

Tab 1	SB 32 by Sharief (CO-INTRODUCERS) Osgood, Berman; Injunctions for Protection in Cases of Repeat or Serious Violence				
453182	D	S	RCS	CJ, Sharief	Delete everything after 11/18 12:00 PM
Tab 2	SB 156 by Leek; Similar to CS/H 00017 Criminal Offenses Against Law Enforcement Officers and Other Personnel				
Tab 3	SB 210 by Sharief (CO-INTRODUCERS) Osgood; Public Records/Petitions for Injunctions for Protection Against Serious Violence by a Known Person				
Tab 4	SPB 7004 by CJ; OGSR/Conviction Integrity Unit Reinvestigation Information				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, November 18, 2025

TIME: 10:00 a.m.—12:00 noon

PLACE: Mallory Horne Committee Room, 37 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 32 Sharief (Linked S 210)	Injunctions for Protection in Cases of Repeat or Serious Violence; Replacing the term "repeat violence" with the term "repeat or serious violence"; defining the term "repeat or serious violence"; expanding the grounds for an existing cause of action for an injunction of protection to include serious violence in addition to repeat violence; revising the name of an existing cause of action to an injunction for protection in cases of repeat or serious violence, rather than in cases of repeat violence, etc. CJ 11/18/2025 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 0
2	SB 156 Leek (Similar CS/H 17)	Criminal Offenses Against Law Enforcement Officers and Other Personnel; Citing this act as the "Officer Jason Raynor Act"; revising a prohibition on the use or threatened use of force to resist arrest or detention; providing for enhanced punishment for manslaughter when committed against specified officers; revising provisions concerning assault or battery upon specified officers and other personnel; revising a provision concerning resisting, obstructing, or opposing specified officers or legally authorized persons, etc. CJ 11/18/2025 Temporarily Postponed ACJ RC	Temporarily Postponed
3	SB 210 Sharief (Linked S 32)	Public Records/Petitions for Injunctions for Protection Against Serious Violence by a Known Person; Providing an exemption from public records requirements for petitions, and the contents thereof, for injunctions for protection against serious violence by a known person; providing an exemption from public records requirements for information that can be used to identify a petitioner or respondent in such a petition for an injunction; providing a statement of public necessity, etc. CJ 11/18/2025 Favorable ACJ FP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, November 18, 2025, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Consideration of proposed bill:

4	SPB 7004	OGSR/Conviction Integrity Unit Reinvestigation Information; Amending a provision which provides an exemption from public records requirements for certain conviction integrity unit reinvestigation information; abrogating the scheduled repeal of such exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Secretary of Juvenile Justice

5	Walsh, Matthew ()	Pleasure of Governor	Recommend Confirm Yeas 8 Nays 0
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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 32

INTRODUCER: Criminal Justice Committee and Senator Sharief

SUBJECT: Injunctions for Protection in Cases of Repeat or Serious Violence

DATE: November 18, 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 32 amends s. 784.046, F.S., to create a cause of action for a protective injunction for serious violence by a known person. A person who is the victim of serious violence by a known person, or the parent or legal guardian of a minor who is a victim, has standing to file a verified petition for an injunction for protection if such violence has been reported to law enforcement and the petition is cooperating with criminal proceedings.

The bill defines “serious violence by a known person” to mean an act of violence between individuals who are known to one another when such violence causes serious bodily injury. Additionally, the bill defines “serious bodily injury” as a physical condition that creates substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The bill makes conforming changes to references of protective injunctions to include the new injunction for serious violence by a known person.

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

The bill is effective on July 1, 2026.

II. Present Situation:

Serious violence is an ongoing issue in local communities, specifically between neighbors. An injunction for protection is a civil process to cover a wider range of protections such as restricting a respondent from visiting the petitioner's home, car, work, and any other places that the court feels necessary.¹ Outside of pursuing charges in criminal court, current Florida law does not have any civil injunctive protections for these types of cases.

On May 30, 2025, Ocala officers responded to a report about a neighbor spraying children with bear mace. As the children were playing with bubbles on their property, the neighbor allegedly walked over to the fence separating the properties and sprayed mace at them, which can be toxic if ingested. The neighbor had been previously arrested for a dispute with another neighbor in 2019 that resulted in criminal charges for aggravated assault with a weapon and stalking.²

On October 17, 2025, a man was arrested and charged with aggravated assault after allegedly approaching his neighbor's property with a knife and threatened her and other family members. While on his way to the Putman County Jail, he continued to make threats, planning to "beat" the neighbor when he got out of jail.³

Causes of Action for Protective Injunctions

Though there are several causes of action for injunctions under different sections of Florida law, such as an injunction for protection against stalking or cyberstalking⁴ and an injunction for protection against exploitation of a vulnerable adult.⁵ However, there does not appear to be a protective injunction for all acts of violence.

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,⁶ an injunction for protection in cases of

¹ FL Courts, Overview of Injunctions for Respondents, available at: <https://www.flcourts.gov/Services/Family-Courts/interpersonal-violence/Domestic-Violence/Overview-for-Respondents> (last visited November 18, 2025).

² Fox35 Orlando, *Florida Woman Sprays Bear Mace*, June 4, 2025, available at: <https://www.fox35orlando.com/news/florida-woman-sprays-bear-mace-neighbor-her-children-deputies> (last visited November 18, 2025).

³ People, *Florida Man, 61, Arrested...*, available at: https://uk.news.yahoo.com/florida-man-61-arrested-allegedly-135812994.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlMnVbS8&guce_referrer_sig=AQAAIVImUfAeq1HA2Vj6BYrWsnvzt1e3Si-4wWEiACWNAC5x7BFC-JY05jF8i2slGz04GQmJk0rSipEFzp51Ah_iKvKRBs9FNZ0CRDL0wdoew3pzFHguIlyBTThGfAJCasOielQ104cwv1folub0HuZblHMG06e7HMGn1Ye6qzVX59 (last visited November 18, 2025).

⁴ Section 784.0485, F.S.

⁵ Section 825.1035, F.S.

⁶ "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member. Section 784.046(1)(b), F.S.

dating violence,⁷ and an injunction for protection in cases of sexual violence.^{8,9} However, this section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.

“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.¹⁰

Dating Violence

A person has standing in circuit court to file a verified petition for an injunction against dating violence if he or she:

- Is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming a victim of another act of dating violence;
- Has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or,
- Is the parent or legal guardian of any minor child in the home and who seeks an injunction for protection against dating violence on behalf of the minor.¹¹

Dating violence is determined by the existence of a relationship based on consideration of the following factors:¹²

- A dating relationship must have existed within the past six 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.

Dating violence 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.

Sexual Violence

Sexual violence includes an incident of a criminal sexual act as listed in several areas of law regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home and is the victim of sexual violence has standing in the

⁷ “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

⁸ “Sexual violence” means any one incident of: sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted. Section 784.046(1)(c), F.S.

⁹ Section 784.046(2), F.S.

¹⁰ Section 784.046, F.S.

¹¹ Section 784.046(2)(b), F.S.

¹² Section 784.046(1)(d)1-3., F.S.

circuit court to file a verified petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:¹³

- The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
- The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Repeat Violence

Any person who is the victim of repeat violence, or the parent or legal guardian of a child who seeks an injunction for protection against repeat violence on behalf of the child, has standing to file a verified petition for an injunction for protection against repeat violence. For an injunction for protection against repeat violence, there must be two incidents of violence or stalking committed by the respondent.¹⁴

Procedure for Filing Injunctions

A cause of action does not require that the petitioner be represented by an attorney.¹⁵ The clerk of the court must provide a copy of s. 784.046, F.S.,¹⁶ simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.¹⁷ The clerk of the court may not assess a fee for filing a petition against repeat violence, sexual violence, or dating violence¹⁸ and no bond will be required by the court for entry of an injunction.¹⁹ The clerk of the court must provide the petitioner with a certified copy of any injunction for protection against repeat violence, sexual violence, or dating violence entered by the court.²⁰

Additionally, a cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.²¹

Petitions for Injunctions

The verified petition must allege the incidents of repeat violence, sexual violence, or dating violence and must include the specific facts and circumstances that form the basis upon which relief is sought.

¹³ Section 784.046(2)(c), F.S.

¹⁴ Section 784.046(2)(a), F.S.

¹⁵ Section 784.046(2)(e), F.S.

¹⁶ Section 784.046, F.S., Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

¹⁷ Section 784.046(3)(a), F.S.

¹⁸ Section 784.046(3)(b), F.S.

¹⁹ Section 784.046(3)(c), F.S.

²⁰ Section 784.046(3)(d), F.S.

²¹ Section 784.046(2)(d), F.S.

The parent or legal guardian of a minor child seeking the protective injunction on behalf of the minor child must:²²

- Have been eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances that form the basis upon which relief is sought, if the respondent is also a parent, stepparent, or legal guardian of the minor child; or
- Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, or dating violence to form the basis upon which relief is sought, if the respondent is a person other than a parent, stepparent, or legal guardian of the minor child.

Upon the filing of the petition, the court must set a hearing to be held at the earliest possible time and notify the respondent prior to the hearing. When it appears to the court that an immediate and present danger exists, the court may grant a temporary injunction which may be granted in an ex parte hearing and may enjoin the respondent from committing any acts of violence.²³ Any ex parte temporary injunction may not exceed 15 days.²⁴

Upon notice and hearing, the court may grant relief as the court deems proper, including an injunction:

- Enjoining the respondent from committing any acts of violence.²⁵
- Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies.²⁶

Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System

A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System exists under the Department of Law Enforcement's purview. The system is to be capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state.²⁷

III. Effect of Proposed Changes:

The bill amends s. 784.046, F.S., to create a cause of action for a protective injunction for serious violence by a known person. A person who is the victim of serious violence by a known person, or the parent or legal guardian of a minor who is a victim, has standing to file a verified petition for an injunction for protection if such violence has been reported to law enforcement and the petition is cooperating with criminal proceedings.

The bill defines "serious violence by a known person" to mean an act of violence between individuals who are known to one another when such violence causes serious bodily injury. Additionally, the bill defines "serious bodily injury" as a physical condition that creates

²² Section 784.046(4)(a), F.S.

²³ Section 784.046(6)(a), F.S.

²⁴ Section 784.046(6)(c), F.S.

²⁵ Section 784.046(7)(a), F.S.

²⁶ Section 784.046(7)(b), F.S.

²⁷ Section 784.046(8)(b), F.S.

substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The bill incorporates serious violence by a known person into the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System and restricts a respondent from performing the duties of an eldercare coordinator.

A person who willfully violates an injunction for protection against serious violence by a known person commits a first degree misdemeanor.²⁸

The bill is effective on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁸ 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.

C. Government Sector Impact:

There may be a fiscal impact associated with the creation of a new cause for a protective injunction due to an increase in petitions being filed. The clerk of the court may not assess a fee for filing a petition for injunction against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of court may, each quarter, submit to the Justice Administrative Commission a certified request for reimbursement for petitions for protection issued by the court at the rate of \$40 per petition.²⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.046, 44.407, 61.13, 61.1825, 394.4597, 394.4598, 741.313, 784.047, 784.048, 934.03.

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 November 18, 2025:

The committee substitute:

- Creates a separate cause of action for a protective injunction for serious violence by a known person.
- Defines “serious violence by a known person” as an act of violence between individuals who are known to one another, when such violence causes serious bodily injury. The term “serious bodily injury” means a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. Amendments:

None.

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

²⁹ Section 784.046(3)(a), F.S.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2025	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 784.046, Florida Statutes, is amended to
read:

784.046 Action by victim of repeat violence, sexual
violence, ~~or~~ dating violence, or serious violence by a known
person for protective injunction; dating violence
investigations, notice to victims, and reporting; pretrial



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release violations; public records exemption.-

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

(e)~~(a)~~ "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.

(b) "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

(d)~~(e)~~ "Sexual violence" means any one incident of:

1. Sexual battery, as defined in chapter 794;
2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in chapter 787;
4. Sexual performance by a child, as described in chapter 827; or
5. Any other forcible felony wherein a sexual act is committed or attempted,

regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

(a)~~(d)~~ "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship must ~~shall~~ be determined based on ~~the~~ consideration



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of the following factors:

1. A dating relationship must have existed within the past 6 months;

2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

3. 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.

(c) "Serious violence by a known person" means an act of violence between individuals who are known to one another, when such violence causes serious bodily injury. As used in this paragraph, the term "serious bodily injury" means a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) There is created a cause of action for an injunction for protection in cases of repeat violence, there is created a separate cause of action for an injunction for protection in cases of dating violence, ~~and~~ there is created a separate cause of action for an injunction for protection in cases of sexual violence, and there is created a separate cause of action for an injunction for protection in cases of serious violence by a known person.



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

(b) 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 on behalf of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.

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

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

2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of



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imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

(d) A person who is the victim of serious violence by a known person or the parent or legal guardian of a minor child who is living at home and who is the victim of serious violence by a known person has standing in the circuit court to file a verified petition for an injunction for protection against serious violence by a known person on his or her own behalf or on behalf of the minor child if the person has reported such violence to a law enforcement agency and is cooperating with any criminal proceedings against the respondent, regardless of whether criminal charges based on the serious violence have been filed, reduced, or dismissed by the state attorney.

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

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

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Justice Administrative Commission a



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certified request for reimbursement for petitions for protection issued by the court under this section at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission. From this reimbursement, the clerk shall pay the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

(c) No bond is ~~shall be~~ required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person entered by the court.

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

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

2. Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, ~~or~~ dating



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violence, or serious violence by a known person to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

(b) The verified petition must be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, ~~OR~~ DATING VIOLENCE, OR
SERIOUS VIOLENCE BY A KNOWN PERSON

The undersigned petitioner ...(name)... declares under penalties of perjury that the following statements are true:

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

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

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: ...(enumerate incidents of violence)...



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

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

d. Petitioner has suffered serious violence by a known person as demonstrated by the fact that respondent has: ... (list the specific incident of serious violence and the known association to the respondent)...



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4. Petitioner genuinely fears repeat violence by the respondent.

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

(c) Every petition for an injunction against sexual violence, dating violence, ~~or~~ repeat violence, or serious violence by a known person must contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTIES OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

...(initials)...

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent must ~~shall~~ be personally served with a copy of the petition,



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notice of hearing, and temporary injunction, if any, before
~~prior to~~ the hearing.

(6)(a) When it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction that ~~which~~ may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper, including an injunction enjoining the respondent from committing any acts of violence.

(b) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit may ~~shall~~ be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction is ~~shall be~~ effective for a fixed period not to exceed 15 days. However, an ex parte temporary injunction granted under subparagraph (2)(c)2. is effective for 15 days following the date the respondent is released from incarceration. A full hearing, as provided by this section, must ~~shall~~ be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or



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directives to law enforcement agencies, as provided in this section.

(c) The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person entered pursuant to this section must ~~shall~~, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(8)(a)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, the clerk of the court shall electronically transmit a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as



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possible on any day of the week and at any time of the day or night. An electronic copy of an injunction must be certified by the clerk of the court, and the electronic copy must be served in the same manner as a certified copy. Upon receiving an electronic copy of the injunction, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may electronically transmit a copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court is responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. A person may not serve or execute an injunction issued under this section unless the person is a law enforcement officer as defined in chapter 943.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer must accept a copy of an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known



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person, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) A Domestic Violence, Dating Violence, Sexual Violence, ~~and Repeat Violence~~, and Serious Violence by a Known Person Injunction Statewide Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, ~~and repeat violence injunctions~~, and serious violence by a known person injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person or changes or vacates an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, the clerk of the court must electronically transmit a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

2. Within 24 hours after service of process of an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person upon a respondent, the law enforcement officer must electronically transmit the written proof of service of process



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to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person and other court actions related to the injunction for protection. The automated notice must be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person was served. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.



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6. Within 24 hours after an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(d) The petitioner may request a Hope Card under s. 741.311 after the court has issued a final order of protection.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) for committing an act of repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person in violation of an injunction for protection, the respondent must ~~shall~~ be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to



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modify or dissolve an injunction at any time.

(11) Any law enforcement officer who investigates an alleged incident of dating violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of dating violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this ~~the~~ state. The notice must ~~shall~~ include:

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

(b) A copy of the following statement:

“IF YOU ARE THE VICTIM OF DATING 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 dating violence which may include, but need not be limited to, provisions that restrain the abuser from further



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acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment.”

(12) When a law enforcement officer investigates an allegation that an incident of dating violence has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7), and as developed in accordance with subsections (13), (14), and (16). Whether or not an arrest is made, the officer shall make a written police report that is complete and clearly indicates that the alleged offense was an incident of dating violence. Such report must ~~shall~~ be given to the officer’s supervisor and filed with the law enforcement agency in a manner that will permit data on dating violence cases to be compiled. Such report must include:

(a) A description of physical injuries observed, if any.

(b) If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the grounds for not arresting anyone or for arresting two or more parties.

(c) A statement indicating ~~which indicates~~ that a copy of the legal rights and remedies notice was given to the victim.

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to the supervisor or other person to whom the employer’s rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any



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subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

(13) Whenever a law enforcement officer determines upon probable cause that an act of dating violence has been committed within the jurisdiction, or that a person has violated a condition of pretrial release as provided in s. 903.047 and the original arrest was for an act of dating violence, the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge does ~~shall~~ not require consent of the victim or consideration of the relationship of the parties.

(14) (a) When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest.

(b) If a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer must ~~shall~~ try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend himself or herself or another family or household member from dating violence.



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(15) A person who willfully violates a condition of pretrial release provided in s. 903.047, when the original arrest was for an act of dating violence as defined in this section, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be held in custody until his or her first appearance.

(16) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Section 2. Paragraph (a) of subsection (5) of section 44.407, Florida Statutes, is amended to read:

44.407 Elder-focused dispute resolution process.—

(5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—

(a) The court shall appoint qualified eldercaring coordinators who:

1. Meet one of the following professional requirements:

a. Are licensed as a mental health professional under chapter 491 and hold at least a master's degree in the professional field of practice;

b. Are licensed as a psychologist under chapter 490;

c. Are licensed as a physician under chapter 458 or chapter 459;

d. Are licensed as a nurse under chapter 464 and hold at least a master's degree;

e. Are certified by the Florida Supreme Court as a family mediator and hold at least a master's degree;

f. Are a member in good standing of The Florida Bar; or



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g. Are a professional guardian as defined in s. 744.102(17) and hold at least a master's degree.

2. Have completed all of the following:

a. Three years of postlicensure or postcertification practice;

b. A family mediation training program certified by the Florida Supreme Court; and

c. An eldercaring coordinator training program certified by the Florida Supreme Court. The training must total at least 44 hours and must include advanced tactics for dispute resolution of issues related to aging, illness, incapacity, or other vulnerabilities associated with elders, as well as elder, guardianship, and incapacity law and procedures and less restrictive alternatives to guardianship; phases of eldercaring coordination and the role and functions of an eldercaring coordinator; the elder's role within eldercaring coordination; family dynamics related to eldercaring coordination; eldercaring coordination skills and techniques; multicultural competence and its use in eldercaring coordination; at least 6 hours of the implications of elder abuse, neglect, and exploitation and other safety issues pertinent to the training; at least 4 hours of ethical considerations pertaining to the training; use of technology within eldercaring coordination; and court-specific eldercaring coordination procedures. Pending certification of a training program by the Florida Supreme Court, the eldercaring coordinator must document completion of training that satisfies the hours and the elements prescribed in this sub-subparagraph.

3. Have successfully passed a Level 2 background screening as provided in s. 435.04(2) and (3) or are exempt from



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disqualification under s. 435.07. The prospective eldercaring coordinator must submit a full set of fingerprints to the court or to a vendor, entity, or agency authorized by s. 943.053(13). The court, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The prospective eldercaring coordinator shall pay the fees for state and federal fingerprint processing. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

4. Have not been a respondent in a final order granting an injunction for protection against domestic violence, dating violence, sexual violence, ~~or~~ repeat violence, serious violence by a known person, or stalking or exploitation of an elder or a disabled person.

