he reasoning of the justices in *Coker v. Georgia* compels us to hold that a sentence of death is grossly disproportionate and excessive punishment for the crime of sexual assault and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment.”¹⁷

Three years after *Buford*, the Florida Supreme Court recognized in *Rusaw v. State* that while the death penalty as punishment for the capital crime of sexual battery of a child is not a constitutional sentence, “[t]he legislature, by setting sexual battery of a child apart from other sexual batteries, has obviously found that crime to be of special concern. Just because death is no longer a possible punishment for the crime described in s. 794.011(2), F.S., does not mean that the alternative penalty suffers from any defect.”¹⁸

In 2008, the U.S. Supreme Court, in *Kennedy v. Louisiana*, a child sexual battery case for which the defendant was sentenced to death, also began its Eighth Amendment analysis by examining existing statutes and legislation, and statistics on executions for child sexual battery.¹⁹

Like the *Coker* court, the *Kennedy* court found that there is a national consensus against the death penalty for child sexual battery.²⁰ This finding led the court to conclude that the death penalty is not a proportional punishment for the sexual battery of a child.²¹

Case Law and Subsequent Statutory Changes Regarding Death Penalty Sentencing Procedure

The Sixth Amendment of the U.S. Constitution provides: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury. . . .”²² This right,

¹⁴ “We have the abiding conviction that the death penalty, which ‘is unique in its severity and irrevocability,’ ... is an excessive penalty for the rapist who, as such, does not take human life.” *Coker v. Georgia*, 433 U.S. 584, 97 S.Ct. 286, 153 L.Ed.2d 982 (1977); [internal citation: *Gregg v. Georgia*, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976)].

¹⁵ *Buford v. State*, 403 So.2d 943 (Fla.1981), *cert. denied*, 454 U.S. 1163, 102 S.Ct. 1037, 71 L.Ed.2d 319 (1982).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Rusaw v. State*, 451 So.2d 469 (Fla. 1984), referring to life imprisonment without the possibility of parole, ss. 775.082 and 921.141, F.S.

¹⁹ The state court in *Kennedy* explained that since 1993, four more States—Oklahoma, South Carolina, Montana, and Georgia—had capitalized the crime of child rape, and at least eight States had authorized capital punishment for other nonhomicide crimes. By its count, 14 of the then-38 States permitting capital punishment, plus the Federal Government, allowed the death penalty for nonhomicide crimes and FIVE allowed the death penalty for the crime of child rape. *Kennedy v. Louisiana*, 554 U.S. 407, 418 (2008).

²⁰ After reviewing the authorities informed by contemporary norms, including the history of the death penalty for this and other nonhomicide crimes, current state statutes and new enactments, and the number of executions since 1964, we conclude there is a national consensus against capital punishment for the crime of child rape. *Kennedy v. Louisiana*, 554 U.S. 407, 434 (2008).

²¹ *Kennedy v. Louisiana*, 554 U.S. 407, 422 (2008).

²² U.S. CONST. Amend. VI.

in conjunction with the Due Process Clause, requires that each element of a crime be proved to a jury beyond a reasonable doubt.²³

The U.S. Supreme Court in *Ring v. Arizona*, applied this right to Arizona's capital sentencing scheme, which required a judge to determine the presence of aggravating and mitigating factors and to only sentence a defendant to death if the judge found at least one aggravating factor.²⁴ The Court struck down the Arizona sentencing scheme, finding it to be a violation of the Sixth Amendment because it permitted sentencing judges, without a jury, to find aggravating circumstances justifying imposition of the death penalty.²⁵

In 2016, the U.S. Supreme Court issued the *Hurst v. Florida* opinion finding that Florida's death penalty sentencing process was unconstitutional because "the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death."²⁶ Thereafter, the Legislature amended ss. 921.141 and 921.142, F.S., to incorporate the following statutory changes:

- The jury is required to identify each aggravating factor found to exist by a unanimous jury vote in order for a defendant to be eligible for a sentence of death;
- The jury is required to determine whether the aggravating factors outweigh the mitigating circumstances in reaching its sentencing recommendation;
- If at least ten of the twelve members of the jury determine that the defendant should be sentenced to death, the jury's recommendation is a sentence of death;
- The jury is required to recommend a sentence of life imprisonment without the possibility of parole if fewer than ten jurors determined that the defendant should be sentenced to death;
- The judge is permitted to impose a sentence of life imprisonment without the possibility of parole when the jury recommends a sentence of death; and
- The judge is no longer permitted to "override" the jury's recommendation of a sentence of life imprisonment by imposing a sentence of death.²⁷

Also in 2016, *Hurst v. State*, on remand from the U.S. Supreme Court, was decided by the Florida Supreme Court. In addition to finding that the prior 2016 statutory amendments to the death penalty sentencing provisions were constitutional, the court also held that "in order for the trial court to impose a sentence of death, the jury's recommended sentence of death must be unanimous."²⁸

After the *Hurst v. State* decision in 2016, the Legislature again amended ss. 921.141 and 921.142, F.S., this time to require a unanimous vote of the jury for a sentencing recommendation of death.²⁹

²³ *United States v. Gaudin*, 515 U.S. 506, 510 (1995).

²⁴ *Ring v. Arizona*, 536 U.S. 584, 592 (2002).

²⁵ *Id.* at 609.

²⁶ *Hurst v. Florida*, 577 U.S. 92 (2016). The *Hurst v. Florida* decision was based on the Sixth Amendment and the 2002 U.S. Supreme Court decision in *Ring v. Arizona*, which held that juries rather than judges acting alone must make crucial *factual* determinations that subject a convicted murderer to the death penalty. *Ring v. Arizona*, 536 U.S. 584 (2002).

²⁷ Chapter 2016-13, L.O.F. (2016).

²⁸ *Hurst v. State*, 202 So.3d 40, 44, (Fla. 2016), *cert. den.*, 137 S.Ct. 2161 (2017).

²⁹ Chapter 2017-1, L.O.F. (2017).