5. Have met any additional qualifications the court may require to address issues specific to the parties.

Section 3. Paragraph (c) of subsection (2) of section 61.13, Florida Statutes, is amended to read

61.13 Support of children; parenting and time-sharing; powers of court.—

(2)

(c) The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, except that modification of a parenting plan



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and time-sharing schedule requires a showing of a substantial and material change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child is in the best interests of the minor child. To rebut this presumption, a party must prove by a preponderance of the evidence that equal time-sharing is not in the best interests of the minor child. Except when a time-sharing schedule is agreed to by the parties and approved by the court, the court must evaluate all of the factors set forth in subsection (3) and make specific written findings of fact when creating or modifying a time-sharing schedule.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. In determining detriment to the child, the court shall consider:

- a. Evidence of domestic violence, as defined in s. 741.28;
- b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1) ~~s. 784.046(1)(e)~~ by the other parent against the parent or against the child or children whom the



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parents share in common regardless of whether a cause of action has been brought or is currently pending in the court;

c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect, as those terms are defined in s. 39.01, by the other parent against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; and

d. Any other relevant factors.

3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental to the child:

a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775;

b. A parent meets the criteria of s. 39.806(1)(d); or

c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

(I) The parent was 18 years of age or older.

(II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the



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court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

4. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.

5. The court shall order sole parental responsibility for a minor child to one parent, with or without time-sharing with the other parent if it is in the best interests of the minor child.

6. There is a rebuttable presumption against granting time-sharing with a minor child if a parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

a. The parent was 18 years of age or older.

b. The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

A parent may rebut the presumption upon a specific finding in



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writing by the court that the parent poses no significant risk of harm to the child and that time-sharing is in the best interests of the minor child. If the presumption is rebutted, the court must consider all time-sharing factors in subsection (3) when developing a time-sharing schedule.

7. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either parent. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

Section 4. Paragraph (a) of subsection (3) of section 61.1825, Florida Statutes, is amended to read:

61.1825 State Case Registry.—

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

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

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been



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issued by a court of a foreign state pursuant to s. 741.315, or
a temporary or final injunction for protection against repeat
violence has been granted pursuant to s. 784.046; or

3. The department has received information on a Title IV-D
case from the Domestic Violence, Dating Violence, Sexual
Violence, ~~and Repeat Violence~~, and Serious Violence by a Known
Person Injunction Statewide Verification System, established
pursuant to s. 784.046(8)(b), that a court has granted a party a
domestic violence or repeat violence injunction.

Section 5. Paragraph (e) of subsection (2) of section
394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; patient's representative.—

(2) INVOLUNTARY PATIENTS.—

(e) The following persons are prohibited from selection as
a patient's representative:

1. A professional providing clinical services to the
patient under this part.

2. The licensed professional who initiated the involuntary
examination of the patient, if the examination was initiated by
professional certificate.

3. An employee, an administrator, or a board member of the
facility providing the examination of the patient.

4. An employee, an administrator, or a board member of a
treatment facility providing treatment for the patient.

5. A person providing any substantial professional services
to the patient, including clinical services.

6. A creditor of the patient.

7. A person subject to an injunction for protection against
domestic violence under s. 741.30, whether the order of



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injunction is temporary or final, and for which the patient was the petitioner.

8. A person subject to an injunction for protection against repeat violence, stalking, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

Section 6. Paragraph (h) of subsection (2) of section 394.4598, Florida Statutes, is amended to read:

394.4598 Guardian advocate.—

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

(h) A person subject to an injunction for protection against repeat violence, stalking, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

Section 7. Paragraph (b) of subsection (2) of section 741.313, Florida Statutes, is amended to read:

741.313 Unlawful action against employees seeking protection.—

(2)

(b) This section applies if an employee uses the leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, ~~or~~ sexual violence, or serious violence by a known person;

2. Obtain medical care or mental health counseling, or



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both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

Section 8. Subsection (1) of section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against violators.—

(1) A person who willfully violates an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of repeat violence, sexual violence,



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~~or~~ dating violence, or serious violence by a known person
against the petitioner;

(d) Committing any other violation of the injunction
through an intentional unlawful threat, word, or act to do
violence to the petitioner;

(e) Telephoning, contacting, or otherwise communicating
with the petitioner directly or indirectly, unless the
injunction specifically allows indirect contact through a third
party;

(f) Knowingly and intentionally coming within 100 feet of
the petitioner's motor vehicle, whether or not that vehicle is
occupied;

(g) Defacing or destroying the petitioner's personal
property, including the petitioner's motor vehicle; or

(h) Refusing to surrender firearms or ammunition if ordered
to do so by the court,

commits a misdemeanor of the first degree, punishable as
provided in s. 775.082 or s. 775.083, except as provided in
subsection (2).

Section 9. Subsection (4) of section 784.048, Florida
Statutes, is amended to read:

784.048 Stalking; definitions; penalties.—

(4) A person who, after an injunction for protection
against repeat violence, sexual violence, ~~or~~ dating violence, or
serious violence by a known person pursuant to s. 784.046, or an
injunction for protection against domestic violence pursuant to
s. 741.30, or after any other court-imposed prohibition of
conduct toward the subject person or that person's property,



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knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (m) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(m) It is lawful under this section and ss. 934.04-934.09 for a person who is protected under an active temporary or final injunction for repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046; stalking under s. 784.0485; domestic violence under s. 741.30; or any other court-imposed prohibition of conduct toward the person to intercept and record a wire, oral, or electronic communication received in violation of such injunction or court order. A recording authorized under this paragraph may be provided to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order if the subject of the injunction or court order prohibiting contact has been served the injunction or is on notice that the conduct is prohibited. A recording authorized under this paragraph may not be otherwise disseminated or shared.

Section 11. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraphs (a), (c), and (d) of subsection (8) of section 28.2221, Florida Statutes, are reenacted to read:



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28.2221 Electronic access to official records.—

(8)(a) Each county recorder or clerk of the court must make the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the fact that a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been entered against that respondent, publicly available on the county recorder's or clerk of the court's official website, unless the respondent is a minor. The identity and information required under this subsection must be viewable through a searchable database that is available in a clear and conspicuous location on the homepage of the county recorder's or clerk of the court's official website and must be available for search by the general public.

(c) Any information specified in this subsection not made available by the county clerk of the court as provided in this subsection before July 1, 2024, must be made publicly available on the county recorder's or clerk of the court's official website if the affected party identifies the information and requests that such information be added for general public display. Such request must be in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of information pursuant to such request.

(d) No later than 30 days after July 1, 2024, notice of the



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right of any affected party to request the addition of information to the searchable database on the county recorder's or clerk of the court's official website pursuant to this subsection must be conspicuously and clearly displayed by the county recorder or clerk of the court on the county recorder's or clerk of the court's official website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. Such notice must contain appropriate instructions for making the addition of information request in person, by mail, by facsimile, or by electronic transmission. The notice must state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court add information to the searchable database on the county recorder's or clerk of the court's official website if that information involves the identity of a respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the respondent is a minor. The notice must also state that the information related to the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered is available for search by the general public. The notice must include step-by-step instructions detailing how a user can access the searchable database and search for such information. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for



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the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of a document pursuant to such request.

Section 12. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (2) of section 28.35, Florida Statutes, is reenacted to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the following:

(i) Annually preparing a budget request which, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to ss. 40.29(6), 741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i). The request for the anticipated reimbursement amount must be submitted in the form and manner prescribed by the Justice Administrative Commission. Such request is not subject to change by the Justice Administrative Commission, except for technical changes necessary to conform to the legislative budget instructions, and must be submitted to the Governor for transmittal to the Legislature.

Section 13. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (8) of section 57.105, Florida Statutes, is reenacted to read:

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



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

Section 14. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (2) of section 741.311, Florida Statutes, is reenacted to read:

741.311 Hope Card Program for persons issued orders of protection.—

(2) Beginning October 1, 2024, a person who has been issued a final judgment on injunction for protection under s. 741.30, s. 784.046, s. 784.0485, or s. 825.1035 may request a Hope Card from the clerk of the court of the circuit in which the order for an injunction for protection was entered. A person may request a Hope Card at the time the final judgment on injunction for protection is issued or at any other time before the expiration of the order for protection.

Section 15. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (2) of section 741.315, Florida Statutes, is reenacted to read:

741.315 Recognition of foreign protection orders.—

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a



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foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487, and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

Section 16. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraph (e) of subsection (2) and paragraph (c) of subsection (3) of section 790.401, Florida Statutes, are reenacted to read:

790.401 Risk protection orders.—

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

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts



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that give rise to a reasonable fear of significant dangerous acts by the respondent;

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

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

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

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

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

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

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.



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7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.

8. Whether the respondent has used, or has threatened to use, against himself or herself or others any weapons.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

Section 17. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (6) of section 901.15, Florida Statutes, is reenacted to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant



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when:

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

Section 18. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (5) of section 901.41, Florida Statutes, is reenacted to read:

901.41 Prearrest diversion programs.—

(5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime of domestic violence, as defined in s. 741.28, or a misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a civil citation or prearrest diversion program.

Section 19. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (p) of subsection (6) of section 921.141, Florida Statutes, is reenacted to read:

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

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

(p) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant



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to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 20. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (j) of subsection (7) of section 921.1425, Florida Statutes, is reenacted to read:

921.1425 Sentence of death or life imprisonment for capital sexual battery; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(j) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 21. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (7) of section 921.1427, Florida Statutes, is reenacted to read:

921.1427 Sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(i) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant



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to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 22. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (3) of section 934.425, Florida Statutes, is reenacted to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

(3) For purposes of this section, a person's consent is presumed to be revoked if:

(a) The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or

(b) The consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to s. 741.30, s. 741.315, s. 784.046, or s. 784.0485.

Section 23. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to injunctions for protection;
amending s. 784.046, F.S.; defining the terms "serious violence by a known person" and "serious bodily injury"; creating a cause of action for an injunction



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1142 for protection in cases of serious violence by a known
1143 person; specifying the persons who have standing to
1144 file such injunction for protection in circuit court
1145 if specified conditions are met; prohibiting the clerk
1146 of the court from assessing a fee for the filing of
1147 such injunction for protection; requiring the clerk of
1148 the court to provide the petitioner with a certified
1149 copy of such injunction for protection; providing
1150 requirements for such petition for injunction for
1151 protection; providing requirements for a temporary or
1152 final judgment on such injunction for protection;
1153 requiring the clerk of the court to electronically
1154 transmit copies of specified documents within a
1155 certain timeframe after a court issues such injunction
1156 for protection; requiring law enforcement officers to
1157 accept a certified copy of such injunction for
1158 protection from the petitioner and immediately serve
1159 it upon a respondent; providing requirements for
1160 inclusion of such injunction for protection in a
1161 specified statewide communication system; requiring
1162 that a respondent be held in custody if he or she is
1163 arrested for committing an act of serious violence by
1164 a known person in violation of an injunction for
1165 protection until being brought before the court;
1166 conforming provisions to changes made by the act;
1167 making technical changes; amending ss. 44.407, 61.13,
1168 61.1825, 394.4597, 394.4598, 741.313, 784.047,
1169 784.048, and 934.03, F.S.; conforming provisions to
1170 changes made by the act; reenacting ss. 28.2221



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1171 (8) (a), (c), and (d), 28.35(2) (i), 57.105(8),
1172 741.311(2), 741.315(2), 790.401(2) (e) and (3) (c),
1173 901.15(6), 901.41(5), 921.141(6) (p), 921.1425(7) (j),
1174 921.1427(7) (i), and 934.425(3), F.S.; relating to
1175 electronic access to official records, Florida Clerks
1176 of Court Operations Corporation, the awarding of
1177 attorney fees, Hope Card Program for persons issued
1178 orders of protection, recognition of foreign
1179 protection orders, risk protection orders, when arrest
1180 by a law enforcement officer without a warrant is
1181 lawful, prearrest diversion programs, aggravating
1182 factors relating to a sentence of death or life
1183 imprisonment for capital felonies, aggravating factors
1184 relating to a sentence of death or life imprisonment
1185 for capital sexual battery, aggravating factors
1186 relating to a sentence of death or life imprisonment
1187 for capital human trafficking of vulnerable persons
1188 for sexual exploitation, and installation or use of
1189 tracking devices or applications, respectively, to
1190 incorporate the amendment made to s. 784.046, F.S., in
1191 references thereto; providing an effective date.

By Senator Sharief

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1 A bill to be entitled
 2 An act relating to injunctions for protection in cases
 3 of repeat or serious violence; amending s. 784.046,
 4 F.S.; replacing the term "repeat violence" with the
 5 term "repeat or serious violence"; defining the term
 6 "repeat or serious violence"; expanding the grounds
 7 for an existing cause of action for an injunction of
 8 protection to include serious violence in addition to
 9 repeat violence; revising the name of an existing
 10 cause of action to an injunction for protection in
 11 cases of repeat or serious violence, rather than in
 12 cases of repeat violence; conforming provisions to
 13 changes made by the act; amending ss. 44.407, 61.1825,
 14 119.0714, 394.4597, 394.4598, 741.2901, 741.30,
 15 741.313, 784.047, 784.048, 790.06, 790.065, 934.03,
 16 and 943.05, F.S.; conforming provisions to changes
 17 made by the act; reenacting ss. 28.2221(8)(a), (c),
 18 and (d), 61.1827(1), 741.311(2), 741.315(2),
 19 790.401(2)(e) and (3)(c), 901.15(6), 901.41(5),
 20 921.141(6)(p), 921.1425(7)(j), 921.1427(7)(i), and
 21 934.425(3), F.S., relating to electronic access to
 22 official records, identifying information concerning
 23 applicants for and recipients of child support
 24 services, Hope Card Program for persons issued orders
 25 of protection, recognition of foreign protection
 26 orders, risk protection orders, when arrest by a law
 27 enforcement officer without a warrant is lawful,
 28 prearrest diversion programs, aggravating factors
 29 relating to a sentence of death or life imprisonment

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

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30 for capital felonies, aggravating factors relating to
 31 a sentence of death or life imprisonment for capital
 32 sexual battery, aggravating factors relating to a
 33 sentence of death or life imprisonment for capital
 34 human trafficking of vulnerable persons for sexual
 35 exploitation, and installation or use of tracking
 36 devices or tracking applications, respectively, to
 37 incorporate the amendment made to s. 784.046, F.S., in
 38 references thereto; providing an effective date.

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

41
 42 Section 1. Section 784.046, Florida Statutes, is amended to
 43 read:

44 784.046 Action by victim of repeat or serious violence,
 45 sexual violence, or dating violence for protective injunction;
 46 dating violence investigations, notice to victims, and
 47 reporting; pretrial release violations; public records
 48 exemption.—

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

50 (a) "Violence" means any assault, aggravated assault,
 51 battery, aggravated battery, sexual assault, sexual battery,
 52 stalking, aggravated stalking, kidnapping, or false
 53 imprisonment, or any criminal offense resulting in physical
 54 injury or death, by a person against any other person.

55 (b) "Repeat or serious violence" means:

56 1. Two incidents of violence or stalking committed by the
 57 respondent, one of which must have been within 6 months of the
 58 filing of the petition, which are directed against the

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petitioner or the petitioner's immediate family member;

2. One act committed by the respondent which causes bodily injury to the petitioner; or

3. A death threat made by the respondent against the petitioner.

(c) "Sexual violence" means any one incident of:

1. Sexual battery, as defined in chapter 794;

2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;

3. Luring or enticing a child, as described in chapter 787;

4. Sexual performance by a child, as described in chapter 827; or

5. Any other forcible felony wherein a sexual act is committed or attempted,

regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

(d) "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship must ~~shall~~ be determined based on ~~the~~ consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;

2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

3. The frequency and type of interaction between the

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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.

(2) There is created a cause of action for an injunction for protection in cases of repeat or serious violence, there is created a separate cause of action for an injunction for protection in cases of dating violence, and there is created a separate cause of action for an injunction for protection in cases of sexual violence.

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

(b) 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 on behalf of that minor child, has standing in the circuit court to file a verified petition for an

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injunction for protection against dating violence.

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

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

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

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

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

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat or serious violence, sexual violence, or dating

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violence. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Justice Administrative Commission a certified request for reimbursement for petitions for protection issued by the court under this section at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission. From this reimbursement, the clerk shall pay the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

(c) No bond is ~~shall be~~ required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat or serious violence, sexual violence, or dating violence entered by the court.

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

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

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175 2. Have reasonable cause to believe that the minor child is
176 a victim of repeat or serious violence, sexual violence, or
177 dating violence to form the basis upon which relief is sought,
178 if the party against whom the protective injunction is sought is
179 a person other than a parent, stepparent, or legal guardian of
180 the minor child.

181 (b) The verified petition must be in substantially the
182 following form:

183
184 PETITION FOR INJUNCTION FOR PROTECTION
185 AGAINST REPEAT OR SERIOUS VIOLENCE, SEXUAL
186 VIOLENCE, OR DATING VIOLENCE
187

188 The undersigned petitioner ...(name)... declares under
189 penalties of perjury that the following statements are true:
190

191 1. Petitioner resides at ...(address)... (A petitioner for
192 an injunction for protection against sexual violence may furnish
193 an address to the court in a separate confidential filing if,
194 for safety reasons, the petitioner requires the location of his
195 or her current residence to be confidential pursuant to s.
196 119.071(2)(j), Florida Statutes.)

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

198 3.a. Petitioner has suffered repeat or serious violence as
199 demonstrated by the fact that the respondent has: ...(enumerate
200 incidents of violence)...

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204
205
206 b. Petitioner has suffered sexual violence as demonstrated
207 by the fact that the respondent has: ...(enumerate incident of
208 violence and include incident report number from law enforcement
209 agency or attach notice of inmate release)...

210
211
212
213
214
215 c. Petitioner is a victim of dating violence and has
216 reasonable cause to believe that he or she is in imminent danger
217 of becoming the victim of another act of dating violence or has
218 reasonable cause to believe that he or she is in imminent danger
219 of becoming a victim of dating violence, as demonstrated by the
220 fact that the respondent has: ...(list the specific incident or
221 incidents of violence and describe the length of time of the
222 relationship, whether it has been in existence during the last 6
223 months, the nature of the relationship of a romantic or intimate
224 nature, the frequency and type of interaction, and any other
225 facts that characterize the relationship)...

226
227
228
229
230
231 4. Petitioner genuinely fears repeat or serious violence by
232 the respondent.

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233 5. Petitioner seeks: an immediate injunction against the
 234 respondent, enjoining him or her from committing any further
 235 acts of violence; an injunction enjoining the respondent from
 236 committing any further acts of violence; and an injunction
 237 providing any terms the court deems necessary for the protection
 238 of the petitioner and the petitioner's immediate family,
 239 including any injunctions or directives to law enforcement
 240 agencies.

242 (c) Every petition for an injunction against sexual
 243 violence, dating violence, or repeat or serious violence must
 244 contain, directly above the signature line, a statement in all
 245 capital letters and bold type not smaller than the surrounding
 246 text, as follows:

248 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ
 249 THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 250 ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN
 251 THIS PETITION ARE BEING MADE UNDER PENALTIES OF
 252 PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525,
 253 FLORIDA STATUTES.

255 ...(initials)...

257 (5) Upon the filing of the petition, the court shall set a
 258 hearing to be held at the earliest possible time. The respondent
 259 must ~~shall~~ be personally served with a copy of the petition,
 260 notice of hearing, and temporary injunction, if any, before
 261 ~~prior to~~ the hearing.

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262 (6) (a) When it appears to the court that an immediate and
 263 present danger of violence exists, the court may grant a
 264 temporary injunction ~~that which~~ may be granted in an ex parte
 265 hearing, pending a full hearing, and may grant such relief as
 266 the court deems proper, including an injunction enjoining the
 267 respondent from committing any acts of violence.

268 (b) Except as provided in s. 90.204, in a hearing ex parte
 269 for the purpose of obtaining such temporary injunction, no
 270 evidence other than the verified pleading or affidavit may ~~shall~~
 271 be used as evidence, unless the respondent appears at the
 272 hearing or has received reasonable notice of the hearing.

273 (c) Any such ex parte temporary injunction is ~~shall be~~
 274 effective for a fixed period not to exceed 15 days. However, an
 275 ex parte temporary injunction granted under subparagraph
 276 (2) (c) 2. is effective for 15 days following the date the
 277 respondent is released from incarceration. A full hearing, as
 278 provided by this section, must ~~shall~~ be set for a date no later
 279 than the date when the temporary injunction ceases to be
 280 effective. The court may grant a continuance of the ex parte
 281 injunction and the full hearing before or during a hearing, for
 282 good cause shown by any party.

283 (7) Upon notice and hearing, the court may grant such
 284 relief as the court deems proper, including an injunction:

285 (a) Enjoining the respondent from committing any acts of
 286 violence.

287 (b) Ordering such other relief as the court deems necessary
 288 for the protection of the petitioner, including injunctions or
 289 directives to law enforcement agencies, as provided in this
 290 section.

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291 (c) The terms of the injunction shall remain in full force
 292 and effect until modified or dissolved. Either party may move at
 293 any time to modify or dissolve the injunction. Such relief may
 294 be granted in addition to other civil or criminal remedies.

295 (d) A temporary or final judgment on injunction for
 296 protection against repeat or serious violence, sexual violence,
 297 or dating violence entered pursuant to this section must ~~shall~~,
 298 on its face, indicate that:

299 1. The injunction is valid and enforceable in all counties
 300 of the State of Florida.

301 2. Law enforcement officers may use their arrest powers
 302 pursuant to s. 901.15(6) to enforce the terms of the injunction.

303 3. The court had jurisdiction over the parties and matter
 304 under the laws of Florida and that reasonable notice and
 305 opportunity to be heard was given to the person against whom the
 306 order is sought sufficient to protect that person's right to due
 307 process.

308 4. The date that the respondent was served with the
 309 temporary or final order, if obtainable.

310 (8)(a)1. Within 24 hours after the court issues an
 311 injunction for protection against repeat or serious violence,
 312 sexual violence, or dating violence, the clerk of the court
 313 shall electronically transmit a copy of the petition, notice of
 314 hearing, and temporary injunction, if any, to the sheriff or a
 315 law enforcement agency of the county where the respondent
 316 resides or can be found, who shall serve it upon the respondent
 317 as soon thereafter as possible on any day of the week and at any
 318 time of the day or night. An electronic copy of an injunction
 319 must be certified by the clerk of the court, and the electronic

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320 copy must be served in the same manner as a certified copy. Upon
 321 receiving an electronic copy of the injunction, the sheriff must
 322 verify receipt with the sender before attempting to serve it
 323 upon the respondent. In addition, if the sheriff is in
 324 possession of an injunction for protection that has been
 325 certified by the clerk of the court, the sheriff may
 326 electronically transmit a copy of that injunction to a law
 327 enforcement officer who shall serve it in the same manner as a
 328 certified copy. The clerk of the court is responsible for
 329 furnishing to the sheriff such information on the respondent's
 330 physical description and location as is required by the
 331 department to comply with the verification procedures set forth
 332 in this section. Notwithstanding any other law to the contrary,
 333 the chief judge of each circuit, in consultation with the
 334 appropriate sheriff, may authorize a law enforcement agency
 335 within the chief judge's jurisdiction to effect this type of
 336 service and to receive a portion of the service fee. A person
 337 may not serve or execute an injunction issued under this section
 338 unless the person is a law enforcement officer as defined in
 339 chapter 943.

340 2. When an injunction is issued, if the petitioner requests
 341 the assistance of a law enforcement agency, the court may order
 342 that an officer from the appropriate law enforcement agency
 343 accompany the petitioner and assist in the execution or service
 344 of the injunction. A law enforcement officer must accept a copy
 345 of an injunction for protection against repeat or serious
 346 violence, sexual violence, or dating violence, certified by the
 347 clerk of the court, from the petitioner and immediately serve it
 348 upon a respondent who has been located but not yet served.

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349 (b) A Domestic, Dating, Sexual, and Repeat or Serious
 350 Violence Injunction Statewide Verification System is created
 351 within the Department of Law Enforcement. The department shall
 352 establish, implement, and maintain a statewide communication
 353 system capable of electronically transmitting information to and
 354 between criminal justice agencies relating to domestic violence
 355 injunctions, dating violence injunctions, sexual violence
 356 injunctions, and repeat or serious violence injunctions issued
 357 by the courts throughout the state. Such information must
 358 include, but is not limited to, information as to the existence
 359 and status of any injunction for verification purposes.

360 (c)1. Within 24 hours after the court issues an injunction
 361 for protection against repeat or serious violence, sexual
 362 violence, or dating violence or changes or vacates an injunction
 363 for protection against repeat or serious violence, sexual
 364 violence, or dating violence, the clerk of the court must
 365 electronically transmit a copy of the injunction to the sheriff
 366 with jurisdiction over the residence of the petitioner.

367 2. Within 24 hours after service of process of an
 368 injunction for protection against repeat or serious violence,
 369 sexual violence, or dating violence upon a respondent, the law
 370 enforcement officer must electronically transmit the written
 371 proof of service of process to the sheriff with jurisdiction
 372 over the residence of the petitioner.

373 3. Within 24 hours after the sheriff receives a certified
 374 copy of the injunction for protection against repeat or serious
 375 violence, sexual violence, or dating violence, the sheriff must
 376 make information relating to the injunction available to other
 377 law enforcement agencies by electronically transmitting such

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378 information to the department.

379 4. Within 24 hours after the sheriff or other law
 380 enforcement officer has made service upon the respondent and the
 381 sheriff has been so notified, the sheriff must make information
 382 relating to the service available to other law enforcement
 383 agencies by electronically transmitting such information to the
 384 department.

385 5. Subject to available funding, the Florida Association of
 386 Court Clerks and Comptrollers shall develop an automated process
 387 by which a petitioner may request notification of service of the
 388 injunction for protection against repeat or serious violence,
 389 sexual violence, or dating violence and other court actions
 390 related to the injunction for protection. The automated notice
 391 must be made within 12 hours after the sheriff or other law
 392 enforcement officer serves the injunction upon the respondent.
 393 The notification must include, at a minimum, the date, time, and
 394 location where the injunction for protection against repeat or
 395 serious violence, sexual violence, or dating violence was
 396 served. The Florida Association of Court Clerks and Comptrollers
 397 may apply for any available grants to fund the development of
 398 the automated process.

399 6. Within 24 hours after an injunction for protection
 400 against repeat or serious violence, sexual violence, or dating
 401 violence is lifted, terminated, or otherwise rendered no longer
 402 effective by ruling of the court, the clerk of the court must
 403 notify the sheriff or local law enforcement agency receiving
 404 original notification of the injunction as provided in
 405 subparagraph 2. That agency shall, within 24 hours after
 406 receiving such notification from the clerk of the court, notify

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the department of such action of the court.

(d) The petitioner may request a Hope Card under s. 741.311 after the court has issued a final order of protection.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) for committing an act of repeat or serious violence, sexual violence, or dating violence in violation of an injunction for protection, the respondent must ~~shall~~ be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

(11) Any law enforcement officer who investigates an alleged incident of dating violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of dating violence shall advise the victim of such violence that there is a domestic violence center from which the victim may

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receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this ~~the~~ state. The notice must ~~shall~~ include:

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

(b) A copy of the following statement:

"IF YOU ARE THE VICTIM OF DATING 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 dating violence which may include, but need not be limited to, provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment."

(12) When a law enforcement officer investigates an allegation that an incident of dating violence has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7), and as developed in accordance with

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subsections (13), (14), and (16). Whether or not an arrest is made, the officer shall make a written police report that is complete and clearly indicates that the alleged offense was an incident of dating violence. Such report ~~must shall~~ be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on dating violence cases to be compiled. Such report must include:

- (a) A description of physical injuries observed, if any.
- (b) If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the grounds for not arresting anyone or for arresting two or more parties.
- (c) A statement indicating ~~which indicates~~ that a copy of the legal rights and remedies notice was given to the victim.

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

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(13) Whenever a law enforcement officer determines upon probable cause that an act of dating violence has been committed within the jurisdiction, or that a person has violated a condition of pretrial release as provided in s. 903.047 and the original arrest was for an act of dating violence, the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge does ~~shall~~ not require consent of the victim or consideration of the relationship of the parties.

(14)(a) When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest.

(b) If a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer must ~~shall~~ try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend himself or herself or another family or household member from dating violence.

(15) A person who willfully violates a condition of pretrial release provided in s. 903.047, when the original arrest was for an act of dating violence as defined in this section, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be held in custody until his or her first appearance.

(16) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune

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from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Section 2. Paragraph (a) of subsection (5) of section 44.407, Florida Statutes, is amended to read:

44.407 Elder-focused dispute resolution process.—

(5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—

(a) The court shall appoint qualified eldercaring coordinators who:

1. Meet one of the following professional requirements:

a. Are licensed as a mental health professional under chapter 491 and hold at least a master's degree in the professional field of practice;

b. Are licensed as a psychologist under chapter 490;

c. Are licensed as a physician under chapter 458 or chapter 459;

d. Are licensed as a nurse under chapter 464 and hold at least a master's degree;

e. Are certified by the Florida Supreme Court as a family mediator and hold at least a master's degree;

f. Are a member in good standing of The Florida Bar; or

g. Are a professional guardian as defined in s. 744.102(17) and hold at least a master's degree.

2. Have completed all of the following:

a. Three years of postlicensure or postcertification practice;

b. A family mediation training program certified by the Florida Supreme Court; and

c. An eldercaring coordinator training program certified by

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the Florida Supreme Court. The training must total at least 44 hours and must include advanced tactics for dispute resolution of issues related to aging, illness, incapacity, or other vulnerabilities associated with elders, as well as elder, guardianship, and incapacity law and procedures and less restrictive alternatives to guardianship; phases of eldercaring coordination and the role and functions of an eldercaring coordinator; the elder's role within eldercaring coordination; family dynamics related to eldercaring coordination; eldercaring coordination skills and techniques; multicultural competence and its use in eldercaring coordination; at least 6 hours of the implications of elder abuse, neglect, and exploitation and other safety issues pertinent to the training; at least 4 hours of ethical considerations pertaining to the training; use of technology within eldercaring coordination; and court-specific eldercaring coordination procedures. Pending certification of a training program by the Florida Supreme Court, the eldercaring coordinator must document completion of training that satisfies the hours and the elements prescribed in this sub-subparagraph.

3. Have successfully passed a Level 2 background screening as provided in s. 435.04(2) and (3) or are exempt from disqualification under s. 435.07. The prospective eldercaring coordinator must submit a full set of fingerprints to the court or to a vendor, entity, or agency authorized by s. 943.053(13). The court, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The prospective eldercaring coordinator

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shall pay the fees for state and federal fingerprint processing. The state cost for fingerprint processing shall be as provided in s. 943.053(3) (e) for records provided to persons or entities other than those specified as exceptions therein.

4. Have not been a respondent in a final order granting an injunction for protection against domestic, dating, sexual, or repeat or serious violence or stalking or exploitation of an elder or a disabled person.

5. Have met any additional qualifications the court may require to address issues specific to the parties.

Section 3. Paragraph (a) of subsection (3) of section 61.1825, Florida Statutes, is amended to read:

61.1825 State Case Registry.—

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

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

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been issued by a court of a foreign state pursuant to s. 741.315, or a temporary or final injunction for protection against repeat or serious violence has been granted pursuant to s. 784.046; or

3. The department has received information on a Title IV-D case from the Domestic, Dating, Sexual, and Repeat or Serious Violence Injunction Statewide Verification System, established

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pursuant to s. 784.046(8) (b), that a court has granted a party a domestic violence or repeat or serious violence injunction.

Section 4. Paragraph (k) of subsection (1) of section 119.0714, Florida Statutes, is amended to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(k) 1. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat or serious violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued on or after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat or serious violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued before July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution only upon request by an individual named in the petition as a respondent. The request must be in the form of a signed, legibly written request

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specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, or electronic transmission or in person to the clerk of the court. A fee may not be charged for such request.

3. Any information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat or serious violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

Section 5. Paragraph (e) of subsection (2) of section 394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; patient's representative.—

(2) INVOLUNTARY PATIENTS.—

(e) The following persons are prohibited from selection as a patient's representative:

1. A professional providing clinical services to the patient under this part.

2. The licensed professional who initiated the involuntary examination of the patient, if the examination was initiated by professional certificate.

3. An employee, an administrator, or a board member of the facility providing the examination of the patient.

4. An employee, an administrator, or a board member of a treatment facility providing treatment for the patient.

5. A person providing any substantial professional services

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to the patient, including clinical services.

6. A creditor of the patient.

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

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

Section 6. Paragraph (h) of subsection (2) of section 394.4598, Florida Statutes, is amended to read:

394.4598 Guardian advocate.—

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

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

Section 7. Subsection (3) of section 741.2901, Florida Statutes, is amended to read:

741.2901 Domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance.—

(3) ~~Before~~ Prior to a defendant's first appearance in any charge of domestic violence as defined in s. 741.28, the State Attorney's Office shall perform a thorough investigation of the defendant's history, including, but not limited to: prior

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arrests for domestic violence, prior arrests for nondomestic charges, prior injunctions for protection against domestic and repeat or serious violence filed listing the defendant as respondent and noting history of other victims, and prior walk-in domestic complaints filed against the defendant. This information must ~~shall~~ be presented at first appearance, when setting bond, and when passing sentence, for consideration by the court. When a defendant is arrested for an act of domestic violence, the defendant must ~~shall~~ be held in custody until brought before the court for admittance to bail in accordance with chapter 903. In determining bail, the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released.

Section 8. Paragraph (c) of subsection (2) and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(2)

(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

3. The clerk of the court shall advise petitioners of the

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opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a).

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat or serious violence when such brochures become available. The brochure must include information about the effect of giving the court false information about domestic violence.

(8)

(b) A Domestic and Repeat or Serious Violence Injunction Statewide Verification System is created within the Department of Law Enforcement. The department shall establish, implement,

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and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat or serious violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 9. Paragraph (b) of subsection (2) of section 741.313, Florida Statutes, is amended to read:

741.313 Unlawful action against employees seeking protection.—

(2)

(b) This section applies if an employee uses the leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat or serious violence, dating violence, or sexual violence;

2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from

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the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

Section 10. Subsection (1) of section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against violators.—

(1) A person who willfully violates an injunction for protection against repeat or serious violence, sexual violence, or dating violence, issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of repeat or serious violence, sexual violence, or dating violence against the petitioner;

(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;

(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

(f) Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;

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813 (g) Defacing or destroying the petitioner's personal
 814 property, including the petitioner's motor vehicle; or
 815 (h) Refusing to surrender firearms or ammunition if ordered
 816 to do so by the court,
 817
 818 commits a misdemeanor of the first degree, punishable as
 819 provided in s. 775.082 or s. 775.083, except as provided in
 820 subsection (2).
 821 Section 11. Subsection (4) of section 784.048, Florida
 822 Statutes, is amended to read:
 823 784.048 Stalking; definitions; penalties.—
 824 (4) A person who, after an injunction for protection
 825 against repeat or serious violence, sexual violence, or dating
 826 violence pursuant to s. 784.046, or an injunction for protection
 827 against domestic violence pursuant to s. 741.30, or after any
 828 other court-imposed prohibition of conduct toward the subject
 829 person or that person's property, knowingly, willfully,
 830 maliciously, and repeatedly follows, harasses, or cyberstalks
 831 another person commits the offense of aggravated stalking, a
 832 felony of the third degree, punishable as provided in s.
 833 775.082, s. 775.083, or s. 775.084.
 834 Section 12. Subsections (2) and (3) of section 790.06,
 835 Florida Statutes, are amended to read:
 836 790.06 License to carry concealed weapon or concealed
 837 firearm.—
 838 (2) The Department of Agriculture and Consumer Services
 839 shall issue a license if the applicant:
 840 (a) Is a resident of the United States and a citizen of the
 841 United States or a permanent resident alien of the United

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842 States, as determined by the United States Bureau of Citizenship
 843 and Immigration Services, or is a consular security official of
 844 a foreign government that maintains diplomatic relations and
 845 treaties of commerce, friendship, and navigation with the United
 846 States and is certified as such by the foreign government and by
 847 the appropriate embassy in this country;
 848 (b) Is 21 years of age or older;
 849 (c) Does not suffer from a physical infirmity that ~~which~~
 850 prevents the safe handling of a weapon or firearm;
 851 (d) Is not ineligible to possess a firearm pursuant to s.
 852 790.23 by virtue of having been convicted of a felony;
 853 (e) Has not been:
 854 1. Found guilty of a crime under the provisions of chapter
 855 893 or similar laws of any other state relating to controlled
 856 substances within a 3-year period immediately preceding the date
 857 on which the application is submitted; or
 858 2. Committed for the abuse of a controlled substance under
 859 chapter 397 or under the provisions of former chapter 396 or
 860 similar laws of any other state. An applicant who has been
 861 granted relief from firearms disabilities pursuant to s.
 862 790.065(2)(a)4.d. or pursuant to the law of the state in which
 863 the commitment occurred is deemed not to be committed for the
 864 abuse of a controlled substance under this subparagraph;
 865 (f) Does not chronically and habitually use alcoholic
 866 beverages or other substances to the extent that his or her
 867 normal faculties are impaired. It shall be presumed that an
 868 applicant chronically and habitually uses alcoholic beverages or
 869 other substances to the extent that his or her normal faculties
 870 are impaired if the applicant has been convicted under s.

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871 790.151 or has been deemed a habitual offender under s.
 872 856.011(3), or has had two or more convictions under s. 316.193
 873 or similar laws of any other state, within the 3-year period
 874 immediately preceding the date on which the application is
 875 submitted;

876 (g) Desires a legal means to carry a concealed weapon or
 877 concealed firearm for lawful self-defense;

878 (h) Demonstrates competence with a firearm by any one of
 879 the following:

880 1. Completion of any hunter education or hunter safety
 881 course approved by the Fish and Wildlife Conservation Commission
 882 or a similar agency of another state;

883 2. Completion of any National Rifle Association firearms
 884 safety or training course;

885 3. Completion of any firearms safety or training course or
 886 class available to the general public offered by a law
 887 enforcement agency, junior college, college, or private or
 888 public institution or organization or firearms training school,
 889 using instructors certified by the National Rifle Association,
 890 Criminal Justice Standards and Training Commission, or the
 891 Department of Agriculture and Consumer Services;

892 4. Completion of any law enforcement firearms safety or
 893 training course or class offered for security guards,
 894 investigators, special deputies, or any division or subdivision
 895 of a law enforcement agency or security enforcement;

896 5. Presents evidence of equivalent experience with a
 897 firearm through participation in organized shooting competition
 898 or United States military service;

899 6. Is licensed or has been licensed to carry a concealed

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900 weapon or concealed firearm in this state or a county or
 901 municipality of this state, unless such license has been revoked
 902 for cause; or

903 7. Completion of any firearms training or safety course or
 904 class conducted by a state-certified or National Rifle
 905 Association certified firearms instructor;

906

907 A photocopy of a certificate of completion of any of the courses
 908 or classes; an affidavit from the instructor, school, club,
 909 organization, or group that conducted or taught such course or
 910 class attesting to the completion of the course or class by the
 911 applicant; or a copy of any document that shows completion of
 912 the course or class or evidences participation in firearms
 913 competition shall constitute evidence of qualification under
 914 this paragraph. A person who conducts a course pursuant to
 915 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
 916 an instructor, attests to the completion of such courses, must
 917 maintain records certifying that he or she observed the student
 918 safely handle and discharge the firearm in his or her physical
 919 presence and that the discharge of the firearm included live
 920 fire using a firearm and ammunition as defined in s. 790.001;

921 (i) Has not been adjudicated an incapacitated person under
 922 s. 744.331, or similar laws of any other state. An applicant who
 923 has been granted relief from firearms disabilities pursuant to
 924 s. 790.065(2)(a)4.d. or pursuant to the law of the state in
 925 which the adjudication occurred is deemed not to have been
 926 adjudicated an incapacitated person under this paragraph;

927 (j) Has not been committed to a mental institution under
 928 chapter 394, or similar laws of any other state. An applicant

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who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to have been committed in a mental institution under this paragraph;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;

(l) Has not had adjudication of guilt withheld or imposition of sentence suspended on any misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;

(m) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat or serious violence; and

(n) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of

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sentence suspended for one or more crimes of violence within the preceding 3 years. The department ~~must~~ shall, upon notification by a law enforcement agency, a court, a clerk's office, or the Florida Department of Law Enforcement, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department ~~must~~ shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat or serious violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. If the criminal case or injunction results in a nondisqualifying disposition and the applicant or licensee is otherwise eligible, the suspension ~~must~~ shall end. The department must issue an order confirming the end of the suspension within 90 days after the applicant's or licensee's submission to the department of a copy of the final resolution of the criminal case or injunction. The copy provided to the department must be sent through electronic or certified mail to a location that ~~must~~ shall be specified on the notice of suspension received by the licensee or applicant. If the criminal case or injunction results in a disqualifying disposition, the suspension must remain in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection may not be construed to limit,

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restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the timeframe prescribed in this subsection.