Subsequent to the Legislature’s 2016 amendments to the death penalty sentencing proceedings, in an effort to comply with both *Hurst v. Florida*³⁰ and *Hurst v. State*,³¹ the Florida Supreme Court receded from its *Hurst v. State* opinion, eliminating the need for most of the statutory changes made in 2016.³²

In *Poole v. State*, the Florida Supreme Court opined that the *Hurst v. State* court had gone beyond where the U.S. Supreme Court required in order to bring Florida’s death penalty proceedings into compliance with constitutional standards.³³

The *Poole* court left intact only the requirement that a unanimous jury find a statutory aggravating circumstance by a reasonable doubt standard of proof.³⁴ This particular part of Florida’s death penalty sentencing proceeding is necessary, as the *Poole* court explained, because there are two components to the death penalty sentencing decision-making process: the *eligibility decision* which is the trier of fact’s responsibility, and the *selection decision* which is the sentencing judge’s responsibility.³⁵

As to the eligibility decision, the U.S. Supreme Court has required that the death penalty be reserved for only a subset of those who commit murder. “To render a defendant *eligible* for the death penalty in a homicide case, [the Supreme Court has] indicated that the *trier of fact* must convict the defendant of murder and find one ‘aggravating circumstance’ (or its equivalent) at either the guilt or penalty phase.”³⁶

The selection decision involves determining “whether a defendant eligible for the death penalty should in fact receive that sentence.”³⁷ The selection decision is a subjective determination to be made by the court. It is not a “fact” or “element” of the offense for the fact-finder to decide.³⁸

According to the *Poole* court, the *Hurst v. State* court misinterpreted the *Hurst v. Florida* decision on this key point: the *Hurst v. Florida* decision is about death penalty *eligibility*.

Post-*Poole* if a jury unanimously finds at least one aggravating circumstance exists in a murder case, the defendant is death-eligible.

According to *Poole*, the *Hurst v. State* court had a “mistaken view” of what constitutes an *element* of an offense which is a *fact* that a jury must determine exists beyond a reasonable doubt for a defendant to be death eligible. *Hurst v. State*, therefore, mistakenly decided that the Sixth Amendment right to trial by a jury required:

³⁰ *Hurst v. Florida*, 577 U.S. 92 (2016).

³¹ *Hurst v. State*, 202 So.3d 40 (Fla. 2016), interpreting and applying *Hurst v. Florida*, 577 U.S. 92 (2016).

³² *Poole v. State*, 297 So. 3d 487 (Fla. 2020), receding from *Hurst v. State*, 202 So.3d 40 (Fla. 2016).

³³ *Poole v. State*, 297 So. 3d 487 (Fla. 2020).

³⁴ *Poole v. State*, 297 So. 3d 487 (Fla. 2020).

³⁵ *Poole v. State*, 297 So. 3d 487, 501 (Fla. 2020).

³⁶ *Poole v. State*, 297 So. 3d 487, 501 (Fla. 2020), quoting *Tuilaepa v. California*, 512 U.S. 967, 971-972 (U.S. 1994) (emphasis added).

³⁷ *Id.*

³⁸ *Poole v. State*, 297 So. 3d 487, 504 (Fla. 2020).

- Unanimous jury findings as to all of the aggravating factors that were proven beyond a reasonable doubt;
- That the aggravating factors are sufficient³⁹ to impose a death sentence;
- That the aggravating factors outweigh the mitigating factors;⁴⁰ and
- A unanimous jury recommendation of a sentence of death.⁴¹

In sum, the *Poole* court rejected the *Hurst v. State* court's view of a capital jury's role that goes beyond the "fact-finding" required to determine whether a defendant is death eligible.⁴²

Florida's Current Death Penalty Statutes

In 2023, the Legislature again amended the death penalty procedure in homicide cases to clarify the judge's and the jury's role. Specifically, ss. 921.14 and 921.142, F.S., were amended to:

- Delete the requirement of a unanimous jury recommendation for the imposition of the death penalty replacing it with a recommendation of at least eight jurors recommending the death penalty.
- Provide that if fewer than eight jurors vote to recommend the death penalty, the jury's sentencing recommendation must be for life without the possibility of parole and the court is bound by that recommendation.
- Provide that if the jury recommends a sentence of death, the court may impose the recommended sentence of death, or a sentence of life imprisonment without the possibility of parole.
- Specify that the death penalty may only be imposed if the jury unanimously finds at least one aggravating factor beyond a reasonable doubt.
- Require that the court enter a written order whether the sentence is for death or for life without the possibility of parole and the court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.⁴³

³⁹ [F]or purposes of complying with s. 921.141(3)(a), F.S., "sufficient aggravating circumstances" means "one or more." See *Miller v. State*, 42 So. 3d 204, 219 (Fla. 2010) ("sufficient aggravating circumstances" means "one or more such circumstances." For purposes of complying with s. 921.141(3)(a), F.S., "sufficient aggravating circumstances" means "one or more." See *Miller v. State*, 42 So. 3d 204, 219 (Fla. 2010) ("sufficient aggravating circumstances" means "one or more such circumstances"). *Poole v. State*, 297 So. 3d 487, 502 (Fla. 2020).

⁴⁰ "The role of the s. 921.141(3)(b), F.S., selection finding is to give the defendant an opportunity for mercy if it is justified by the relevant mitigating circumstances and by the facts surrounding his crime." *Poole v. State*, 297 So. 3d 487, 503 (Fla. 2020). See also *Rogers v. State*, 285 So.3d 872, 886 (Fla. 2019).

⁴¹ *Hurst v. Florida* does not require a unanimous jury recommendation—or any jury recommendation—before a death sentence can be imposed. The Supreme Court in *Spaziano* "upheld the constitutionality under the Sixth Amendment of a Florida judge imposing a death sentence even in the face of a jury recommendation of life—a jury override. It necessarily follows that the Sixth Amendment, as interpreted in *Spaziano*, does not require any jury recommendation of death, much less a unanimous one. And as we have also explained, the Court in *Hurst v. Florida* overruled *Spaziano* only to the extent it allows a judge, rather than a jury, to find a necessary aggravating circumstance." See *Hurst v. Florida*, 136 S. Ct. at 624. See also *Spaziano v. Florida*, 468 U.S. 447 at 464-65, (1984) holding that the Eighth Amendment does not require a jury's favorable recommendation before a death penalty can be imposed. *Poole v. State*, 297 So. 3d 487, 505 (Fla. 2020).