Section 13. Paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

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

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

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

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- c. Explosives violations under s. 552.22(1) and (2).
- d. Controlled substances violations under chapter 893.
- e. Resisting an officer with violence under s. 843.01.
- f. Weapons and firearms violations under this chapter.
- g. Treason under s. 876.32.
- h. Assisting self-murder under s. 782.08.
- i. Sabotage under s. 876.38.
- j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department must ~~shall~~ provide to the licensee a conditional nonapproval number.

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

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

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

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

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6. If the buyer is so prohibited, the conditional nonapproval number ~~must shall~~ become a nonapproval number.

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

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

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

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

Section 14. Paragraph (m) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(m) It is lawful under this section and ss. 934.04-934.09 for a person who is protected under an active temporary or final injunction for repeat or serious violence, sexual violence, or dating violence under s. 784.046; stalking under s. 784.0485; domestic violence under s. 741.30; or any other court-imposed prohibition of conduct toward the person to intercept and record

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a wire, oral, or electronic communication received in violation of such injunction or court order. A recording authorized under this paragraph may be provided to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order if the subject of the injunction or court order prohibiting contact has been served the injunction or is on notice that the conduct is prohibited. A recording authorized under this paragraph may not be otherwise disseminated or shared.

Section 15. Paragraph (e) of subsection (2) of section 943.05, Florida Statutes, is amended to read:

943.05 Criminal Justice Information Program; duties; crime reports.—

(2) The program shall:

(e) Establish, implement, and maintain a Domestic and Repeat or Serious Violence Injunction Statewide Verification System capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, injunctions to prevent child abuse issued under chapter 39, and repeat or serious violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any such injunction for verification purposes.

Section 16. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraphs (a), (c), and (d) of subsection (8) of section 28.2221, Florida Statutes, are reenacted to read:

28.2221 Electronic access to official records.—

(8)(a) Each county recorder or clerk of the court must make

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the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the fact that a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been entered against that respondent, publicly available on the county recorder's or clerk of the court's official website, unless the respondent is a minor. The identity and information required under this subsection must be viewable through a searchable database that is available in a clear and conspicuous location on the homepage of the county recorder's or clerk of the court's official website and must be available for search by the general public.

(c) Any information specified in this subsection not made available by the county clerk of the court as provided in this subsection before July 1, 2024, must be made publicly available on the county recorder's or clerk of the court's official website if the affected party identifies the information and requests that such information be added for general public display. Such request must be in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of information pursuant to such request.

(d) No later than 30 days after July 1, 2024, notice of the right of any affected party to request the addition of information to the searchable database on the county recorder's

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or clerk of the court's official website pursuant to this subsection must be conspicuously and clearly displayed by the county recorder or clerk of the court on the county recorder's or clerk of the court's official website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. Such notice must contain appropriate instructions for making the addition of information request in person, by mail, by facsimile, or by electronic transmission. The notice must state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court add information to the searchable database on the county recorder's or clerk of the court's official website if that information involves the identity of a respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the respondent is a minor. The notice must also state that the information related to the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered is available for search by the general public. The notice must include step-by-step instructions detailing how a user can access the searchable database and search for such information. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of a

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1161 document pursuant to such request.

1162 Section 17. For the purpose of incorporating the amendment
1163 made by this act to section 784.046, Florida Statutes, in a
1164 reference thereto, subsection (1) of section 61.1827, Florida
1165 Statutes, is reenacted to read:

1166 61.1827 Identifying information concerning applicants for
1167 and recipients of child support services.—

1168 (1) Any information that reveals the identity of applicants
1169 for or recipients of child support services, including the name,
1170 address, and telephone number of such persons, held by a non-
1171 Title IV-D county child support enforcement agency is
1172 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1173 of the State Constitution. The use or disclosure of such
1174 information by the non-Title IV-D county child support
1175 enforcement agency is limited to the purposes directly connected
1176 with:

1177 (a) Any investigation, prosecution, or criminal or civil
1178 proceeding connected with the administration of any non-Title
1179 IV-D county child support enforcement program;

1180 (b) Mandatory disclosure of identifying and location
1181 information as provided in s. 61.13(7) by the non-Title IV-D
1182 county child support enforcement agency when providing non-Title
1183 IV-D services;

1184 (c) Mandatory disclosure of information as required by ss.
1185 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the
1186 Social Security Act; or

1187 (d) Disclosure to an authorized person, as defined in 45
1188 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1189 law with respect to the unlawful taking or restraint of a child

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1190 or making or enforcing a parenting plan. As used in this
1191 paragraph, the term "authorized person" includes a parent with
1192 whom the child does not currently reside, unless a court has
1193 entered an order under s. 741.30, s. 741.31, or s. 784.046.

1194 Section 18. For the purpose of incorporating the amendment
1195 made by this act to section 784.046, Florida Statutes, in a
1196 reference thereto, subsection (2) of section 741.311, Florida
1197 Statutes, is reenacted to read:

1198 741.311 Hope Card Program for persons issued orders of
1199 protection.—

1200 (2) Beginning October 1, 2024, a person who has been issued
1201 a final judgment on injunction for protection under s. 741.30,
1202 s. 784.046, s. 784.0485, or s. 825.1035 may request a Hope Card
1203 from the clerk of the court of the circuit in which the order
1204 for an injunction for protection was entered. A person may
1205 request a Hope Card at the time the final judgment on injunction
1206 for protection is issued or at any other time before the
1207 expiration of the order for protection.

1208 Section 19. For the purpose of incorporating the amendment
1209 made by this act to section 784.046, Florida Statutes, in a
1210 reference thereto, subsection (2) of section 741.315, Florida
1211 Statutes, is reenacted to read:

1212 741.315 Recognition of foreign protection orders.—

1213 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
1214 protection against domestic violence issued by a court of a
1215 foreign state must be accorded full faith and credit by the
1216 courts of this state and enforced by a law enforcement agency as
1217 if it were the order of a Florida court issued under s. 741.30,
1218 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,

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and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

Section 20. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraph (e) of subsection (2) and paragraph (c) of subsection (3) of section 790.401, Florida Statutes, are reenacted to read:

790.401 Risk protection orders.—

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

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the

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respondent's current ownership, possession, custody, or control; and

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

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

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

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

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

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.

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1277 8. Whether the respondent has used, or has threatened to
 1278 use, against himself or herself or others any weapons.
 1279 9. The unlawful or reckless use, display, or brandishing of
 1280 a firearm by the respondent.
 1281 10. The recurring use of, or threat to use, physical force
 1282 by the respondent against another person or the respondent
 1283 stalking another person.
 1284 11. Whether the respondent, in this state or any other
 1285 state, has been arrested for, convicted of, had adjudication
 1286 withheld on, or pled nolo contendere to a crime involving
 1287 violence or a threat of violence.
 1288 12. Corroborated evidence of the abuse of controlled
 1289 substances or alcohol by the respondent.
 1290 13. Evidence of recent acquisition of firearms or
 1291 ammunition by the respondent.
 1292 14. Any relevant information from family and household
 1293 members concerning the respondent.
 1294 15. Witness testimony, taken while the witness is under
 1295 oath, relating to the matter before the court.
 1296 Section 21. For the purpose of incorporating the amendment
 1297 made by this act to section 784.046, Florida Statutes, in a
 1298 reference thereto, subsection (6) of section 901.15, Florida
 1299 Statutes, is reenacted to read:
 1300 901.15 When arrest by officer without warrant is lawful.—A
 1301 law enforcement officer may arrest a person without a warrant
 1302 when:
 1303 (6) There is probable cause to believe that the person has
 1304 committed a criminal act according to s. 790.233 or according to
 1305 s. 741.31, s. 784.047, or s. 825.1036 which violates an

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1306 injunction for protection entered pursuant to s. 741.30, s.
 1307 784.046, or s. 825.1035 or a foreign protection order accorded
 1308 full faith and credit pursuant to s. 741.315, over the objection
 1309 of the petitioner, if necessary.
 1310 Section 22. For the purpose of incorporating the amendment
 1311 made by this act to section 784.046, Florida Statutes, in a
 1312 reference thereto, subsection (5) of section 901.41, Florida
 1313 Statutes, is reenacted to read:
 1314 901.41 Prearrest diversion programs.—
 1315 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime
 1316 of domestic violence, as defined in s. 741.28, or a misdemeanor
 1317 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,
 1318 s. 784.0487, or s. 784.049 does not qualify for a civil citation
 1319 or prearrest diversion program.
 1320 Section 23. For the purpose of incorporating the amendment
 1321 made by this act to section 784.046, Florida Statutes, in a
 1322 reference thereto, paragraph (p) of subsection (6) of section
 1323 921.141, Florida Statutes, is reenacted to read:
 1324 921.141 Sentence of death or life imprisonment for capital
 1325 felonies; further proceedings to determine sentence.—
 1326 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
 1327 limited to the following:
 1328 (p) The capital felony was committed by a person subject to
 1329 an injunction issued pursuant to s. 741.30 or s. 784.046, or a
 1330 foreign protection order accorded full faith and credit pursuant
 1331 to s. 741.315, and was committed against the petitioner who
 1332 obtained the injunction or protection order or any spouse,
 1333 child, sibling, or parent of the petitioner.
 1334 Section 24. For the purpose of incorporating the amendment

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made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (j) of subsection (7) of section 921.1425, Florida Statutes, is reenacted to read:

921.1425 Sentence of death or life imprisonment for capital sexual battery; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(j) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 25. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (7) of section 921.1427, Florida Statutes, is reenacted to read:

921.1427 Sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(i) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 26. For the purpose of incorporating the amendment

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made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (3) of section 934.425, Florida Statutes, is reenacted to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

(3) For purposes of this section, a person's consent is presumed to be revoked if:

(a) The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or

(b) The consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to s. 741.30, s. 741.315, s. 784.046, or s. 784.0485.

Section 27. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: October 6, 2025

I respectfully request that **Senate Bill # 32**, relating to Injunctions for Protection in Cases of Repeat or Serious Violence, be placed on the:

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

A handwritten signature in blue ink, appearing to read "B. Sharief", is written over a horizontal line.

Senator Barbara Sharief
Florida Senate, District 35

11-18-2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 32

Bill Number or Topic

453182

Amendment Barcode (if applicable)

Name

Eric Friday

Phone

904-722-3333

Address

225 E. Church St.

Email

efriday@kingryfriday.com

Street

Jacksonville

FL

32202-3131

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 Carry, 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

11-18-2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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SB 32

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Eric Friday

Phone

904-722-3333

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Street

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State

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Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

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

5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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11-18-25

Meeting Date

32

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Barbara DeRue

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850-251-4280

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Tallahassee

City

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32308

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL NOW

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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 156

INTRODUCER: Senator Leek

SUBJECT: Criminal Offenses Against Law Enforcement Officers and Other Personnel

DATE: November 17, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			RC	

I. Summary:

SB 156 amends s. 776.051, F.S., to revise language to expand law enforcement officers' protection from citizens' use or threatened use of force during an arrest or detention. The bill prohibits a person from using or threatening to use force to resist *any arrest or detention*, or to resist an officer *acting in the performance of his or her official duties as described in s. 943.10(1)*, F.S., if the officer was acting in good faith and is known, or reasonably appears, to be a law enforcement officer.

“Acting in good faith” means to make a sincere and reasonable efforts to comply with legal requirements, even if the arrest, detention, or other act is later found to have been unlawful.

The bill removes language which specifies a law enforcement officer is not justified in using force if an arrest or execution of a legal duty is unlawful and known by the officer to be unlawful.

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

The bill also amends s. 784.07(2), F.S., relating to assault or battery on an officer, to specify that such *officer is acting in the performance of his or her official duties*. The bill removes language requiring the officer be engaged in the lawful performance of his or her duties. The 3rd degree felony of battery on a law enforcement officer, firefighter, and other specified personnel, is ranked as a level 5 in the Offense Severity Ranking Chart (OSRC).

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

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

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

The bill takes effect upon becoming law.

II. Present Situation:

Officer Jason Raynor was a dedicated member of the Daytona Beach Police Officer who was shot by Othal Wallace during questioning on June 23, 2021, and succumbed to his injuries on August 21, 2021.¹ Officer Raynor joined the Daytona Beach Police Department in February 2019 after previously serving with the Port Orange Police Department. While employed at the Port Orange Police Department, he received an award of achievement in December 2018 for heroically rescuing a citizen attempting to jump from a bridge.²

A “Law enforcement officer” is any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.³

Use of Force or Threatened Use of Force

A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. A person who uses or threatens to use force does not have a duty to retreat before using or threatening to use such force.⁴

Additionally, a person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent

¹ The Daytona Beach News-Journal, *Daytona Beach Police Officer Jason Raynor dies 55 days after he was shot while on patrol*, Frank Fernandez, August 19, 2021, available at <https://www.news-journalonline.com/story/news/2021/08/17/daytona-beach-police-officer-jayson-raynor-dies-othal-wallace/8174227002/> (last visited November 10, 2025).

² WFTV9, *Heart of gold’: Who is Jason Raynor, the Daytona Beach police officer shot in the head?*, available at <https://www.wftv.com/news/local/volusia-county/heart-gold-who-is-jason-raynor-daytona-beach-police-officer-shot-head/XUDRYZFUBBDCBFVLNZR4SAYD24/> (last visited November 10, 2025).

³ Section 943.10(1), F.S.

⁴ Section 776.012(1), F.S.

death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.⁵

A person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.⁶

A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.⁷

Courts have found that ss. 776.012 and 776.051, F.S. (1974), as described above, were both enacted as a part of the same act.⁸ Statutes that are a part of a single act must be read in *pari materia*.⁹ The effect of reading these statutes in *pari materia* is to permit an individual to defend himself against unlawful or excessive force, even when being arrested.¹⁰ This view is consistent with the position taken by other jurisdictions that have been confronted with questions relating to statutes similar to ss. 776.012, 776.051 and 843.01, F.S.¹¹

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

Therefore, self-defense is not “irrelevant” to a prosecution for resisting arrest with violence.¹²

Assault or Battery on Law Enforcement

A person charged with of an assault or battery, or the attempt to commit such offense upon a law enforcement officer, or other specified persons, must have the offense reclassified as follows:

⁵ Section 776.012(2), F.S.

⁶ Section 776.051(1), F.S.

⁷ Section 776.051(2), F.S.

⁸ See ch. 74-383 L.O.F.

⁹ *Ivester v. State*, 398 So. 2d 926 (Fla. 1st DCA 1981), citing *Major v. State*, 180 So.2d 335, 337 (Fla.1965).

¹⁰ *Ivester v. State*, 398 So.2d 926 (Fla. 1981).

¹¹ *Id.*

¹² *Ivester v. State*, 398 So.2d 926 (Fla. 1981).

- In the case of assault, from a second degree misdemeanor¹³ to a first degree misdemeanor.¹⁴
- In the case of battery, from a first degree misdemeanor to a third degree felony. A person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01, F.S., must be sentenced to a minimum term of imprisonment of 6 months.
- In the case of aggravated assault, from a third degree felony¹⁵ to a second degree felony. Any person convicted of aggravated assault upon a law enforcement officer must be sentenced to a minimum term of imprisonment of three years.
- In the case of aggravated battery, from a second degree felony¹⁶ to a first degree felony. Any person convicted of aggravated battery of a law enforcement officer must be sentenced to a minimum term of imprisonment of five years.¹⁷

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

Resisting Arrest with Violence

A person who knowingly and willfully resists, obstructs, or opposes specified officers or other persons legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a third degree felony.¹⁹

Specified officers include:

- Law enforcement officer, correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer or auxiliary law enforcement officer;²⁰
- Members of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- Parole and probation supervisors;
- County probation officers; or
- Personnel or representatives of the Department of Law Enforcement.²¹

¹³ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days, as provided in s. 775.082 or s. 775.083, F.S.

¹⁴ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year. Sections 775.082 and 775.083, F.S.

¹⁵ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹⁶ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine; A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹⁷ Section 784.07(2), F.S.

¹⁸ Florida Standard Jury Instruction 8.10 and 8.11 (Crim).

¹⁹ Section 843.01, F.S.

²⁰ Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

²¹ Section 843.01, F.S.

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

A person convicted of a murder offense upon a law enforcement officer²² engaged in the performance of a legal duty, must be sentenced to life imprisonment without eligibility for release. Such murder offenses include:

- Murder in the first degree in violation of s. 782.04(1), F.S., when a death sentence was not imposed;
- Murder in the second or third degree in violation of s. 782.04(2), (3), or (4), F.S.;
- Attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2), F.S.; or
- Attempted felony murder in violation of s. 782.051, F.S.²³

The Florida Bar's Florida Standard Criminal Jury Instructions for Obstruction of Justice, resisting an officer with violence provides a special instruction incorporating s. 776.051(1), F.S. should be given when the defendant is charged with resisting an arrest by a law enforcement officer or with resisting a law enforcement officer and the defense claims the officer was acting unlawfully.²⁴ A special instruction for juries incorporating instructions for justifiable use of deadly force should be given when the defense claims that the defendant was justified in using or threatening to use deadly force if he or she reasonably believed that such force was necessary to prevent imminent death or bodily harm.²⁵

Manslaughter

Manslaughter is the killing of a person by the act, procurement, or culpable negligence of another, without lawful justification and is a second degree felony.^{26,27} However, under s. 782.07(4), F.S., manslaughter is a first degree felony²⁸ if a person causes the death, through culpable negligence, of a law enforcement officer or other specified personnel who is performing duties that are within the course of his or her employment.

The first degree felony of manslaughter of an officer, under s. 782.07(4), F.S., may only be committed through culpable negligence, whereas manslaughter under s. 782.07(1), F.S., may be committed by an *act, procurement, or culpable negligence*.

“Culpable negligence” is a course of conduct showing reckless disregard of human life or a grossly careless disregard for the safety and welfare of the public. The negligent act or omission must have been committed with an utter disregard for the safety of another. Culpable negligence

²² Section 782.065(2), F.S., includes a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional probation officer, or auxiliary correctional probation officer, as those terms are defined in s. 943.10, F.S., engaged in the lawful performance of a legal duty.

²³ Section 782.065, F.S.

²⁴ Florida Standard Jury Instruction 8.13 (Crim).

²⁵ Florida Standard Jury Instruction 3.6f (Crim).

²⁶ Section 782.07, F.S.

²⁷ A second degree felony is generally punishable by not more than 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

²⁸ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

is consciously doing an act or following a course of conduct that the defendant knew or reasonably should have known was likely to cause death or great bodily injury.²⁹

III. Effect of Proposed Changes:

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

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

"Acting in good faith" means to make a sincere and reasonable efforts to comply with legal requirements, even if the arrest, detention, or other act is later found to have been unlawful.

The bill removes language which specifies a law enforcement officer is not justified in using force if an arrest or execution of a legal duty is unlawful and known by the officer to be unlawful.

The bill amends s. 782.065, F.S., to add manslaughter to the list of crimes that a person must be sentenced to life imprisonment without the eligibility of release upon conviction, if such offense was committed against specified officers³⁰ *who were acting in the performance of their official duties as described in s. 943.10, F.S.*

The bill also amends s. 784.07(2), F.S., relating to assault or battery on an officer, to specify that such *officer is acting in the performance of his or her official duties*. The bill removes language requiring the officer be engaged in the lawful performance of his or her duties. The 3rd degree felony of battery on a law enforcement officer, firefighter, and other specified personnel, is ranked as a level 5 in the OSRC.

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

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

²⁹ Florida Standard Jury Instructions 7.7(a) (Crim).

³⁰ Specified officers include law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, part-time correctional probation officers, or auxiliary correctional probation officers, as those terms are defined in ss. 782.065 and 943.10, F.S.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

- Per DOC, in FY 24-25, there were two new commitments to prison under s. 782.065, F.S., 381 new commitments to prison under s. 784.07, F.S., and 179 new commitments to prison under s. 843.01, F.S. Of the 381 new commitments under s. 784.07, F.S., 242 would be potentially impacted by the increase in felony level. However, it is unknown how this change would increase the number of future new commitments with both Level 4 and Level 5, 3rd degree felonies hovering around a 20% incarceration rate over the last two fiscal years. There was one new commitment

to prison for manslaughter of law enforcement officers, correctional officers, correctional probation officers, or other first responders (s. 782.07, F.S.). Both s. 782.07, F.S. and s. 784.07, F.S. include other specified personnel, so it is not known how many of these offenses involve the respective positions listed under s. 943.10, F.S. Furthermore, it is not known how the definition of “acting in good faith” and other changes to the statutory language, such as the inclusion of “detention” for when someone is not justified in resisting, or removing that a law enforcement officer’s use of force is not permitted during a knowingly unlawful arrest, would impact the pool of potential offenders.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill language specifies that the duties of a law enforcement officer are provided in s. 943.10, F.S., however that reference may not be inclusive of all duties. The bill language references manslaughter in violation of s. 782.07(1), F.S., to provide for an enhanced penalty if manslaughter is committed against specified officers; however the language does not include s. 782.07(4), F.S., relating to manslaughter of an officer, in the enhancement statute under s. 782.065, F.S.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 776.051, 782.065, 784.07, 843.01 and 921.0022.

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.

³¹ Office of Economic and Demographic Research, *SB 156- Criminal Offenses Against Law Enforcement Officers and Other Personnel*, (on file with the Senate Committee on Criminal Justice)

By Senator Leek

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1 A bill to be entitled
2 An act relating to criminal offenses against law
3 enforcement officers and other personnel; providing a
4 short title; amending s. 776.051, F.S.; revising a
5 prohibition on the use or threatened use of force to
6 resist arrest or detention; defining the term "acting
7 in good faith"; amending s. 782.065, F.S.; providing
8 for enhanced punishment for manslaughter when
9 committed against specified officers; revising
10 applicability; amending s. 784.07, F.S.; revising the
11 definition of the term "law enforcement officer";
12 revising provisions concerning assault or battery upon
13 specified officers and other personnel; amending s.
14 843.01, F.S.; revising a provision concerning
15 resisting, obstructing, or opposing specified officers
16 or legally authorized persons; amending s. 921.0022,
17 F.S.; increasing the level on the offense severity
18 ranking chart for committing battery on law
19 enforcement officers and other specified personnel;
20 providing an effective date.

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

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

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

26 776.051 Use or threatened use of force in resisting arrest
27 or detention ~~making an arrest or in the execution of a legal~~
28
29

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30 ~~duty~~; prohibition.—

31 ~~(1)~~ A person is not justified in the use or threatened use
32 of force to resist any an arrest or detention by a law
33 enforcement officer, or to resist a law enforcement officer
34 acting in the performance of his or her official duties as
35 described in s. 943.10(1) who is engaged in the execution of a
36 legal duty, if the law enforcement officer was acting in good
37 faith and he or she is known, or reasonably appears, to be a law
38 enforcement officer. As used in this section, the term "acting
39 in good faith" means to make sincere and reasonable efforts to
40 comply with legal requirements, even if the arrest, detention,
41 or other act is later found to have been unlawful.

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

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

48 782.065 Murder; law enforcement officer, correctional
49 officer, correctional probation officer.—Notwithstanding ss.
50 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
51 ~~must shall~~ be sentenced to life imprisonment without eligibility
52 for release upon findings by the trier of fact that, beyond a
53 reasonable doubt:

54 (1) The defendant committed murder in the first degree in
55 violation of s. 782.04(1) and a death sentence was not imposed;
56 murder in the second or third degree in violation of s.
57 782.04(2), (3), or (4); attempted murder in the first or second
58 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted

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felony murder in violation of s. 782.051; or manslaughter in violation of s. 782.07(1); and

(2) The victim of any offense described in subsection (1) was a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional probation officer, or auxiliary correctional probation officer, as those terms are defined in s. 943.10, who was acting in the performance of his or her official duties as described in s. 943.10 ~~engaged in the lawful performance of a legal duty.~~

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

784.07 Assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.—

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

(e) "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; an employee or agent of the Department of Corrections who supervises or provides services to inmates; an officer of the Florida Commission on Offender Review; a federal law enforcement officer as defined in s. 901.1505; and law enforcement personnel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the

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Department of Law Enforcement. The duties and responsibilities of these respective positions are described in s. 943.10.

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, a security officer employed by the board of trustees of a community college, or a utility worker engaged in work on critical infrastructure as defined in s. 812.141(1), while the officer, firefighter, emergency medical care provider, hospital personnel, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, security officer, or utility worker is acting in the performance of his or her official duties ~~engaged in the lawful performance of his or her duties, the~~

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offense for which the person is charged shall be reclassified as follows:

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

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.

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

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

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

843.01 Resisting, obstructing, or opposing by offering or doing violence to legally authorized person, police canine, or police horse.—

(1) Whoever knowingly and willfully resists, obstructs, or opposes any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the

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commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or acting in the performance of his or her official duties as described in s. 943.10 in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Paragraphs (d) and (e) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.

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164	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
165	517.07 (1)	3rd	Failure to register securities.
166	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
167	784.031	3rd	Battery by strangulation.
168	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
169	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
170	784.075	3rd	Battery on detention or commitment facility staff.

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171	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
172	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
173	784.081 (3)	3rd	Battery on specified official or employee.
174	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
175	784.083 (3)	3rd	Battery on code inspector.
176	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
177	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed

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			guardian.
178	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
179	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
180	787.07	3rd	Human smuggling.
181	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
182	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
183	790.115(2)(c)	3rd	Possessing firearm on

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			school property.
184	794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
185	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
186	806.135	2nd	Destroying or demolishing a memorial or historic property.
187	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
188	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
189	810.06	3rd	Burglary; possession of tools.
190			

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	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	
191				
	810.145(3)(b)	3rd	Digital voyeurism dissemination.	
192				
	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	
193				
	812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.	
194				
	812.014(2)(d)2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.	
195				
	812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.	
196				
	812.0195(2)	3rd	Dealing in stolen property by use of the	

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			Internet; property stolen \$300 or more.	
197				
	817.505(4)(a)	3rd	Patient brokering.	
198				
	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	
199				
	817.568(2)(a)	3rd	Fraudulent use of personal identification information.	
200				
	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.	
201				
	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.	
202				
	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.	
203				
	828.125(1)	2nd	Kill, maim, or cause	

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great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

836.14(2)

3rd

Person who commits theft
of a sexually explicit
image with intent to
promote it.

836.14(3)

3rd

Person who willfully
possesses a sexually
explicit image with
certain knowledge,
intent, and purpose.

837.02(1)

3rd

Perjury in official
proceedings.

837.021(1)

3rd

Make contradictory
statements in official
proceedings.

838.022

3rd

Official misconduct.

839.13(2)(a)

3rd

Falsifying records of an
individual in the care
and custody of a state

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agency.

839.13(2)(c)

3rd

Falsifying records of
the Department of
Children and Families.

843.021

3rd

Possession of a
concealed handcuff key
by a person in custody.

843.025

3rd

Deprive law enforcement,
correctional, or
correctional probation
officer of means of
protection or
communication.

843.15(1)(a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

843.19(2)

2nd

Injure, disable, or kill
police, fire, or SAR
canine or police horse.

847.0135(5)(c)

3rd

Lewd or lascivious
exhibition using
computer; offender less

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than 18 years.

216

870.01(3)

2nd

Aggravated rioting.

217

870.01(5)

2nd

Aggravated inciting a riot.

218

874.05(1)(a)

3rd

Encouraging or recruiting another to join a criminal gang.

219

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).

220

914.14(2)

3rd

Witnesses accepting bribes.

221

914.22(1)

3rd

Force, threaten, etc., witness, victim, or informant.

222

914.23(2)

3rd

Retaliation against a witness, victim, or informant, no bodily injury.

223

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2026156__

916.1085

3rd

Introduction of specified contraband into certain DCF facilities.

(2)(c)1.

224

934.215

3rd

Use of two-way communications device to facilitate commission of a crime.

225

944.47(1)(a)6.

3rd

Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

226

951.22(1)(h),
(j) & (k)

3rd

Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

227

228

229

(e) LEVEL 5

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7-00338-26		2026156__	
Florida Statute	Felony Degree	Description	
230 316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.	
231 316.1935(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.	
232 316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.	
233 322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	
234 327.30(5) (a)2.	3rd	Vessel accidents	

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7-00338-26		2026156__	
			involving personal injuries other than serious bodily injury; leaving scene.
235 365.172 (14) (b)2.	2nd	Misuse of emergency communications system resulting in death.	
236 379.365(2) (c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or	

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	7-00338-26		2026156	
				imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
237	379.367(4)	3rd		Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
238	379.407(5)(b)3.	3rd		Possession of 100 or more undersized spiny lobsters.
239	381.0041(11)(b)	3rd		Donate blood, plasma, or organs knowing HIV positive.
240	440.10(1)(g)	2nd		Failure to obtain workers' compensation coverage.
241	440.105(5)	2nd		Unlawful solicitation for the purpose of making workers' compensation claims.
242				

	7-00338-26		2026156	
	440.381(2)	3rd		Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
243	624.401(4)(b)2.	2nd		Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
244	626.902(1)(c)	2nd		Representing an unauthorized insurer; repeat offender.
245	<u>784.07(2)(b)</u>	<u>3rd</u>		<u>Battery of law enforcement officer, firefighter, etc.</u>
246	790.01(3)	3rd		Unlawful carrying of a concealed firearm.
247	790.162	2nd		Threat to throw or discharge destructive device.

	7-00338-26		2026156
248	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
249	790.221(1)	2nd	Possession of short- barreled shotgun or machine gun.
250	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
251	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
252	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
253	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
254	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with

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	7-00338-26		2026156
			intent to damage any structure or property.
255	810.145(4)	3rd	Commercial digital voyeurism dissemination.
256	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
257	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
258	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
259	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
260	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
261	812.015(8)(f)	3rd	Retail theft; multiple

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2026156

thefts within specified
period.

262

812.015(8) (g)

3rd

Retail theft; committed
with specified number of
other persons.

263

812.019(1)

2nd

Stolen property; dealing
in or trafficking in.

264

812.081(3)

2nd

Trafficking in trade
secrets.

265

812.131(2) (b)

3rd

Robbery by sudden
snatching.

266

812.16(2)

3rd

Owning, operating, or
conducting a chop shop.

267

817.034(4) (a) 2.

2nd

Communications fraud,
value \$20,000 to
\$50,000.

268

817.234(11) (b)

2nd

Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

269

817.2341(1),

3rd

Filing false financial

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(2) (a) & (3) (a)

statements, making false
entries of material fact
or false statements
regarding property
values relating to the
solvency of an insuring
entity.

270

817.568(2) (b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of
injury or fraud, \$5,000
or more or use of
personal identification
information of 10 or
more persons.

271

817.611(2) (a)

2nd

Traffic in or possess 5
to 14 counterfeit credit
cards or related
documents.

272

817.625(2) (b)

2nd

Second or subsequent
fraudulent use of
scanning device,
skimming device, or

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

	7-00338-26		2026156__	reencoder.
273	825.1025(4)	3rd		Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
274	828.12(2)	3rd		Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
275	836.14(4)	2nd		Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
276	839.13(2)(b)	2nd		Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
277	843.01(1)	3rd		Resist officer with violence to person; resist arrest with

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	7-00338-26		2026156__	violence.
278	847.0135(5)(b)	2nd		Lewd or lascivious exhibition using computer; offender 18 years or older.
279	847.0137 (2) & (3)	3rd		Transmission of pornography by electronic device or equipment.
280	847.0138 (2) & (3)	3rd		Transmission of material harmful to minors to a minor by electronic device or equipment.
281	874.05(1)(b)	2nd		Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
282	874.05(2)(a)	2nd		Encouraging or recruiting person under 13 years of age to join a criminal gang.
283	893.13(1)(a)1.	2nd		Sell, manufacture, or

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284

893.13(1)(c)2.

2nd

deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

285

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

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286

893.13(1)(e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

287

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), or
(2)(a), (2)(b), or
(2)(c)5. drugs) within
1,000 feet of public
housing facility.

288

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

289

893.1351(1)

3rd

Ownership, lease, or

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2026156__

rental for trafficking
in or manufacturing of
controlled substance.

290

291

Section 7. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: October 21, 2025

I respectfully request that **Senate Bill #156**, relating to Criminal Offenses Against Law Enforcement Officers and Other Personnel, 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", is written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

SB 156 – Criminal Offenses Against Law Enforcement Officers and Other Personnel (Similar HB 17)

This bill amends multiple statutes. First, it amends s. 776.051, F.S., stating that (new language in bold): “A person is not justified in the use or threatened use of force to resist **any** arrest **or detention** by a law enforcement officer, or to resist a law enforcement officer **acting in the performance of his or her official duties as described in s. 943.10(1), F.S.**, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.” The language also deletes “who is engaged in the execution of a legal duty.” It then adds the following language: “As used in this section, the term “acting in good faith” means to make sincere and reasonable efforts to comply with legal requirements, even if the arrest, detention, or other act is later found to have been unlawful. Furthermore, it deletes the following language: “A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.” It also amends s. 782.065, F.S., adding manslaughter to when a person must be sentenced to life imprisonment without the eligibility of release due to killing or attempting to kill a law enforcement officer, correctional officer, or correctional probation officer. It also deletes that the officer was “engaged in the lawful performance of a legal duty” and adds “who was acting in the performance of his or her official duties as described in s. 943.10, F.S.” It also amends s. 784.07, F.S., for assault or battery of law enforcement officers and other specified personnel, adding to the definition of “law enforcement officer” that “the duties and responsibilities of these respective positions are described in s. 943.10, F.S.” Additionally, it deletes “engaged in the lawful performance of his or her duties” for all personnel and adds in its place “acting in the performance of his or her official duties.” Furthermore, while under current language a 1st degree misdemeanor is increased to a Level 4, 3rd degree felony for battery of a law enforcement officer, firefighter, and other specified personnel, the 1st degree misdemeanor would be increased to a **Level 5, 3rd degree felony** for this offense. Finally, this bill amends s. 843.01, F.S., for resisting, obstructing, or opposing by offering or doing violence to legally authorized person, police canine, or police horse, deleting “in the lawful execution of any legal duty” and adding in its place “acting in the performance of his or her official duties as described in s. 943.10, F.S.” In addition to the changes to felonies in the amended statutes above, the amended language in s. 776.051, F.S. could impact the pool of offenders for these felonies by potentially increasing the pool of offenders for those resisting arrest and potentially decreasing pool of offenders for law enforcement officers using force while knowingly committing an unlawful act.

Per DOC, in FY 24-25, there were two new commitments to prison under s. 782.065, F.S., 381 new commitments to prison under s. 784.07, F.S., and 179 new commitments to prison under s. 843.01, F.S. Of the 381 new commitments under s. 784.07, F.S., 242 would be potentially impacted by the increase in felony level. However, it is unknown how this change would increase the number of future new commitments with both Level 4 and Level 5, 3rd degree felonies hovering around a 20% incarceration rate over the

last two fiscal years. There was one new commitment to prison for manslaughter of law enforcement officers, correctional officers, correctional probation officers, or other first responders (s. 782.07, F.S.). Both s. 782.07, F.S. and s. 784.07, F.S. include other specified personnel, so it is not known how many of these offenses involve the respective positions listed under s. 943.10, F.S. Furthermore, it is not known how the definition of “acting in good faith” and other changes to the statutory language, such as the inclusion of “detention” for when someone is not justified in resisting, or removing that a law enforcement officer’s use of force is not permitted during a knowingly unlawful arrest, would impact the pool of potential offenders.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

11/18/2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 0156

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jennifer "Cookie" Pritt**

Phone **850-219-3631**

Address **2636 Mitcham Road**

Email **jpritt@fpca.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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)

11/18/2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

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156

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sam Wagoner**

Phone **850-701-3603**

Address **301 S Bronough Street Ste.300**

Email **swagoner@flcities.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida League of Cities

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons 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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11-18-25

Meeting Date

Criminal Justice

Committee

SB 0156

Bill Number or Topic

Amendment Barcode (if applicable)

Name

STEVEN B. SLADE

Phone

850. 322. 5766

Address

300 E. BROWARD ST

Street

TALLAHASSEE, FL 32301

City

State

Zip

Email

steven.slade@flpha.org

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL PBA

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

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11/18/25

Meeting Date

Criminal Justice

Committee

SB 156

Bill Number or Topic

Amendment Barcode (if applicable)

Name Anna Reagan

Phone 904 625 5709

Address 2902 Morningside Dr.
Street

Email Areagan@Flsheriffs.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 Sheriffs
Association

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

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

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S-001 (08/10/2021)

11-18-2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 156

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Eric Friday**

Phone **904-722-3333**

Address **225 E. Church St.**

Email **efriday@kingryfriday.com**

Street

Jacksonville

FL

32202-3131

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 Carry, 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](#))

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 0156

Bill Number or Topic

Amendment Barcode (if applicable)

11/18/2025
Meeting Date
Criminal Justice
Committee

Name Molly Hudson Phone _____
Address 123 W. Indiana Ave. Email mhudson@volusia Sheriff.gov
Street
Deland Fl. 32720
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:

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

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 210

INTRODUCER: Senator Sharief

SUBJECT: Public Records/Petitions for Injunctions for Protection Against Serious Violence by a Known Person

DATE: November 17, 2025 REVISED: _____

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

I. Summary:

SB 210 amends s. 119.0714, F.S., to create a public records exemption for petitions, and the contents thereof, for injunctions for protection against serious violence by a known person.

This exemption applies to a petition that is dismissed without a hearing, dismissed at an exparte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued. Additionally, the exemption applies to any information that can be used to identify a petitioner or respondent in a petition for an injunction against serious violence by a known person until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

The bill provides a statement of public necessity as required by the State Constitution, and because it creates a new 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 on the same day as SB 32 or any similar legislation. As filed, SB 32 takes effect on July 1, 2026.

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

¹ FLA. CONST. art. I, s. 24(a).

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.

Separation of Powers and the Judicial Branch

However, under the doctrine of separation of powers found in Article II, section 3 of the State Constitution, the Florida Supreme Court has the authority to regulate the public's access to judicial records and bears the responsibility to protect records of the judicial branch.⁵ To implement this "inherent authority," the Court adopted what is now referred to as Rule of General Practice and Judicial Administration 2.420.⁶ The rule governs public access to judicial branch records and provides which records are exempt from the public.