⁴² "This Court clearly erred in *Hurst v. State* by requiring that the jury make any finding beyond the section 921.141(3)(a) eligibility finding of one or more statutory aggravating circumstances. Neither *Hurst v. Florida*, nor the Sixth or Eighth Amendment, nor the Florida Constitution mandates that the jury make the s. 941.121(3)(b), F.S., selection finding or that the jury recommend a sentence of death."

⁴³ Sections 921.141 and 921.142, F.S.

In an additional 2023 amendment to the death penalty procedure, s. 921.1425, F.S., was created, which provides for a death sentence or life imprisonment without the possibility of parole for the crime of sexual battery by an adult upon a child under the age of 12, or the attempt to commit the crime, and the adult injures the child's sexual organs.⁴⁴ The procedure in s. 921.1425, F.S., as it differs from s. 921.141, (2013), F.S., is that the jury must unanimously find at least two aggravating factors for the defendant to receive the death penalty.

On December 14, 2023, Lake County, prosecutors announced they would seek the first death sentence for a man accused of committing sexual battery of a minor under the age of 12. A statement from the office of State Attorney William Gladson said the decision reflects the "severity of the crime and its impact on the community." In February 2024, the defendant pled guilty and was sentenced to life in prison without the possibility of parole.⁴⁵

III. Effect of Proposed Changes:

Capital Sex Trafficking

The crime created in s. 787.062, F.S., Capital Human Trafficking, provides that a person who knowingly engages in human trafficking by use of physical force for sexual violence upon a child less than 12 years of age, or upon a person who is mentally defective⁴⁶ or mentally incapacitated⁴⁷ as those terms are defined in the bill, commits a capital felony.⁴⁸ This new capital felony can result in a sentence of death or life without the possibility of parole. A person younger than 18 years of age who violates s. 787.062, F.S., commits a life felony.⁴⁹

The bill defines "physical force" as the touching, striking, causing of bodily harm, confining, or restraining of another.

As provided in the bill, "sexual violence" means an act of any of the following:

⁴⁴ Other states have introduced similar legislation since the Florida law was changed. Death Penalty Information Center, Death Penalty for Child Sexual Abuse that Does Not Result in Death, available at [Death Penalty for Child Sexual Abuse that Does Not Result in Death | Death Penalty Information Center](#), (last visited March 27, 2025).

⁴⁵ *Id.*

⁴⁶ "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.

⁴⁷ "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.

⁴⁸ As provided in ss. 775.082 and 921.1427, F.S.

⁴⁹ A person convicted of an offense that is not included in s. 782.04, F.S., but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401, F.S., and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(d), F.S.

- Sexual battery, as defined in s. 794.011(1), F.S.⁵⁰;
- Lewd or lascivious battery, as defined in s. 800.04(4), F.S.⁵¹;
- Lewd or lascivious molestation, as defined in s. 800.04(5), F.S.⁵²;
- Lewd or lascivious conduct, as defined in s. 800.04(6), F.S.⁵³; or
- Sadomasochistic abuse or sexual bestiality as those terms are defined in s. 827.071(1), F.S.

Death Penalty Procedure

The bill provides that in all capital cases under s. 787.062, F.S., the procedure in s. 921.1427, F.S., must be followed to determine a sentence of death or life imprisonment. If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

The bill requires the court to conduct a separate sentencing proceeding upon the conviction or adjudication of guilt of a defendant of a capital felony under s. 787.062(4), F.S., to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082, F.S.

The proceeding must be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in ch. 913, F.S., to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleads guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant.

In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and must include matters relating to any of the aggravating factors and for which notice has been provided pursuant to s. 787.062(4), F.S., or relating to any of the mitigating circumstances.

Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a

⁵⁰ “Sexual battery” means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. Section 794.011(1)(j), F.S.

⁵¹ A person commits lewd or lascivious battery by: engaging in sexual activity with a person 12 years of age or older but less than 16 years of age; encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity. Section 800.04(4), F.S.

⁵² A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation. Section 800.04(5), F.S.

⁵³ A person who intentionally touches a person under 16 years of age in a lewd or lascivious manner or solicits a person under 16 years of age to commit a lewd or lascivious act, commits lewd or lascivious conduct. Section 800.04(6), F.S.

fair opportunity to rebut any hearsay statements. However, subsection (2) of s. 941.1427, F.S., may not be construed to authorize the introduction of any evidence secured in violation of the United States Constitution or the State Constitution. The state and the defendant or the defendant's counsel must be permitted to present arguments for or against a sentence of death.

If a defendant has not waived his or her right to a sentencing proceeding by a jury, the jury will hear all of the evidence presented regarding aggravating factors and mitigating circumstances. The jury must deliberate and determine if the state has proven, beyond a reasonable doubt, the existence of at least two aggravating factors.

The jury must return findings identifying each aggravating factor found to exist. A finding that an aggravating factor exists must be unanimous. If the jury:

- Does not unanimously find at least two aggravating factors, the defendant is ineligible for a sentence of death.
- Unanimously finds at least two aggravating factors, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant must be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
 - Whether sufficient aggravating factors exist.
 - Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
 - Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.

If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of life imprisonment without the possibility of parole.

If the jury has recommended a sentence of:

- Life imprisonment without the possibility of parole, the court must impose the recommended sentence of life imprisonment without the possibility of parole.
- Death, the court may impose the recommended sentence of death or a sentence of life imprisonment without the possibility of parole. The court may impose a sentence of death only if the jury unanimously found at least two aggravating factors to have been proven beyond a reasonable doubt.

If the defendant waives his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least two aggravating factors have been proven to exist beyond a reasonable doubt.

Regardless of the sentence, the court must enter a written sentencing order considering the records of the trial and the sentencing proceedings, and addressing:

- The aggravating factors found to exist;
- The mitigating circumstances reasonably established by the evidence;

- Whether there are sufficient aggravating factors to warrant the death penalty; and
- Whether the aggravating factors outweigh the mitigating circumstances reasonably established by the evidence.

The court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.

If the court does not issue its sentencing order requiring a sentence of death within 30 days after the rendition of the judgment and sentence, the court must impose a sentence of life imprisonment without the possibility of parole in accordance with s. 775.082, F.S.

The judgment of conviction and sentence of death shall be subject to automatic review by the Florida Supreme Court and disposition rendered within two years after the filing of a notice of appeal. Such review by the Florida Supreme Court must have priority over all other cases and must be heard in accordance with rules adopted by the Florida Supreme Court.

Aggravating factors are limited to the following:

- The capital felony was committed by a person who was previously convicted of a felony violation of s. 794.011, F.S., and was under a sentence of imprisonment or was placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence.
- The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21, F.S., or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a sexual offender who is required to register pursuant to s. 943.0435, F.S., or a person previously required to register as a sexual offender who had such requirement removed.
- The defendant knowingly created a great risk of death to one or more persons such that participation in the offense constituted reckless indifference or disregard for human life.
- The defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person in committing the offense or in furtherance of the offense.
- The capital felony was committed for pecuniary gain.
- The capital felony was especially heinous, atrocious, or cruel.
- The victim of the capital felony was particularly vulnerable due to age or disability, or because the defendant was in a position of familial or custodial authority in relation to the victim.
- The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30, F.S., or s. 784.046, F.S., or a foreign protection order accorded full faith and credit pursuant to s. 741.315, F.S., and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.
- The victim of the capital felony sustained serious bodily injury.

Mitigating circumstances are the following:

- The defendant has no significant history of prior criminal activity.

- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.
- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.
- The defendant could not have reasonably foreseen that her or his conduct in the course of the commission of the offense would cause or would create a grave risk of death to one or more persons.
- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

Once the prosecution has provided evidence of the existence of two or more aggravating factors, the prosecution may introduce, and subsequently argue, victim impact evidence to the jury. Such evidence must be designed to demonstrate the victim's uniqueness as an individual human being and the physical and psychological harm to the victim. Characterizations and opinions about the crime, the defendant, and the appropriate sentence may not be permitted as a part of victim impact evidence.

Notwithstanding s. 775.082(2), F.S., s. 775.15, F.S., or any other provision of law, a sentence of death must be imposed under this section notwithstanding existing case law that holds such a sentence to be unconstitutional under the United States Constitution or the State Constitution. In any case for which the Florida Supreme Court or the United States Supreme Court reviews a sentence of death imposed pursuant to this section, and in making such a review reconsiders the prior holdings in *Buford v. State* and *Kennedy v. Louisiana*, and determines a sentence of death remains unconstitutional, the court having jurisdiction over the person previously sentenced to death must cause such person to be brought before the court, and the court must sentence such person to life imprisonment without the possibility of parole as provided in s. 775.082(1), F.S.

The bill specifies that s. 921.141, F.S., does not apply to a person convicted or adjudicated guilty of a capital sex trafficking offense under s. 787.062, F.S.

The bill amends s. 924.07, F.S., to create an appellate opportunity for the State if the sentence in a case of capital sex trafficking resulted from the circuit court's failure to comply with sentencing procedures under s. 921.1427, F.S., including by:

- Striking the State's notice of intent to seek the death penalty;
- Refusing to impanel a capital jury; or
- Otherwise granting relief that prevents the State from seeking the death penalty.

The bill amends s. 921.137(4), F.S., to add a reference to newly created s. 921.1427, F.S., which provides procedures for sentencing a person who gives notice of his or her intention to raise intellectual disability as a bar to the death sentence. Section 921.137, F.S., prohibits the imposition of the death penalty upon an intellectually disabled defendant.

The bill provides Legislative findings.

Newly-created s. 921.1427, F.S., applies to any capital felony under s. 787.062, F.S., that is committed on or after October 1, 2025.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Pursuant to the U.S. and Florida Supreme Courts, a sentence of death is constitutionally prohibited for a crime other than one which causes death. The Supreme Court of Florida held in *Buford v. State*,⁵⁴ that a death sentence for sexual battery by an adult upon a child, is constitutionally prohibited.⁵⁵ The court stated that “[t]he reasoning of the justices in *Coker v. Georgia* compels us to hold that a sentence of death is grossly disproportionate and excessive punishment for the crime of sexual assault and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment.”⁵⁶

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵⁴ *Buford v. State*, 403 So.2d 943 (Fla.1981), cert. denied, 454 U.S. 1163, 102 S.Ct. 1037, 71 L.Ed.2d 319 (1982).

⁵⁵ *Id.*

⁵⁶ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be an indeterminate fiscal impact on the criminal trial courts, appellate courts, prosecutors, defense attorneys, and appellate counsel as a result of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 924.07, 921.137, 921.141.

This bill creates the following sections of the Florida Statutes: 787.062, 921.1427,

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

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

None.

B. Amendments:

None.

By Senator Martin

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1 A bill to be entitled
 2 An act relating to capital sex trafficking; creating
 3 s. 787.062, F.S.; providing legislative findings;
 4 providing definitions; providing penalties for persons
 5 convicted of the capital felony of human trafficking
 6 by use of physical force upon certain persons for sex;
 7 providing requirements for sentencing in certain
 8 capital cases; providing requirements for prosecutors
 9 of such cases; creating s. 921.1427, F.S.; providing
 10 legislative findings and intent; providing
 11 requirements for separate sentencing proceedings in
 12 certain capital felony cases; providing construction;
 13 providing applicability; providing for findings and
 14 recommended sentences by a jury; providing
 15 requirements for imposition of a sentence of life
 16 imprisonment or a sentence of death; providing
 17 requirements for a written court order in support of a
 18 sentence of life imprisonment or a sentence of death;
 19 providing for automatic review of sentences of death
 20 within a certain time period; specifying aggravating
 21 factors and mitigating circumstances; providing for
 22 victim impact evidence; providing for resentencing if
 23 provisions are found to be unconstitutional; providing
 24 applicability; amending s. 924.07, F.S.; authorizing
 25 the state to appeal from a sentence on the ground that
 26 it resulted from the failure of the circuit court to
 27 comply with specified sentencing procedure
 28 requirements; amending ss. 921.137 and 921.141, F.S.;;
 29 conforming provisions to changes made by the act;