In its report, the workgroup noted that under existing law, "even the most inflammatory and palpably false allegations struck by the court remain in the public record." The workgroup further noted that its authority to seal records has its limitations and concluded that the "only tool available to prevent the ongoing publication" of the defamatory remarks was a public records exemption.⁷ Accordingly, the substance of that conclusion is contained in this bill.

Open Government Sunset Review Act – Exceptions for the Judicial Branch

The "Open Government Sunset Review Act" contained in s. 119.15, F.S., provides for the review and repeal or reenactment of an exemption in the 5th year after the enactment of a new exemption or substantial amendment of an existing exemption. However, these requirements do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System. As such, public records exemptions enacted by the Legislature which apply solely to the State Court System are not subject to the 5 year review.

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).

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

⁵ See *supra* note 9 which cites *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988) and *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ See *supra* note 9. The rule is found here: <https://www.flcourts.gov/content/download/219096/file/RULE-2-420-Jan2014.pdf>.

⁷ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, 42-43 (Sept. 6, 2024), <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>.

Injunctions for Protection

Though there are several causes of action for injunctions under different sections of Florida statutes, for example, an injunction for protection against stalking or cyberstalking⁸ and an injunction for protection against exploitation of a vulnerable adult,⁹ there does not appear to be a protective injunction for all acts of violence.

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,¹⁰ an injunction for protection in cases of dating violence,¹¹ and an injunction for protection in cases of sexual violence.^{12,13} However, this section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.

“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.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 119.0714, F.S., to create a public records exemption for petitions, and the contents thereof, for injunctions for protection against serious violence by a known person.

This exemption applies to a petition that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued. Additionally, the exemption applies to any information that can be used to identify a petitioner or respondent in a petition for an injunction against serious violence by a known person until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

The bill provides a statement of public necessity as required by the State Constitution, and because it creates a new 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 the same day SB 32 or any similar legislation does, if it is adopted in the same legislative session or an extension thereof. As filed, SB 32 takes effect July 1, 2026.

⁸ Section 784.0485, F.S.

⁹ Section 825.1035, F.S.

¹⁰ “Repeat violence” means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner’s immediate family member. Section 784.046(1)(b), F.S.

¹¹ “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

¹² “Sexual violence” means any one incident of: sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted. Section 784.046(1)(c), F.S.

¹³ Section 784.046(2), F.S.

¹⁴ Section 784.046(1)(a), F.S.

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

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

B. Public Records/Open Meetings Issues:**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 enacts a new exemption for records pertaining to an injunction for protection against serious violence by a known person; 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 serious violence by a known person, and the bill exempts only records pertaining to a petition, and the contents thereof, from the public records requirements. The exemption does not appear to 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:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

There is currently no injunction for protection against serious violence by a known person; however, SB 32 expands the injunction for protection against repeat violence to include serious violence.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0714 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Sharief

35-00469-26

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0714, F.S.; providing an exemption from public
 4 records requirements for petitions, and the contents
 5 thereof, for injunctions for protection against
 6 serious violence by a known person; providing an
 7 exemption from public records requirements for
 8 information that can be used to identify a petitioner
 9 or respondent in such a petition for an injunction;
 10 providing a statement of public necessity; providing a
 11 contingent effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Paragraph (k) of subsection (1) of section
 16 119.0714, Florida Statutes, is amended to read:
 17 119.0714 Court files; court records; official records.—
 18 (1) COURT FILES.—Nothing in this chapter shall be construed
 19 to exempt from s. 119.07(1) a public record that was made a part
 20 of a court file and that is not specifically closed by order of
 21 court, except:
 22 (k)1. A petition, and the contents thereof, for an
 23 injunction for protection against domestic violence, repeat
 24 violence, dating violence, sexual violence, serious violence by
 25 a known person, stalking, or cyberstalking ~~which that~~ is
 26 dismissed without a hearing, dismissed at an ex parte hearing
 27 due to failure to state a claim or lack of jurisdiction, or
 28 dismissed for any reason having to do with the sufficiency of
 29 the petition itself without an injunction being issued on or

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

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30 after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a),
 31 Art. I of the State Constitution.
 32 2. A petition, and the contents thereof, for an injunction
 33 for protection against domestic violence, repeat violence,
 34 dating violence, sexual violence, stalking, or cyberstalking
 35 ~~which that~~ is dismissed without a hearing, dismissed at an ex
 36 parte hearing due to failure to state a claim or lack of
 37 jurisdiction, or dismissed for any reason having to do with the
 38 sufficiency of the petition itself without an injunction being
 39 issued before July 1, 2017, is exempt from s. 119.07(1) and s.
 40 24(a), Art. I of the State Constitution only upon request by an
 41 individual named in the petition as a respondent. The request
 42 must be in the form of a signed, legibly written request
 43 specifying the case name, case number, document heading, and
 44 page number. The request must be delivered by mail, facsimile,
 45 or electronic transmission or in person to the clerk of the
 46 court. A fee may not be charged for such request.
 47 3. Any information that can be used to identify a
 48 petitioner or respondent in a petition for an injunction against
 49 domestic violence, repeat violence, dating violence, sexual
 50 violence, serious violence by a known person, stalking, or
 51 cyberstalking, and any affidavits, notice of hearing, and
 52 temporary injunction, is confidential and exempt from s.
 53 119.07(1) and s. 24(a), Art. I of the State Constitution until
 54 the respondent has been personally served with a copy of the
 55 petition for injunction, affidavits, notice of hearing, and
 56 temporary injunction.
 57 Section 2. (1) The Legislature finds that it is a public
 58 necessity that a petition, and the contents thereof, for an

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injunction for protection against serious violence by a known person which is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the existence of, and the unverified allegations contained in, such a petition may be defamatory to an individual named in it and cause unwarranted damage to the reputation of such individual. The Legislature further finds that removing such a record from public disclosure is the sole means of protecting the reputation of such an individual.

(2) Additionally, the Legislature finds that it is a public necessity that any information that can be used to identify a petitioner or respondent in a petition for an injunction against serious violence by a known person, and any affidavits, notice of hearing, and temporary injunction, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The release of such information before the respondent has been personally served with a copy of the petition, affidavits, notice of hearing, or temporary injunction could significantly threaten the physical safety and security of persons seeking protection through injunctive proceedings and their families, and of law enforcement tasked with serving the petition for injunction, affidavits, notice of hearing, or temporary injunction on the respondent. The harm that may result from the release of the information outweighs any public benefit that might result from

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public disclosure of the information.

Section 3. This act shall take effect on the same date that SB 32 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: November 4, 2025

I respectfully request that **Senate Bill # 210**, relating to Public Records/Petitions for Injunctions for Protection Against Serious Violence by a Known Person, be placed on the:

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

A handwritten signature in blue ink, appearing to read "B. Sharief", is written over a horizontal line.

Senator Barbara Sharief
Florida Senate, District 35

11-18-2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 210

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Eric Friday

Phone

904-722-3333

Address

225 E. Church St.

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efriday@kingryfriday.com

Street

Jacksonville

FL

32202-3131

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 Carry, 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 \(flsenate.gov\)](#)

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 7004

INTRODUCER: Criminal Justice Committee

SUBJECT: OGSR/Conviction Integrity Unit Reinvestigation Information

DATE: November 18, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Stokes		CJ Submitted as Comm. Bill/FAV

I. Summary:

SB 7004 reviews the public records exemption in s. 119.071(2)(q), F.S., for information or materials generated by a state attorney's conviction integrity unit while it is reinvestigating cases of previously convicted persons to review plausible claims of actual innocence.

The exemption is subject to the Open Government Sunset Review Act and stands to be repealed on October 2, 2026 unless reenacted by the Legislature. The bill saves the exemption from repeal by deleting the scheduled repeal date.

There is no known fiscal impact from the bill.

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This 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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Public records laws are found throughout the Florida Statutes.

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency-or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ 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.¹⁸ 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.¹⁹ 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 subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

Agency Investigations

Section 119.071(2), F.S., contains general exemptions from the public records law for agency investigations. For purposes of ch. 119, F.S., the term “agency” means:

any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.²⁶

Public Records Exemption Under Review

In 2021, the Legislature created s. 119.071(2)(q), F.S., which made conviction integrity unit reinvestigation information exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The information is exempt for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a criminal case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation.²⁷

In creating the exemption, the Legislature provided a public necessity statement articulating the following reasons for the exemption:

- Public release of conviction integrity unit reinvestigation information could result in the disclosure of sensitive information, such as the identity or location of an alternate suspect, a witness, or other evidence needed to exonerate a wrongfully convicted person, which could compromise the investigation of a wrongfully convicted person's case.

-
- 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Section 119.011(2), F.S.

²⁷ Section 119.071(2)(q)1.,2., F.S.

- It is necessary to protect this information in order to encourage witnesses, who might otherwise be reluctant to come forward, to be forthcoming with evidence of a crime.
- It is in the interest of pursuing justice for persons who may have been wrongfully convicted that all conviction integrity unit reinvestigation information be protected until investigation of the claim of actual innocence is no longer capable of further investigation.
- The harm that may result from the release of such information outweighs any public benefit that may be derived from its disclosure, and that it is in the interest of the public to safeguard, preserve, and protect information relating to a claim of actual innocence by a person who may have been convicted of a crime that he or she did not commit.²⁸

The exemption of the information stands repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.²⁹

Conviction Integrity Review Units

A Conviction Integrity Review (CIR or CIU) unit is a unit established within a state attorney's office for the purpose of reviewing plausible claims of actual innocence.³⁰ In Florida, CIR units exist in state attorney offices in five of the twenty judicial circuits.³¹

All five of the CIR units have essentially the same procedures in place to begin an investigation. First, the CIR determines whether the case passes an initial screening. Some of the CIRs report that they rely upon an independent review panel of legal experts to work with the units to review and evaluate the cases under investigation. Ultimately the CIR units require that the case present a plausible claim of innocence for the CIR investigation to take place.³²

²⁸ Chapter 2021-182, Section 2, Laws of Florida.

²⁹ Section 119.071(2)(q)1., 2., F.S.

³⁰ Section 119.071(2)(q)1.a., F.S. For an example of how a CIR conducts and completes a review of a plausible claim of innocence, see the 2019 Case Report from a Fourth Judicial Circuit (Jacksonville) CIR investigation that resulted in the exoneration of two men, see [cir_investigative_report_final_3-28-19_r.pdf](#). (last visited October 9, 2025).

³¹ Office of the State Attorney for the Fourth Judicial Circuit, *Conviction Integrity Review*, available at <https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/>; Office of the State Attorney for the Ninth Judicial Circuit, *Conviction Integrity Policy*, available at <https://sao9.net/resources/conviction-integrity/>; Office of the State Attorney for the Thirteenth Circuit, *Conviction Review Unit*, available at <https://hillsboroughsao.gov/about/programs/>; Office of the State Attorney for the Fifteenth Judicial Circuit, *Conviction Review Unit*; available at <https://sa15.org/conviction-review-unit/>; Office of the State Attorney for the Seventeenth Circuit, *Conviction Review Unit*, available at <https://browardsao.com/conviction-review-unit/>. Additionally, two circuits have “hybrid” conviction review processes. In 2003, the Eleventh Circuit State Attorney’s Office created the Justice Project, an office initially formed to review claims of innocence based on DNA evidence. The office has expanded its scope to review all plausible claims of innocence. See Office of the State Attorney for the Eleventh Judicial Circuit, available at Our Work; Signature Programs; Justice Project. <https://miamisao.com/our-work/signature-programs/justice-project/>. Finally, the Eighth Judicial Circuit reports that no formal “unit” exists, but under certain circumstances, the office will review cases for concerns of actual innocence or unfair sentences. See Office of the State Attorney for the Eighth Judicial Circuit, *survey on file with the Senate Criminal Justice Committee*. (all sites last visited October 9, 2025).

³² Office of the State Attorney for the Fourth Judicial Circuit, *Conviction Integrity Review*, available at <https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/>; Office of the State Attorney for the Ninth Judicial Circuit, *Conviction Integrity Policy*, available at <https://sao9.net/resources/conviction-integrity/>; Office of the State Attorney for the Thirteenth Circuit, *Conviction Review Unit*, available at <https://hillsboroughsao.gov/about/programs/>; Office of the State Attorney for the Fifteenth Judicial Circuit, *Conviction Review Unit*; available at <https://sa15.org/conviction-review-unit/>; Office of the State Attorney for the Seventeenth Circuit, *Conviction Review Unit*, available at <https://browardsao.com/conviction-review-unit/>.

The term “conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case.³³ The term does not include:

- Information, materials, or records generated by a state attorney's office during an investigation done for the purpose of responding to motions made pursuant to Rule 3.800, Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or any other collateral proceeding.
- Petitions by applicants to the conviction integrity unit.
- Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from s. 119.07(2)(q), F.S.³⁴

Conviction Integrity Review Units Survey Responses

To determine whether and to what degree the public records exemption under review is utilized by the existing CIRs, legislative staff surveyed the state’s twenty state attorneys.³⁵ The survey showed that there are five active CIRs in the state.³⁶

Number of Case Investigations

Since the public records exemption was created in 2021 the five circuits’ CIRs have initiated the following number of cases that passed the initial petition phase and moved to the investigative phase:

- Fourth Circuit CIR: Of the 108 case investigations initiated 31 were active at the time of the survey responses in August 2025.
- Ninth Circuit CIR: At the time of the survey, the CIR had 98 cases awaiting initial review and 44 cases in the active investigation stage.
- Thirteenth Circuit CIR: Of the 312 petitions for investigation received, approximately 21 investigations were undertaken. Three investigations are still active.
- Fifteenth Circuit CIR: With 37 investigations having been initiated since 2021, 18 are still open.
- Seventeenth Circuit CIR: The 17th Circuit CIR reports that between September 2019 and July 2025, the CIR had 460 inquiries with 203 closed cases. The CIR also reports approximately 70 petitions were open in June 2025 in various stages of review. The response does not specify any active or closed investigations.³⁷

³³ Section 119.071(2)(q)1.b., F.S.

³⁴ Section 119.071(2)(q)1.(I)-(III), F.S.

³⁵ All survey responses are available *on file with the Senate Criminal Justice Committee*.

³⁶ Office of the State Attorney for the Fourth Judicial Circuit, *Conviction Integrity Review*, available at <https://www.sao4th.com/about/programs-and-initiatives/conviction-integrity-review/>; Office of the State Attorney for the Ninth Judicial Circuit, *Conviction Integrity Policy*, available at <https://sao9.net/resources/conviction-integrity/>; Office of the State Attorney for the Thirteenth Circuit, *Conviction Review Unit*, available at <https://hillsboroughsao.gov/about/programs/>; Office of the State Attorney for the Fifteenth Judicial Circuit, *Conviction Review Unit*, available at <https://sa15.org/conviction-review-unit/>; Office of the State Attorney for the Seventeenth Circuit, *Conviction Review Unit*, available at <https://browardsao.com/conviction-review-unit/>. (all sites last visited October 9, 2025).

³⁷ Responses from the five CIRs are available *on file with the Senate Criminal Justice Committee*.

Public Requests for the Protected Information Under Review

The CIRs responded as follows to survey questions: What is the approximate number of public records requests your agency has received *per year* for the exempt information under review? What is the type of entity requesting the information?

- Fourth Circuit CIR: One request made by the media.
- Ninth Circuit CIR: One request made by an applicant for his or her case to be investigated by the CIR requested exempt information.
- Thirteenth Circuit CIR: Five requests made by media and individuals.
- Fifteenth Circuit CIR: Four requests made by media.
- Seventeenth Circuit CIR: Approximately one or two per year made by defendants, family and friends of defendants, and media.³⁸

All CIRs report that they have received no complaints about the public record exemption under review. Based on information in the survey responses, the five CIRs are in complete agreement that the status of the public record exemption should remain active beyond October 2, 2026, its current repeal date.³⁹

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the public records exemption created in s. 119.071(2)(q), F.S., for information and materials generated by a conviction integrity unit while it is reinvestigating cases of previously convicted persons to review plausible claims of actual innocence.

The bill maintains the exempt status of information and materials generated by a conviction integrity unit while it is reinvestigating a case as defined in s. 119.07(2)(q), F.S., by deleting the scheduled October 2, 2026 repeal date.

The bill takes effect upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁸ *Id.*

³⁹ *Id.*

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:

This bill creates the following sections of the Florida Statutes:

This bill repeals the following sections of the Florida Statutes:

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

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

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Criminal Justice

591-00738A-26

20267004pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for certain conviction integrity unit reinvestigation information; abrogating the scheduled repeal of such exemption; providing an effective date.

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

Section 1. Paragraph (q) 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.—

(q)1. As used in this paragraph, the term:

a. "Conviction integrity unit" means a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence.

b. "Conviction integrity unit reinvestigation information" means information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. The term does not include:

(I) Information, materials, or records generated by a state attorney's office during an investigation done for the purpose of responding to motions made pursuant to Rule 3.800, Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or any other collateral proceeding.

Page 1 of 2

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

591-00738A-26

20267004pb

(II) Petitions by applicants to the conviction integrity unit.

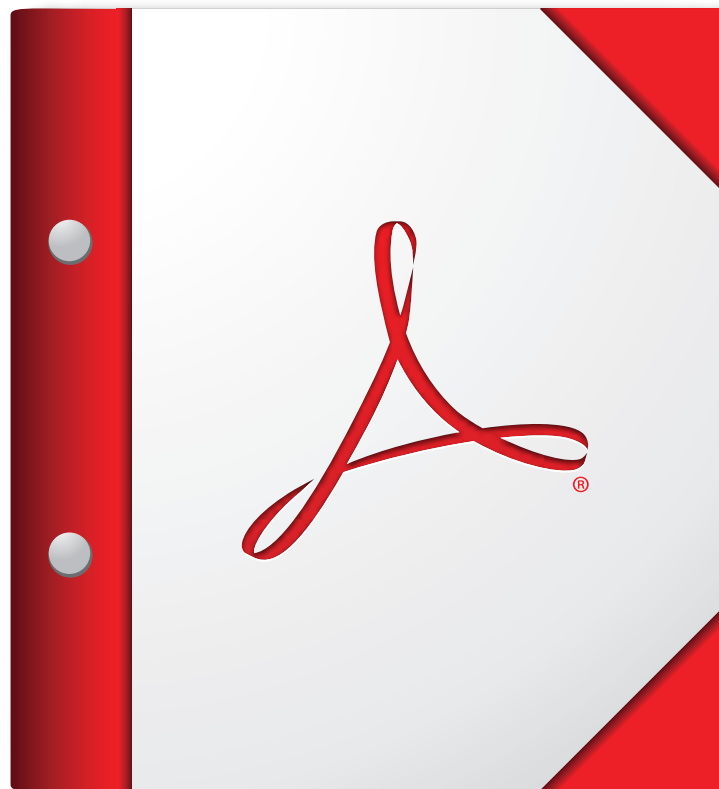
(III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.

2. Conviction integrity unit reinvestigation information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. ~~This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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



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**House of Representatives Government Operations Subcommittee
Senate Committee on Criminal Justice
August 5, 2025**

**Open Government Sunset Review Questionnaire
(Conviction Integrity Unit Reinvestigative Information)**

PLEASE RETURN THIS QUESTIONNAIRE BY August 20, 2025, TO BOTH:

John Lines

Attorney
House Government Operations Subcommittee
Email: John.Lines@flhouse.gov
Phone: (850) 717-4890

Connie Cellon

Attorney
Senate Committee on Criminal Justice
Email: Cellon.Conn@flsenate.gov
Phone: (850) 487-5192

In 2021, the Legislature created a public record exemption—[s. 119.071\(2\)\(q\), F.S.](#)—for information or materials generated during an investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The information ceases to be exempt once the investigation is no longer active.

The public record exemption stands repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature under the Open Government Sunset Review Act ([s. 119.15, F.S.](#)).