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30 providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Section 787.062, Florida Statutes, is created to
 35 read:
 36 787.062 Capital sex trafficking.—
 37 (1) The Legislature finds that human trafficking is a form
 38 of modern-day slavery, and victims of such schemes include young
 39 children, young teenagers, and persons with diminished mental
 40 capacity. The Legislature finds that victims of human
 41 trafficking are subjected to force for the purpose of sexual
 42 exploitation. Such crimes destroy the innocence of young
 43 children and violate all standards of decency held by civilized
 44 society.
 45 (2) As used in this section, the term:
 46 (a) "Human trafficking" has the same meaning as provided in
 47 s. 787.06(2).
 48 (b) "Physical force" means the touching, striking, causing
 49 of bodily harm, confining, or restraining of another.
 50 (c) "Sexual violence" means an act of any of the following:
 51 1. Sexual battery, as defined in s. 794.011(1).
 52 2. Lewd or lascivious battery, as defined in s. 800.04(4).
 53 3. Lewd or lascivious molestation, as defined in s.
 54 800.04(5).
 55 4. Lewd or lascivious conduct, as defined in s. 800.04(6).
 56 5. Sadoomasochistic abuse or sexual bestiality as those
 57 terms are defined in s. 827.071(1).
 58 (3)(a) Except as provided in paragraph (b), a person who

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59 knowingly engages in human trafficking by use of physical force
 60 for sexual violence upon a child less than 12 years of age, or
 61 upon a person who is mentally defective or mentally
 62 incapacitated as those terms are defined in s. 794.011(1),
 63 commits a capital felony, punishable as provided in ss. 775.082
 64 and 921.1427.

65 (b) A person younger than 18 years of age who commits an
 66 offense under this subsection commits a life felony, punishable
 67 as provided in s. 775.082(3)(a)6., s. 775.083, or s. 775.084.

68 (4) In all capital cases under this section, the procedure
 69 in s. 921.1427 shall be followed to determine a sentence of
 70 death or life imprisonment. If the prosecutor intends to seek
 71 the death penalty, the prosecutor must give notice to the
 72 defendant and file the notice with the court within 45 days
 73 after arraignment. The notice must contain a list of the
 74 aggravating factors the state intends to prove and has reason to
 75 believe it can prove beyond a reasonable doubt. The court may
 76 allow the prosecutor to amend the notice upon a showing of good
 77 cause.

78 Section 2. Section 921.1427, Florida Statutes, is created
 79 to read:

80 921.1427 Sentence of death or life imprisonment for capital
 81 sex trafficking; further proceedings to determine sentence.-

82 (1) FINDINGS; INTENT.-

83 (a) The Legislature finds that a person who commits the act
 84 of human trafficking for sex of a person younger than 12 years
 85 of age carries a great risk of death and danger to vulnerable
 86 members of this state. Such crimes destroy the innocence of
 87 young children and violate all standards of decency held by

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88 civilized society, and that persons who traffic in such
 89 vulnerable children may be determined by the trier of fact to
 90 have a culpable mental state of reckless indifference or
 91 disregard for human life.

92 (b) It is the intent of the Legislature that the procedure
 93 in this section shall be followed, and a prosecutor must file
 94 notice, as provided in s. 787.062(4), if he or she intends to
 95 seek the death penalty.

96 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.-Upon
 97 conviction or adjudication of guilt of a defendant of a capital
 98 felony under s. 787.062(3)(a), the court shall conduct a
 99 separate sentencing proceeding to determine whether the
 100 defendant should be sentenced to death or life imprisonment as
 101 authorized by s. 775.082. The proceeding shall be conducted by
 102 the trial judge before the trial jury as soon as practicable.
 103 If, through impossibility or inability, the trial jury is unable
 104 to reconvene for a hearing on the issue of penalty after having
 105 determined the guilt of the accused, the trial judge may summon
 106 a special juror or jurors as provided in chapter 913 to
 107 determine the imposition of the penalty. If the jury trial has
 108 been waived, or if the defendant pleaded guilty, the sentencing
 109 proceeding shall be conducted before a jury impaneled for that
 110 purpose, unless waived by the defendant. In the proceeding,
 111 evidence may be presented as to any matter that the court deems
 112 relevant to the nature of the crime and the character of the
 113 defendant and shall include matters relating to any of the
 114 aggravating factors enumerated in subsection (7) and for which
 115 notice has been provided pursuant to s. 787.062(4) or mitigating
 116 circumstances enumerated in subsection (8). Any such evidence

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117 the court deems to have probative value may be received,
 118 regardless of its admissibility under the exclusionary rules of
 119 evidence, provided the defendant is accorded a fair opportunity
 120 to rebut any hearsay statements. However, this subsection shall
 121 not be construed to authorize the introduction of any evidence
 122 secured in violation of the United States Constitution or the
 123 State Constitution. The state and the defendant or the
 124 defendant's counsel shall be permitted to present argument for
 125 or against a sentence of death.

126 (3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This
 127 subsection applies only if the defendant has not waived his or
 128 her right to a sentencing proceeding by a jury.

129 (a) After hearing all of the evidence presented regarding
 130 aggravating factors and mitigating circumstances, the jury shall
 131 deliberate and determine if the state has proven, beyond a
 132 reasonable doubt, the existence of at least two aggravating
 133 factors set forth in subsection (7).

134 (b) The jury shall return findings identifying each
 135 aggravating factor found to exist. A finding that at least two
 136 aggravating factors exist must be unanimous. If the jury:

137 1. Does not unanimously find at least two aggravating
 138 factors, the defendant is ineligible for a sentence of death.

139 2. Unanimously finds at least two aggravating factors, the
 140 defendant is eligible for a sentence of death and the jury shall
 141 make a recommendation to the court as to whether the defendant
 142 shall be sentenced to life imprisonment without the possibility
 143 of parole or sentenced to death. The recommendation shall be
 144 based on a weighing of all of the following:

145 a. Whether sufficient aggravating factors exist.

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146 b. Whether aggravating factors exist which outweigh the
 147 mitigating circumstances found to exist.

148 c. Based on the considerations in sub-subparagraphs a. and
 149 b., whether the defendant should be sentenced to life
 150 imprisonment without the possibility of parole or sentenced to
 151 death.

152 (c) If at least eight jurors determine that the defendant
 153 should be sentenced to death, the jury's recommendation to the
 154 court shall be a sentence of death. If fewer than eight jurors
 155 determine that the defendant should be sentenced to death, the
 156 jury's recommendation to the court shall be a sentence of life
 157 imprisonment without the possibility of parole.

158 (4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

159 (a) If the jury has recommended a sentence of:

160 1. Life imprisonment without the possibility of parole, the
 161 court shall impose the recommended sentence of life imprisonment
 162 without the possibility of parole.

163 2. Death, the court, after considering each aggravating
 164 factor found by the jury and all mitigating circumstances, may
 165 impose a sentence of life imprisonment without the possibility
 166 of parole or a sentence of death. The court may consider only an
 167 aggravating factor that was unanimously found to exist by the
 168 jury. The court may impose a sentence of death only if the jury
 169 unanimously found at least two aggravating factors beyond a
 170 reasonable doubt.

171 (b) If the defendant waived his or her right to a
 172 sentencing proceeding by a jury, the court, after considering
 173 all aggravating factors and mitigating circumstances, may impose
 174 a sentence of life imprisonment without the possibility of

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175 parole or a sentence of death. The court may impose a sentence
 176 of death only if the court finds that at least two aggravating
 177 factors have been proven to exist beyond a reasonable doubt.

178 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE
 179 IMPRISONMENT OR DEATH.—In each case in which the court imposes a
 180 sentence of life imprisonment without the possibility of parole
 181 or death, the court shall, considering the records of the trial
 182 and the sentencing proceedings, enter a written order addressing
 183 the aggravating factors set forth in subsection (7) found to
 184 exist, the mitigating circumstances in subsection (8) reasonably
 185 established by the evidence, whether there are sufficient
 186 aggravating factors to warrant the death penalty, and whether
 187 the aggravating factors outweigh the mitigating circumstances
 188 reasonably established by the evidence. The court shall include
 189 in its written order the reasons for not accepting the jury's
 190 recommended sentence, if applicable. If the court does not issue
 191 its order requiring the death sentence within 30 days after the
 192 rendition of the judgment and sentence, the court shall impose a
 193 sentence of life imprisonment without the possibility of parole
 194 in accordance with s. 775.082.

195 (6) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of
 196 conviction and sentence of death shall be subject to automatic
 197 review by the Supreme Court and disposition rendered within 2
 198 years after the filing of a notice of appeal. Such review by the
 199 Supreme Court shall have priority over all other cases and shall
 200 be heard in accordance with rules adopted by the Supreme Court.

201 (7) AGGRAVATING FACTORS.—Aggravating factors shall be
 202 limited to the following:

203 (a) The capital felony was committed by a person previously

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204 convicted of a felony violation under s. 787.06 or s. 787.062,
 205 and under sentence of imprisonment or placed on community
 206 control or on felony probation.

207 (b) The defendant was previously convicted of another
 208 capital felony or of a felony involving the use or threat of
 209 violence to the person.

210 (c) The capital felony was committed by a person designated
 211 as a sexual predator pursuant to s. 775.21 or a person
 212 previously designated as a sexual predator who had the sexual
 213 predator designation removed.

214 (d) The capital felony was committed by a sexual offender
 215 who is required to register pursuant to s. 943.0435 or a person
 216 previously required to register as a sexual offender who had
 217 such requirement removed.

218 (e) The defendant knowingly created a great risk of death
 219 to one or more persons such that participation in the offense
 220 constituted reckless indifference or disregard for human life.

221 (f) The defendant used a firearm or knowingly directed,
 222 advised, authorized, or assisted another to use a firearm to
 223 threaten, intimidate, assault, or injure a person in committing
 224 the offense or in furtherance of the offense.

225 (g) The capital felony was especially heinous, atrocious,
 226 or cruel.

227 (h) The victim of the capital felony was particularly
 228 vulnerable due to age or disability, or because the defendant
 229 stood in a position of familial or custodial authority over the
 230 victim.

231 (i) The capital felony was committed by a person subject to
 232 an injunction issued pursuant to s. 741.30 or s. 784.046, or a

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233 foreign protection order accorded full faith and credit pursuant
 234 to s. 741.315, and was committed against the petitioner who
 235 obtained the injunction or protection order or any spouse,
 236 child, sibling, or parent of the petitioner.
 237 (j) The victim of the capital felony sustained serious
 238 bodily injury.
 239 (8) MITIGATING CIRCUMSTANCES.—Mitigating circumstances
 240 shall include the following:
 241 (a) The defendant has no significant history of prior
 242 criminal activity.
 243 (b) The capital felony was committed while the defendant
 244 was under the influence of extreme mental or emotional
 245 disturbance.
 246 (c) The defendant was an accomplice in the capital felony
 247 committed by another person, and the defendant's participation
 248 was relatively minor.
 249 (d) The defendant was under extreme duress or under the
 250 substantial domination of another person.
 251 (e) The capacity of the defendant to appreciate the
 252 criminality of her or his conduct or to conform her or his
 253 conduct to the requirements of law was substantially impaired.
 254 (f) The age of the defendant at the time of the offense.
 255 (g) The defendant could not have reasonably foreseen that
 256 her or his conduct in the course of the commission of the
 257 offense would cause or would create a grave risk of death to one
 258 or more persons.
 259 (h) The existence of any other factors in the defendant's
 260 background that would mitigate against imposition of the death
 261 penalty.

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262 (9) VICTIM IMPACT EVIDENCE.—Once the prosecution has
 263 provided evidence of the existence of two or more aggravating
 264 factors as described in subsection (7), the prosecution may
 265 introduce, and subsequently argue, victim impact evidence to the
 266 jury. Such evidence shall be designed to demonstrate the
 267 victim's uniqueness as an individual human being and the
 268 physical and psychological harm to the victim. Characterizations
 269 and opinions about the crime, the defendant, and the appropriate
 270 sentence shall not be permitted as a part of victim impact
 271 evidence.
 272 (10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or s.
 273 775.15, or any other provision of law, a sentence of death shall
 274 be imposed under this section notwithstanding existing case law
 275 that holds that such a sentence is unconstitutional under the
 276 State Constitution and the United States Constitution. In any
 277 case for which the Florida Supreme Court or the United States
 278 Supreme Court reviews a sentence of death imposed pursuant to
 279 this section, and in making such a review reconsiders the prior
 280 holdings in *Buford v. State of Florida*, 403 So. 2d 943 (Fla.
 281 1981), and *Kennedy v. Louisiana*, 554 U.S. 407 (2008), and
 282 determines that a sentence of death remains unconstitutional,
 283 the court having jurisdiction over the person previously
 284 sentenced to death shall cause such person to be brought before
 285 the court, and the court shall sentence such person to life
 286 imprisonment as provided in s. 775.082(1).
 287 (11) APPLICABILITY.—This section applies to any capital
 288 felony under s. 787.062 that is committed on or after October 1,
 289 2025.
 290 Section 3. Paragraph (o) is added to subsection (1) of