To assist professional committee staff as part of their review of these public record and meeting exemptions, please answer the following questions. A copy of section 119.071(2)(q), F.S., is attached at the end of the questionnaire for your convenience.

Name and Title of Person Completing the Questionnaire: *Shelley Thibodeau, Director of Conviction Integrity Review*

Telephone Number of Person Completing the Questionnaire: 904.255.2761

E-mail address of Person Completing the Questionnaire: *sthibodeau@coj.net*

I. CONVICTION INTEGRITY UNITS

A conviction integrity unit is a unit within a state attorney's office that reviews plausible claims of actual innocence of previously convicted persons.

1. Does your agency have a conviction integrity unit? If "yes," please complete the remainder of the questionnaire. If "no," please indicate such and return the questionnaire immediately.

Yes

2. When was your agency's conviction integrity unit established?

January of 2018

3. Can you briefly describe the process your agency's conviction integrity unit follows for initiating and investigating a case?

The SAO4 Conviction Integrity Unit only reviews claims of actual innocence. We will not initiate an investigation based upon a due process claim or sentencing disparity argument. We ask petitioners to submit an application/petition to our office, which prompts the creation of a CIU file on the petitioner's behalf. If a request for review facially meets our criteria, by setting forth a plausible innocence claim, we will initiate a review. We begin the review by attempting to confirm that the allegations made by the petitioner may lead to newly discovered evidence. For instance, the petitioner may claim that a material witness was not called at trial, the subject of an expert's testimony has now been called into question, forensic testing was not conducted that may be dispositive or lead to material information, scientific testing has evolved since the original prosecution, etc. If our initial review substantiates the plausibility of the arguments, we will continue with the investigation. Our investigation may include any number of avenues depending on the complexity of the case and circumstances, such as document review, witness location and interview, property location and submission for forensic analysis, crime scene recreation, expert consultation, and victim contact.

4. Does your agency require petitions by an applicant to review his or her case to initiate an investigation? Or can your agency initiate an investigation without a petition from an applicant?

Our office requires the submission of a petition to initiate review of a case. We have created a 7-page application/petition that we ask the petitioner or the petitioner's agent to complete. The purpose of the petition is to focus the claims of the petitioner on those that meet the criteria of the unit and provide information upon which we can initiate a review if warranted. Of course, this would not apply to a referral from within our office.

5. How many petitions by applicants asking your agency's conviction integrity to review their claims of innocence has your agency received since 2021?

184

6. How many investigations has your agency's conviction integrity unit initiated since 2021 and how many of those remain active?

Initiated: 108; Active: 31; Pending review: 45

7. What is the average length of time conviction integrity unit investigations remain active?

The length of an investigation varies based upon the complexity of the case and nature of the claims. Typically, we can close a case within 6 months of commencing our active review if we conclude there is no path forward for further investigation or we have concluded that the petitioner's claims lack merit. Otherwise, it may feasibly take 2 years to thoroughly investigate a claim with merit. Given the serious impact on all parties of a meritorious innocence claim, our office is dedicated to conducting thorough investigations. It should be noted that some of the time required to conduct an investigation is not within the control of our unit or our office, such as the time required for independent forensic testing and analysis.

II. PUBLIC RECORD EXEMPTION UNDER REVIEW

[Section 119.071\(2\)\(q\), F.S.](#), provides a public record exemption for conviction integrity unit reinvestigative information, that is information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. A conviction integrity unit is "a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence." The information remains exempt for "a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in

the conviction of the accused person and until the claim is no longer capable of being investigated.”

1. What specific categories or types of records held by your agency are affected by this public record exemption?

Any written, audio, or video documentation that is newly created by the CIU including, but not limited to, the following: witness and victim location information and interviews, forensic testing and analysis or results, expert opinion and consultation information, document retrieval and subpoena duces tecum information, crime scene reconstruction records, documented experimentation conducted by the CIU, and alternate suspect information.

2. Has your agency ever received a public record request for the protected information under review? If “yes”:

Our office cited this exemption on one occasion. Our office is mindful of Florida’s broad public records laws. This exemption is limited in scope, infrequently cited, but crucial to the integrity of a CIU investigation.

- a. What is the approximate number of requests your agency has received for such information each year since the enactment of the public records exemption in 2021?

One

- b. Please describe the types of entities requesting such information.

Media

3. Can the protected records be readily obtained by alternative means? For instance, is the information protected by the exemptions public in another context? If “yes,” please explain.

No. The records created by the CIU during an active investigation are not specifically protected by other public record exemptions.

The original documents produced while the original case was pending and prosecuted are not covered by this exemption and could be obtained, if not protected by another exemption, such as HIPPA.

4. Has your agency had any difficulties interpreting or applying the public record exemption under review? If “yes,” please explain.

No.

5. Has your agency received complaints about the public record exemption? If “yes,” please explain.

No.

6. How does your agency interpret the phrase “... until the claim is no longer capable of further investigation” within the context of this public records exemption? Does your agency make an official determination of when a particular claim is no longer capable of further determination?

Once there are no other plausible avenues for active investigation, our case file is closed and is accompanied by a closing letter to the petitioner. This is a defined demarcation upon which the public record exemption no longer applies to the CIU file. While there are reasonable, and good faith avenues for investigation, the case is open and being actively investigated. Once we have attempted to locate and interview known and material witnesses, have explored and submitted evidence for forensic analysis, and have otherwise exhausted viable avenues to develop newly discovered evidence that would impact the outcome of the original conviction, the case is closed and no longer subject to this public records exemption.

7. To the best of your knowledge, does any other state or federal law protect the exempt information under review? If “yes”:

No.

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption(s) your agency relies upon responding to a public record request that would include the exempt information.
 - c. In your agency’s opinion, could the public record exemption under review be merged with any other exemption(s)?
8. Is your agency aware of any litigation, case law, administrative orders, or Attorney General opinions involving the exemptions? If “yes,” please provide the appropriate citation(s).

No.

9. Which of the following actions do you recommend the Legislature take (please select one):

- ☐ Repeal the public record exemption
- ☒ Reenact the public record exemption as is
- ☐ Reenact the public record exemption with changes

10. If “reenact the public record exemption with changes” was selected above, please explain any changes your agency recommends.

11. Please provide any additional comments regarding the public record exemption under review.

The SOA4 Conviction Integrity Unit is grateful for the support shown by the Florida Legislature in passing this public record exemption in 2021, and we ask that it be reenacted. This exemption is crucial to the integrity of a post-conviction review of a criminal conviction where an innocence claim is being made. It is the mission of this office to pursue justice and to allow the public access to information generated during a good faith, active CIU investigation would jeopardize the investigation.

It is important to protect the evidence and information developed during the investigation conducted by the CIU. Importantly, this public record exemption ensures the protection and integrity of sensitive information during the limited window while the case is investigated, with the goal of either confirming the conviction of the petitioner or subsequently prosecuting the actual perpetrator.

2025 FLORIDA STATUTES

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(q)1. As used in this paragraph, the term:

a. “Conviction integrity unit” means a unit within a state attorney’s office established for the purpose of reviewing plausible claims of actual innocence.

b. “Conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The term does not include:

(I) Information, materials, or records generated by a state attorney’s office during an investigation done for the purpose of responding to motions made pursuant to [Rule 3.800](#), [Rule 3.850](#), or [Rule 3.853, Florida Rules of Criminal Procedure](#), or any other collateral proceeding.

(II) Petitions by applicants to the conviction integrity unit.

(III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.

2. Conviction integrity unit reinvestigation information is exempt from [s. 119.07\(1\)](#) and [s. 24\(a\), Art. I of the State Constitution](#) for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This paragraph is subject to the Open Government Sunset Review Act in accordance with [s. 119.15](#) and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

**House of Representatives Government Operations Subcommittee
Senate Committee on Criminal Justice
August 5, 2025**

**Open Government Sunset Review Questionnaire
(Conviction Integrity Unit Reinvestigative Information)**

PLEASE RETURN THIS QUESTIONNAIRE BY August 20, 2025, TO BOTH:

John Lines

Attorney
House Government Operations Subcommittee
Email: John.Lines@flhouse.gov
Phone: (850) 717-4890

Connie Cellon

Attorney
Senate Committee on Criminal Justice
Email: Cellon.Connie@flsenate.gov
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In 2021, the Legislature created a public record exemption—[s. 119.071\(2\)\(q\), F.S.](#)—for information or materials generated during an investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The information ceases to be exempt once the investigation is no longer active.

The public record exemption stands repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature under the Open Government Sunset Review Act ([s. 119.15, F.S.](#)).

To assist professional committee staff as part of their review of these public record and meeting exemptions, please answer the following questions. A copy of section 119.071(2)(q), F.S., is attached at the end of the questionnaire for your convenience.

Name and Title of Person Completing the Questionnaire:

**Jacqueline Brown, Director of Conviction Integrity Unit
State Attorney’s Office, Ninth Judicial Circuit**

Telephone Number of Person Completing the Questionnaire: (407) 836-1365

E-mail address of Person Completing the Questionnaire: jbrown@sao9.org

I. CONVICTION INTEGRITY UNITS

A conviction integrity unit is a unit within a state attorney's office that reviews plausible claims of actual innocence of previously convicted persons.

1. Does your agency have a conviction integrity unit? If "yes," please complete the remainder of the questionnaire. If "no," please indicate such and return the questionnaire immediately. **Yes.**
2. When was your agency's conviction integrity unit established? **In 2017.**
3. Can you briefly describe the process your agency's conviction integrity unit follows for initiating and investigating a case? **When CIU receives an Application, the Intake Team verifies jurisdiction and sends either a rejection letter or an acknowledgment letter to the Applicant depending on whether we have jurisdiction. The CIU Intake Team opens an electronic file in a secure system separate from the State Attorney's general Case Management System. As time permits, the Intake Team uploads any available and relevant records into that file, reviews those records and the applicable law, and in most cases prepares a memorandum and makes a recommendation as to whether the Application should be denied or moved forward for further review. A CIU attorney reviews each memorandum and recommendation and decides whether to deny the Application or to move it to the queue for further investigation. When the Application comes up in that queue, the CIU attorney, often with the assistance of a CIU investigator, initiates a more thorough investigation into the Applicant's claims (utilizing witness interviews, evidence inspections, DNA or other forensic testing, expert consultation, etc.) and ultimately decides whether a plausible claim of actual innocence exists and, if so, whether CIU has the ability, legally and/or practically, to take steps to seek exoneration.**
4. Does your agency require petitions by an applicant to review his or her case to initiate an investigation? Or can your agency initiate an investigation without a petition from an applicant? **As a general rule, this agency requires an application.**
5. How many petitions by applicants asking your agency's conviction integrity to review their claims of innocence has your agency received since 2021? **418**

6. How many investigations has your agency's conviction integrity unit initiated since 2021 and how many of those remain active? **Presently, CIU has 142 open Applications. Out of that number, 98 are awaiting initial review and 44 are in the active investigation stage.**
7. What is the average length of time conviction integrity unit investigations remain active? **This CIU recognizes that the reinvestigation process can at times be complicated and time consuming, especially in certain types of cases (particularly those involving homicides or sexual crimes where DNA or other forensic evidence comes into play). Each case is different and must be reviewed on a case-by-case basis. However, given that CIU has received 327 Applications that meet our jurisdictional requirements within the referenced timeframe and given that 185 of those have been closed, we estimate that an investigation remains active for an *average* of 2 years.**

II. PUBLIC RECORD EXEMPTION UNDER REVIEW

[Section 119.071\(2\)\(q\), F.S.](#), provides a public record exemption for conviction integrity unit reinvestigative information, that is information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. A conviction integrity unit is "a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence." The information remains exempt for "a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of being investigated."

1. What specific categories or types of records held by your agency are affected by this public record exemption? **Any record created by, or at the direction of, CIU, its attorneys, staff, investigators, experts, or consultants once a written acceptance letter has been issued and a formal investigation has been commenced. By its definition, "conviction integrity unit reinvestigation information" (the records covered by the exemption under review) does not include petitions or applications CIU receives, or information or materials generated by a state attorney's office during an investigation done for the purpose of responding to post-conviction motions and other collateral proceedings, or criminal investigative information**

generated before the commencement of a CIU investigation, the records affected by this exemption are quite limited and solely those records that CIU creates in the course of its reinvestigation.

The public continues to have access to all pre-existing and post-conviction/collateral proceedings records not exempt by some other law. The *only* exempt records are those created solely for the purpose of reinvestigating a plausible claim of actual innocence and then only for the time period it reasonably takes to complete that investigation. As indicated earlier, this would include, by way of example, attorney notes, letters, memoranda, witness interviews, records of evidence inspections, results of DNA or other forensic testing, expert reports, etc.

2. Has your agency ever received a public record request for the protected information under review? If “yes”: **Yes.**
 - a. What is the approximate number of requests your agency has received for such information each year since the enactment of the public records exemption in 2021? **One.**
 - b. Please describe the types of entities requesting such information. **Only an applicant has requested protected information and the applicant made the request while the investigation was still open and active.**
3. Can the protected records be readily obtained by alternative means? For instance, is the information protected by the exemptions public in another context? If “yes,” please explain. **By definition, no, until the conclusion of the reinvestigation. This is because the exemption under review applies only when a CIU investigation is open and active. While such an investigation is open and active, those reinvestigation records are available only to the CIU staff working on the reinvestigation.**
4. Has your agency had any difficulties interpreting or applying the public record exemption under review? If “yes,” please explain. **No.**
5. Has your agency received complaints about the public record exemption? If “yes,” please explain. **No.**
6. How does your agency interpret the phrase “... until the claim is no longer capable of further investigation” within the context of this public records exemption? Does your

agency make an official determination of when a particular claim is no longer capable of further determination? **This CIU's goal is to fully and expeditiously investigate plausible claims of actual innocence that are worthy of investigation. When the investigation reveals that the claim cannot be substantiated or when CIU decides that, despite a plausible claim of actual innocence, the claim cannot be successfully litigated because of legal or practical impediments, CIU formally closes the file with a letter or memorandum. At that point, all records created by CIU become public records.**

7. To the best of your knowledge, does any other state or federal law protect the exempt information under review? If "yes": **A qualified "yes".**
 - a. Please provide the specific state or federal citation for each exemption. ***Florida Statutes* Section 119.071(1)(d), commonly referred to as the "work product" exemption.**
 - b. Please explain which exemption(s) your agency relies upon responding to a public record request that would include the exempt information. **This CIU relies solely on the "conviction integrity unit reinvestigation information" exemption, *Florida Statutes* Section 119.071(1)(q). This is a "work product" exemption specifically drafted for the unique needs of conviction integrity units. While an argument might be advanced that a CIU, performing its work at the direction of a State Attorney, is entitled to assert the generic "work product" exemption (Section 119.071(1)(d)), that exemption is not specifically tailored for the CIU context and, to our knowledge, no court has applied it in the CIU context. Further, it is susceptible to interpretations that would exclude CIU reinvestigation information.**
 - c. In your agency's opinion, could the public record exemption under review be merged with any other exemption(s)? **No.**
8. Is your agency aware of any litigation, case law, administrative orders, or Attorney General opinions involving the exemptions? If "yes," please provide the appropriate citation(s). **No.**
9. Which of the following actions do you recommend the Legislature take (please select one):

- ☐ Repeal the public record exemption
- ☒ Reenact the public record exemption as is
- ☐ Reenact the public record exemption with changes

10. If “*reenact the public record exemption with changes*” was selected above, please explain any changes your agency recommends. N/A

11. Please provide any additional comments regarding the public record exemption under review. **From CIU’s experience, the exemption under review, while rarely used, is of exceptional importance. It protects the hard work that CIU attorneys and staff put into reviewing and investigating plausible claims of actual innocence, while that work is in progress. Without it, the possibility exists that alternative suspects identified during the CIU’s investigation would be made public, newly-discovered witnesses would become less inclined to assist in the investigation, and victims and homicide survivors would be unnecessarily re-traumatized, all of which could seriously jeopardize a CIU investigation. The rarity of this exemption’s use is not indicative of its importance. By way of example, the public records exemption that protects victims of mass murder, thankfully, is also rarely used, but its importance, and others like it, cannot be overemphasized.**

CIU applications, records concerning post-conviction and collateral proceedings, and criminal investigative information created prior to the commencement of the CIU investigation remain fully accessible to the public and to the media. The records created by a CIU while its reinvestigation is active are the only records made exempt and then only for the limited time it takes reasonably to conclude the investigation. Simply stated, the exemption does no harm to the public but can be of great assistance to the CIU. We urge the Florida Legislature to reenact the “conviction integrity unit reinvestigation information exemption,” *Florida Statutes* Section 119.071(1)(q), as it currently exists.

2025 FLORIDA STATUTES

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(q)1. As used in this paragraph, the term:

a. “Conviction integrity unit” means a unit within a state attorney’s office established for the purpose of reviewing plausible claims of actual innocence.

b. “Conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The term does not include:

(I) Information, materials, or records generated by a state attorney’s office during an investigation done for the purpose of responding to motions made pursuant to [Rule 3.800](#), [Rule 3.850](#), or [Rule 3.853, Florida Rules of Criminal Procedure](#), or any other collateral proceeding.

(II) Petitions by applicants to the conviction integrity unit.

(III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.

2. Conviction integrity unit reinvestigation information is exempt from [s. 119.07\(1\)](#) and [s. 24\(a\), Art. I of the State Constitution](#) for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This paragraph is subject to the Open Government Sunset Review Act in accordance with [s. 119.15](#) and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

**House of Representatives Government Operations Subcommittee
Senate Committee on Criminal Justice
August 5, 2025**

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(Conviction Integrity Unit Reinvestigative Information)**

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John Lines

Attorney
House Government Operations Subcommittee
Email: John.Lines@flhouse.gov
Phone: (850) 717-4890

Connie Cellon

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Senate Committee on Criminal Justice
Email: Cellon.Connie@flsenate.gov
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In 2021, the Legislature created a public record exemption—[s. 119.071\(2\)\(q\), F.S.](#)—for information or materials generated during an investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The information ceases to be exempt once the investigation is no longer active.

The public record exemption stands repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature under the Open Government Sunset Review Act ([s. 119.15, F.S.](#)).

To assist professional committee staff as part of their review of these public record and meeting exemptions, please answer the following questions. A copy of section 119.071(2)(q), F.S., is attached at the end of the questionnaire for your convenience.

Name and Title of Person Completing the Questionnaire: **Nicholas B. Cox**
Chief Assistant State Attorney

Telephone Number of Person Completing the Questionnaire: **813-272-5400**

E-mail address of Person Completing the Questionnaire: NCox@hillsboroughsao.gov

**** Please note: the effort to capture the data requested has required system data searches, record and message reviews, and input from various persons associated with our public records work over the years. Thus, some of the responses are approximate to the best of our ability.****

I. CONVICTION INTEGRITY UNITS

A conviction integrity unit is a unit within a state attorney's office that reviews plausible claims of actual innocence of previously convicted persons.

1. Does your agency have a conviction integrity unit? If "yes," please complete the remainder of the questionnaire. If "no," please indicate such and return the questionnaire immediately.

Yes

2. When was your agency's conviction integrity unit established? 2018
3. Can you briefly describe the process your agency's conviction integrity unit follows for initiating and investigating a case?

After receiving a petition, we assign it a number and acknowledge by letter to the petitioner. We then initially review the petition to determine if it meets agency standards for such a petition (ie – is the charge a felony, is it in our jurisdiction, is there any pending litigation/appeals, is this an attack of a lawful sentence, etc). We then upload any transcripts and retrieve the original SAO file. We can then determine if any evidence needs testing or retesting and can do a fact finding review. We then will determine the course of any investigation and engage the victim advocate. When any investigation is complete, the decision will be finalized and a summary of the fact finding completed.

4. Does your agency require petitions by an applicant to review his or her case to initiate an investigation? Or can your agency initiate an investigation without a petition from an applicant?