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291 section 924.07, Florida Statutes, to read:

292 924.07 Appeal by state.—

293 (1) The state may appeal from:

294 (o) The sentence in a case of capital human trafficking on
 295 the ground that it resulted from the circuit court's failure to
 296 comply with sentencing procedures under s. 921.1427, including
 297 by striking a notice of intent to seek the death penalty,
 298 refusing to impanel a capital jury, or otherwise granting relief
 299 that prevents the state from seeking a sentence of death.

300 Section 4. Subsection (4) of section 921.137, Florida
 301 Statutes, is amended to read:

302 921.137 Imposition of the death sentence upon an
 303 intellectually disabled defendant prohibited.—

304 (4) After a defendant who has given notice of his or her
 305 intention to raise intellectual disability as a bar to the death
 306 sentence is convicted of a capital felony and an advisory jury
 307 has returned a recommended sentence of death, the defendant may
 308 file a motion to determine whether the defendant is
 309 intellectually disabled. Upon receipt of the motion, the court
 310 shall appoint two experts in the field of intellectual
 311 disabilities who shall evaluate the defendant and report their
 312 findings to the court and all interested parties prior to the
 313 final sentencing hearing. Notwithstanding s. 921.141, s.
 314 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing
 315 hearing shall be held without a jury. At the final sentencing
 316 hearing, the court shall consider the findings of the court-
 317 appointed experts and consider the findings of any other expert
 318 which is offered by the state or the defense on the issue of
 319 whether the defendant has an intellectual disability. If the

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

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320 court finds, by clear and convincing evidence, that the
 321 defendant has an intellectual disability as defined in
 322 subsection (1), the court may not impose a sentence of death and
 323 shall enter a written order that sets forth with specificity the
 324 findings in support of the determination.

325 Section 5. Subsection (9) of section 921.141, Florida
 326 Statutes, is amended to read:

327 921.141 Sentence of death or life imprisonment for capital
 328 felonies; further proceedings to determine sentence.—

329 (9) APPLICABILITY.—This section does not apply to a person
 330 convicted or adjudicated guilty of a capital sexual battery
 331 under s. 794.011, a capital sex trafficking felony under
 332 787.062, or a capital drug trafficking felony under s. 893.135.

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

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

The Florida Senate

APPEARANCE RECORD

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

4/1/25

Meeting Date

SB 1804

Bill Number or Topic

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name Joseph Harmon

Phone 850-205-6826

Address 201 W Park Ave

Street

Email jharmon@flaccb.org

Tallahassee

City

FL

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Conference of Catholic Bishops

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/01/25

Meeting Date

1804

Bill Number or Topic

G

Committee

Amendment Barcode (if applicable)

Name Grace Hanna - Floridians for Alternatives to the Death Penalty Phone 8505446939

Address 2055 Thomasville Rd. Email

Street

TLH

City

FL

State

32308

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

April 1, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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1804

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1:49:53 PM Senator Grall explains amendment
1:50:53 PM Amendment to amendment
1:50:57 PM Senator Grall explains amendment to amendment
1:51:09 PM Senator waives close on amendment to amendment
1:51:12 PM Chair Martin reports amendment to amendment
1:51:21 PM Senator Grall waives close on amendment
1:51:23 PM Chair Martin reports amendment
1:51:30 PM Public testimony
1:51:33 PM Chair Martin reads waiving
1:51:42 PM Senator Grall waives close on bill
1:51:43 PM Roll Call
1:52:07 PM Tab 11: SB 1430 Postjudgement Executive Proceedings Relating to Terrorism by Senator Collins
1:52:16 PM Senator Collins explains bill
1:53:56 PM Amendment 336322 by Senator Collins
1:53:59 PM Senator Collins explains amendment
1:54:08 PM Senator Collins waives close on amendment
1:54:10 PM Chair Martin reports amendment
1:54:14 PM Public testimony
1:54:16 PM Newt Porter waives
1:54:21 PM Chair Martin reads waiving
1:54:31 PM Senator Collins waives close on bill
1:54:41 PM Roll Call
1:55:08 PM Tab 12: SB 1444 Criminal Justice by Senator Collins
1:55:12 PM Amendment 668982 by Senator Collins
1:55:21 PM Senator Collins explains amendment
1:58:31 PM Public testimony
1:58:34 PM Chair Martin reads waiving
1:58:38 PM Senator Collins waives close on amendment
1:58:41 PM Chair Martin reports amendment
1:58:45 PM Questions
1:58:46 PM Senator Pizzo
1:58:59 PM Senator Collins
1:59:23 PM Senator Pizzo
1:59:52 PM Senator Collins
2:00:02 PM Senator Smith
2:00:49 PM Senator Collins
2:01:20 PM Senator Smith
2:02:04 PM Senator Collins
2:02:25 PM Senator Smith
2:02:35 PM Senator Collins
2:02:49 PM Public testimony
2:02:50 PM Chair Martin reads waiving
2:02:59 PM Debate
2:03:01 PM Senator Pizzo
2:05:57 PM Senator Collins closes on bill
2:06:45 PM Roll Call
2:07:09 PM Tab 2: SB 240 Victims of Domestic Violence and Dating Violence by Senator Berman
2:07:16 PM Amendment 178540 by Senator Berman
2:07:23 PM Senator Berman explains amendment
2:09:35 PM Senator Berman waives close on amendment
2:09:37 PM Chair Martin reports amendment
2:09:43 PM Public testimony
2:09:58 PM Christopher Nurse
2:12:14 PM Sarah Holtmon
2:13:04 PM Amy Trask
2:16:52 PM Ben Doke
2:17:40 PM Chair Martin reads waiving
2:17:57 PM Senator Pizzo
2:17:57 PM Debate
2:18:37 PM Senator Berman closes on bill
2:20:03 PM Roll Call
2:20:23 PM Tab 3: SB 606 Public Lodging and Food Service Establishments by Senator Leek

2:20:27 PM Senator Leek explains bill
2:21:33 PM Questions
2:21:37 PM Senator Smith
2:22:06 PM Senator Leek
2:22:17 PM Senator Smith
2:23:35 PM Senator Leek
2:24:15 PM Senator Smith
2:25:45 PM Senator Leek
2:26:28 PM Public testimony
2:26:33 PM Jonathan Webber, SPLC waives
2:26:39 PM Hadia Khanari waives
2:26:47 PM Jackson Oberlink, Florida Rising waiving
2:26:57 PM Carrie Feit, Community Justice Project Inc. waives
2:29:30 PM Senator Smith
2:30:30 PM Carrie Feit
2:31:32 PM Samantha Padgett, Florida Restaurant and Lodging Association
2:33:16 PM Senator Smith
2:34:21 PM Samantha Padgett
2:35:33 PM Senator Pizzo
2:36:11 PM Samantha Padgett
2:36:43 PM Senator Pizzo
2:36:53 PM Samantha Padgett
2:36:54 PM Senator Pizzo
2:37:15 PM Samantha Padgett
2:37:21 PM Senator Pizzo
2:37:42 PM Samantha Padgett
2:37:45 PM Senator Pizzo
2:38:00 PM Samantha Padgett
2:38:20 PM Senator Pizzo
2:39:25 PM Samantha Padgett
2:39:53 PM Senator Pizzo
2:39:58 PM Samantha Padgett
2:40:00 PM Senator Pizzo
2:40:02 PM Samantha Padgett
2:40:11 PM Senator Pizzo
2:40:24 PM Chair Martin reads waiving
2:40:37 PM Debate
2:40:37 PM Senator Smith
2:43:06 PM Senator Pizzo
2:45:14 PM Senator Leek closes on bill
2:46:30 PM Roll Call
2:46:53 PM Tab 13: SB 1450 Arrest and Detention of Individuals with Significant Medical Conditions by Senator Burgess
2:47:02 PM Senator Burgess explains bill
2:47:18 PM Amendment 351460 by Senator Burgess
2:47:23 PM Senator Burgess explains amendment
2:48:28 PM Senator Burgess waives close on amendment
2:48:30 PM Chair Martin reports amendment
2:48:33 PM Public testimony
2:48:35 PM David Shepp, Polk County Sheriff's Office waives
2:48:41 PM Chair Martin reads waiving
2:48:53 PM Senator Burgess waives close on bill
2:48:56 PM Roll Call
2:49:21 PM Tab 1: SB 44 Motor Vehicles by Senator Rodriguez
2:49:54 PM Senator Gruters
2:50:19 PM Public testimony
2:50:22 PM Chair Martin reads waiving
2:50:42 PM Senator Gruters closes on bill
2:50:49 PM Roll Call
2:51:11 PM Tab 4: Senator Simon
2:51:18 PM Senator Simon explains bill
2:52:24 PM Amendment 629908 by Senator Simon

2:52:32 PM Amendment 414650 by Senator Simon
2:52:38 PM Senator Simon explains amendment
2:53:13 PM Senator Simon explains substitute amendment
2:53:34 PM Senator Simon waives close
2:53:36 PM Chair Martin reports amendment
2:53:42 PM Public testimony
2:53:43 PM Chair Martin reads waiving
2:54:18 PM Debate
2:54:19 PM Senator Pizzo
2:54:29 PM Senator Simon closes on bill
2:54:36 PM Roll Call
2:55:02 PM Tab 10: CS/SB 1400 Removal of Altered Sexual Depictions Posted Without Consent by Senator Calatayud
2:55:12 PM Senator Calatayud explains bill
2:56:09 PM Public testimony
2:56:13 PM Barney Bishop, Florida Smart Justice Alliance
2:56:22 PM Senator Calatayud waives close on bill
2:56:25 PM Roll Call
2:56:44 PM Tab 15: SB 1696 Prearranged Transportation Services by Senator Calatayud
2:56:49 PM Senator Calatayud explains bill
2:58:02 PM Questions
2:58:05 PM Senator Smith
2:58:49 PM Senator Calatayud
2:58:58 PM Senator Pizzo
3:00:07 PM Senator Calatayud
3:00:19 PM Public testimony
3:00:21 PM Chair Martin reads waiving
3:00:36 PM Senator Calatayud closes on bill
3:01:11 PM Roll Call
3:01:33 PM Chair Martin turns chair to Senator Smith
3:01:42 PM Tab 16: SB 1804 Capitol Sex Trafficking by Senator Martin
3:01:52 PM Senator Martin explains bill
3:03:45 PM Questions
3:03:48 PM Senator Pizzo
3:04:18 PM Senator Martin
3:04:56 PM Senator Pizzo
3:05:57 PM Senator Martin
3:06:34 PM Senator Smith
3:06:51 PM Senator Martin
3:07:31 PM Public testimony
3:07:36 PM Joseph Harmon, Florida Conference of Catholic Bishops
3:08:56 PM Grace Hanna, Floridians for Alternatives to the Death Penalty
3:10:58 PM Senator Pizzo
3:11:21 PM Grace Hanna
3:11:45 PM Barney Bishop, Florida Smart Justice Alliance waives
3:12:00 PM Senator Smith
3:12:00 PM Debate
3:14:48 PM Senator Pizzo
3:18:11 PM Senator Martin closes on bill
3:20:49 PM Roll Call
3:21:13 PM Chair Smith turns chair to Senator Martin
3:21:19 PM Senator Yarborough motion to vote after Roll Call
3:21:30 PM Senator Gruters motion to vote after Roll Call
3:21:35 PM Senator Simon motion to vote after Roll Call
3:21:40 PM Senator Pizzo motion to vote after Roll Call
3:21:47 PM Senator Smith motion to vote after Roll Call
3:21:56 PM Chair Martin closing remarks
3:22:29 PM Senator Yarborough moves to adjourn
3:22:30 PM Meeting Adjourned
3:22:37 PM
3:22:37 PM