We have typically done these based upon petitions forwarded to us.

5. How many petitions by applicants asking your agency's conviction integrity to review their claims of innocence has your agency received since 2021?

Approximately 312

6. How many investigations has your agency's conviction integrity unit initiated since 2021 and how many of those remain active?

Initiated: approximately 21 Still Pending: 3

7. What is the average length of time conviction integrity unit investigations remain active?

I am unable to determine this accurately based upon records, however they can range from a matter of days to a year.

II. PUBLIC RECORD EXEMPTION UNDER REVIEW

[Section 119.071\(2\)\(q\), F.S.](#), provides a public record exemption for conviction integrity unit reinvestigative information, that is information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. A conviction integrity unit is "a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence." The information remains exempt for "a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of being investigated."

1. What specific categories or types of records held by your agency are affected by this public record exemption?

As directed by F.S. 119.071(2)(q), all information or materials generated during a new investigation by the conviction review unit following the acceptance of a case. This would include any new investigative reports, witness interviews, relevant documents or evidence, lab work and associated notes of the investigation.

2. Has your agency ever received a public record request for the protected information under review? If “yes”: Yes.

a. What is the approximate number of requests your agency has received for such information each year since the enactment of the public records exemption in 2021?

Approximately 5 were addressed and responses provided. There were a few more that were for another jurisdiction or other matters where no responsive documents existed.

b. Please describe the types of entities requesting such information.

Newspaper reporters, media and individuals.

3. Can the protected records be readily obtained by alternative means? For instance, is the information protected by the exemptions public in another context? If “yes,” please explain.

No, these records are exempted pursuant to F.S. 119.071(2)(q) as they were created or discovered during the course of the Conviction Review investigation, whether by State Attorney employees or law enforcement.

4. Has your agency had any difficulties interpreting or applying the public record exemption under review? If “yes,” please explain. No

5. Has your agency received complaints about the public record exemption? If “yes,” please explain. No

6. How does your agency interpret the phrase “... until the claim is no longer capable of further investigation” within the context of this public records exemption? Does your agency make an official determination of when a particular claim is no longer capable of further determination?

I do not believe this agency has a written explanation of the line cited from statute. That said, I would suggest that it means once all investigative leads or options have been exhausted and the agency has completed all that can be done to answer the questions presented in good faith.

We have made final determinations after all investigative questions have been answered.

7. To the best of your knowledge, does any other state or federal law protect the exempt information under review? If “yes”:

In some instances, generally speaking, yes. For instance, if the document is a medical record, it may be protected by HIPPA laws, or if it involves DCF foster care, mental health or reporter information, etc. it would be potentially subject to exemption under those statutes as well

- a. Please provide the specific state or federal citation for each exemption.
- b. Please explain which exemption(s) your agency relies upon responding to a public record request that would include the exempt information. None found
- c. In your agency’s opinion, could the public record exemption under review be merged with any other exemption(s)? If they exist, I would think so.

8. Is your agency aware of any litigation, case law, administrative orders, or Attorney General opinions involving the exemptions? If “yes,” please provide the appropriate citation(s).

No. However, we have not had the need to research this recently due to no such 119 requests.

9. Which of the following actions do you recommend the Legislature take (please select one):

- ☐ Repeal the public record exemption
- ☒ Reenact the public record exemption as is
- ☐ Reenact the public record exemption with changes

10. If “*reenact the public record exemption with changes*” was selected above, please explain any changes your agency recommends. N/A

11. Please provide any additional comments regarding the public record exemption under review. None.

2025 FLORIDA STATUTES

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(q)1. As used in this paragraph, the term:

a. “Conviction integrity unit” means a unit within a state attorney’s office established for the purpose of reviewing plausible claims of actual innocence.

b. “Conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The term does not include:

(I) Information, materials, or records generated by a state attorney’s office during an investigation done for the purpose of responding to motions made pursuant to [Rule 3.800](#), [Rule 3.850](#), or [Rule 3.853, Florida Rules of Criminal Procedure](#), or any other collateral proceeding.

(II) Petitions by applicants to the conviction integrity unit.

(III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.

2. Conviction integrity unit reinvestigation information is exempt from [s. 119.07\(1\)](#) and [s. 24\(a\), Art. I of the State Constitution](#) for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This paragraph is subject to the Open Government Sunset Review Act in accordance with [s. 119.15](#) and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

**House of Representatives Government Operations Subcommittee
Senate Committee on Criminal Justice
August 5, 2025**

**Open Government Sunset Review Questionnaire
(Conviction Integrity Unit Reinvestigative Information)**

PLEASE RETURN THIS QUESTIONNAIRE BY August 20, 2025, TO BOTH:

John Lines

Attorney
House Government Operations Subcommittee
Email: John.Lines@flhouse.gov
Phone: (850) 717-4890

Connie Cellon

Attorney
Senate Committee on Criminal Justice
Email: Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2021, the Legislature created a public record exemption—s. 119.071(2)(q), F.S.—for information or materials generated during an investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The information ceases to be exempt once the investigation is no longer active.

The public record exemption stands repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature under the Open Government Sunset Review Act (s. 119.15, F.S.).

To assist professional committee staff as part of their review of these public record and meeting exemptions, please answer the following questions. A copy of section 119.071(2)(q), F.S., is attached at the end of the questionnaire for your convenience.

Name and Title of Person Completing the Questionnaire:
Freddelle Menard Esq., Assistant State Attorney

Telephone Number of Person Completing the Questionnaire: 561.355.7100

E-mail address of Person Completing the Questionnaire: fmenard@sa15.org

I. CONVICTION INTEGRITY UNITS

A conviction integrity unit is a unit within a state attorney's office that reviews plausible claims of actual innocence of previously convicted persons.

1. Does your agency have a conviction integrity unit? If "yes," please complete the remainder of the questionnaire. If "no," please indicate such and return the questionnaire immediately.

Yes

2. When was your agency's conviction integrity unit established?

February 24, 2020

3. Can you briefly describe the process your agency's conviction integrity unit follows for initiating and investigating a case?

To initiate a case, a petition must be submitted to our office, absent special circumstances. Once a petition is received, a Conviction Review Unit (CRU) case is created and the case is reviewed by the CRU to determine if it meets criteria for further review/investigation.

4. Does your agency require petitions by an applicant to review his or her case to initiate an investigation? Or can your agency initiate an investigation without a petition from an applicant?

Yes, petitions are generally required to initiate case review. Our agency can initiate an investigation without a petition under special circumstances as detailed in our CRU Policies and Procedures (i.e. referral made by State Attorney, prosecutor, law enforcement or internal audit of misconduct.)

5. How many petitions by applicants asking your agency's conviction integrity to review their claims of innocence has your agency received since 2021?

42

6. How many investigations has your agency's conviction integrity unit initiated since 2021 and how many of those remain active?

The CRU initiated 37 investigations since 2021 and 18 of those cases remain active.

7. What is the average length of time conviction integrity unit investigations remain active?

It is difficult to state an average length of time investigations remain active. Each case is reviewed on a case by case basis.

Generally, more serious and complex cases—such as homicides or capital sex offenses—tend to involve a greater volume of materials, legal filings, and evidentiary records. These investigations often require a meticulous and time-intensive review process, sometimes extending over the course of several years to ensure a thorough and just examination. Conversely, investigations into lower-level felonies may be more limited in scope and complexity, allowing for a more expedited review. In some cases, such investigations may be completed within a matter of months, depending on the circumstances.

II. PUBLIC RECORD EXEMPTION UNDER REVIEW

Section 119.071(2)(q), F.S., provides a public record exemption for conviction integrity unit reinvestigative information, that is information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. A conviction integrity unit is "a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence." The information remains exempt for "a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of being investigated."

1. What specific categories or types of records held by your agency are affected by this public record exemption?

The public record exemption affects many types of records held by our agency, including but not limited to: personal information of victims and witnesses, information related to alternate or potential new suspects, new alibis, and any materials newly created or obtained by the Conviction Review Unit (CRU). This encompasses video footage, photographs, documents, audio recordings, forensic testing results, expert opinions and consultations, as well as attorney work product. Additionally, the exemption applies to any other records or information that could compromise the integrity of ongoing investigations, the privacy of individuals involved, or the fairness of the review process.

2. Has your agency ever received a public record request for the protected information under review? If “yes”:

Yes.

- a. What is the approximate number of requests your agency has received for such information each year since the enactment of the public records exemption in 2021?
4

- b. Please describe the types of entities requesting such information.
Media.

3. Can the protected records be readily obtained by alternative means? For instance, is the information protected by the exemptions public in another context? If “yes,” please explain.

No, based on the definition provided per F.S. 119.071(2)(q) for conviction integrity reinvestigation.

4. Has your agency had any difficulties interpreting or applying the public record exemption under review? If “yes,” please explain.

No

5. Has your agency received complaints about the public record exemption? If “yes,” please explain.

To our knowledge, our office has received zero (0) complaints about the CRU Exemption (below).

“Conviction integrity unit reinvestigation information is exempt pursuant Fla. Stat. 119.07 (1) and s. 24 (a), Art. I of the State Constitution for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation pursuant to Fla. Stat § 119.071 (2) (q)”.

6. How does your agency interpret the phrase “... until the claim is no longer capable of further investigation” within the context of this public records exemption? **Once all evidence pertinent to the claim has been reviewed, any necessary hearings held and/or completed, and the CRU’s decision has been rendered, then the claim is no longer capable of further investigation.** Does your agency make an official determination of when a particular claim is no longer capable of further determination?

Yes.

7. To the best of your knowledge, does any other state or federal law protect the exempt information under review? If “yes”:

Not to our knowledge.

- a. Please provide the specific state or federal citation for each exemption.

N/A

- b. Please explain which exemption(s) your agency relies upon responding to a public record request that would include the exempt information.

N/A

- c. In your agency’s opinion, could the public record exemption under review be merged with any other exemption(s)?

N/A

8. Is your agency aware of any litigation, case law, administrative orders, or Attorney General opinions involving the exemptions? If “yes,” please provide the appropriate citation(s).

No, nothing has been brought to our attention.

9. Which of the following actions do you recommend the Legislature take (please select one):

☐ Repeal the public record exemption

☒ **Reenact the public record exemption as is**

☐ Reenact the public record exemption with changes

10. If “*reenact the public record exemption with changes*” was selected above, please explain any changes your agency recommends.

N/A

11. Please provide any additional comments regarding the public record exemption under review.

N/A

2025 FLORIDA STATUTES

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(q)1. As used in this paragraph, the term:

a. “Conviction integrity unit” means a unit within a state attorney’s office established for the purpose of reviewing plausible claims of actual innocence.

b. “Conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The term does not include:

(I) Information, materials, or records generated by a state attorney’s office during an investigation done for the purpose of responding to motions made pursuant to Rule 3.800, Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or any other collateral proceeding.

(II) Petitions by applicants to the conviction integrity unit.

(III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.

2. Conviction integrity unit reinvestigation information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

**House of Representatives Government Operations Subcommittee
Senate Committee on Criminal Justice
August 5, 2025**

**Open Government Sunset Review Questionnaire
(Conviction Integrity Unit Reinvestigative Information)**

PLEASE RETURN THIS QUESTIONNAIRE BY August 20, 2025, TO BOTH:

John Lines

Attorney
House Government Operations Subcommittee
Email: John.Lines@flhouse.gov
Phone: (850) 717-4890

Connie Cellon

Attorney
Senate Committee on Criminal Justice
Email: Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2021, the Legislature created a public record exemption—[s. 119.071\(2\)\(q\), F.S.](#)—for information or materials generated during an investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The information ceases to be exempt once the investigation is no longer active.

The public record exemption stands repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature under the Open Government Sunset Review Act ([s. 119.15, F.S.](#)).

To assist professional committee staff as part of their review of these public record and meeting exemptions, please answer the following questions. A copy of section 119.071(2)(q), F.S., is attached at the end of the questionnaire for your convenience.

Name and Title of Person Completing the Questionnaire:

Steven Klinger, ASA-IC of SAP, Special Administrative Projects Unit
Arielle Demby Berger, ASA-IC of CRU, Conviction Review Unit

Office of the State Attorney, Harold F. Pryor, 17th Judicial Circuit
201 S.E. 6th Street, West Tower 7th Floor
Fort Lauderdale, Florida 33301

Telephone Number of Person Completing the Questionnaire:

Phone: (954) 831-8064 / (954) 831-5954

E-mail address of Person Completing the Questionnaire:

SKlinger@sao17.state.fl.us

ADembyBerger@sao17.state.fl.us

I. CONVICTION INTEGRITY UNITS

A conviction integrity unit is a unit within a state attorney's office that reviews plausible claims of actual innocence of previously convicted persons.

1. Does your agency have a conviction integrity unit? If "yes," please complete the remainder of the questionnaire. If "no," please indicate such and return the questionnaire immediately.

Yes.

2. When was your agency's conviction integrity unit established?
2019.

3. Can you briefly describe the process your agency's conviction integrity unit follows for initiating and investigating a case?

This unit conducts an initial screening process to identify plausible claims of innocence on behalf of convicted defendants. For claims that merit review, the CRU then conducts a more detailed investigation. The unit may use CRU attorneys, investigators, interns, other State Attorney's Office employees, internal panels, and/or external panels composed of members of the community who are legal experts, to review claims of wrongful conviction that are being examined by the unit. The process generally is initiated by a completed petition.

4. Does your agency require petitions by an applicant to review his or her case to initiate an investigation? Or can your agency initiate an investigation without a petition from an applicant?

Typically, a petition has to be filled out. It can be filled out by someone other than the petitioner themselves, but it must be initialed by the petitioner. If a case is brought to us

and it merits a review, we will ask for a petition to be completed. We also do audits. For instance, after a bite mark case occurred in Tampa, we did an internal review of bite mark cases. Our audit revealed that all of our cases in which we had a bite mark could be proven without the bite mark. However, if the audit did bring a case to our attention, we would require a petition to be filled out. The petition ensures that the person themselves is claiming actual innocence.

5. How many petitions by applicants asking your agency's conviction integrity to review their claims of innocence has your agency received since 2021?

September 2019 through June 2025, 460 inquiries, 70 petitions currently open in various stages of review, 203 closed cases. Usually when we get an inquiry, we send a blank petition in response. Not all of the people will then fill out a petition.

Breakdown of petitions we received per year since 2021 (not letters but completed petitions)

2021- 43 petitions

2022- 47 petitions

2023- 50 petitions

2024- 28 petitions

2025 (Jan- July) 22 petitions

2021-2025 (July) = 190 petitions with approximately 70 open

6. How many investigations has your agency's conviction integrity unit initiated since 2021 and how many of those remain active?

September 2019 through June 2025, 460 inquiries, 70 petitions currently open in various stages of review, 203 closed cases. From 2021 approximately 65 petitions are open.

7. What is the average length of time conviction integrity unit investigations remain active?

This requires a nuanced answer. There are a lot of variables that go into this. The average case that we have opened and done a full investigation on takes approximately 3 years.

II. PUBLIC RECORD EXEMPTION UNDER REVIEW

[Section 119.071\(2\)\(q\), F.S.](#), provides a public record exemption for conviction integrity unit reinvestigative information, that is information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. A conviction integrity unit is "a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence." The information remains exempt for "a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of being investigated."

1. What specific categories or types of records held by your agency are affected by this public record exemption?

While we are actively looking into a reinvestigation, we obtain records that were previously confidential. We speak to the victims and next of kin - that information is sensitive. We also speak to former prosecutors, defense, and police officers. We do not want someone to try and reach out to the victims before we have had a chance. Sensitive new DNA results and other scientific testing especially as it relates to alternate suspects. Newly created videos, audios, discovery, experts' reports, and work product.

2. Has your agency ever received a public record request for the protected information under review? If "yes":

Yes, but usually once the requestor knows it is in the CRU for active investigation, they wait until we make a final decision.

- a. What is the approximate number of requests your agency has received for such information each year since the enactment of the public records exemption in 2021?

Approximately one or two per year.

- b. Please describe the types of entities requesting such information.

Defendants, family/friends of defendants and/or the media.

3. Can the protected records be readily obtained by alternative means? For instance, is the information protected by the exemptions public in another context? If "yes," please explain.

No.

4. Has your agency had any difficulties interpreting or applying the public record exemption under review? If “yes,” please explain.

No.

5. Has your agency received complaints about the public record exemption? If “yes,” please explain.

No.

6. How does your agency interpret the phrase “... until the claim is no longer capable of further investigation” within the context of this public records exemption? Does your agency make an official determination of when a particular claim is no longer capable of further determination?

We officially close out a case with either a letter to the petitioner or a full close out memo when appropriate. We make sure the delineation of a closed case is defined.

7. To the best of your knowledge, does any other state or federal law protect the exempt information under review? If “yes”:

No.

a. Please provide the specific state or federal citation for each exemption.

b. Please explain which exemption(s) your agency relies upon responding to a public record request that would include the exempt information.

c. In your agency’s opinion, could the public record exemption under review be merged with any other exemption(s)?

8. Is your agency aware of any litigation, case law, administrative orders, or Attorney General opinions involving the exemptions? If “yes,” please provide the appropriate citation(s).

No.

9. Which of the following actions do you recommend the Legislature take (please select one):

- ☐ Repeal the public record exemption
- ☒ Reenact the public record exemption as is
- ☐ Reenact the public record exemption with changes

10. If “reenact the public record exemption with changes” was selected above, please explain any changes your agency recommends.

11. Please provide any additional comments regarding the public record exemption under review.

Prosecutors have a continuing post-conviction ethical obligation to seek justice. No one benefits when an innocent person is convicted and the real offender is not held accountable.

The CRU conducts an initial screening process to identify plausible claims of innocence on behalf of convicted defendants. For claims that merit review, the CRU then conducts a more detailed investigation.

We utilize this public records exemption to keep the community safe while we actively investigate claims. We use the exemption to protect victims and next of kin from unnecessary re-traumatization. Additionally, we use the exemption to avoid jeopardizing investigations into alternate suspects. It is critical that our work and the information we gather is protected while we fully investigate a case. As prosecutors, we have the responsibility to look at system errors and prevent them from reoccurring. The work of the CRU is critical and must remain protected until that case is closed.

2025 FLORIDA STATUTES

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(q)1. As used in this paragraph, the term:

a. “Conviction integrity unit” means a unit within a state attorney’s office established for the purpose of reviewing plausible claims of actual innocence.

b. “Conviction integrity unit reinvestigation information” means information or materials generated during a new investigation by a conviction integrity unit following the unit’s formal written acceptance of an applicant’s case. The term does not include:

(I) Information, materials, or records generated by a state attorney’s office during an investigation done for the purpose of responding to motions made pursuant to [Rule 3.800](#), [Rule 3.850](#), or [Rule 3.853, Florida Rules of Criminal Procedure](#), or any other collateral proceeding.

(II) Petitions by applicants to the conviction integrity unit.

(III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.

2. Conviction integrity unit reinvestigation information is exempt from [s. 119.07\(1\)](#) and [s. 24\(a\), Art. I of the State Constitution](#) for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This paragraph is subject to the Open Government Sunset Review Act in accordance with [s. 119.15](#) and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

1300

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Matthew Walsh

is duly appointed

**Secretary,
Department of Juvenile Justice**

for a term beginning on the Fifth day of August, A.D., 2025, to
serve at the pleasure of the Governor and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of October, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 AUG 19 AM 9:24
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 13, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 20.05 Florida Statutes:

Mr. Matthew Walsh

as Secretary of the Florida Department of Juvenile Justice, filling a vacant seat previously occupied by Eric Hall, subject to confirmation by the Senate. This appointment is effective August 5, 2025, for a term ending at the pleasure of the Governor.

Sincerely,

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

Ron DeSantis
Governor

RD/dw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

RECEIVED
DEPARTMENT OF STATE
2025 SEP 19 AM 8:22
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary, Department of Juvenile Justice

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Matthew Walsh

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 15th day of September, 2025.

Monique Johnson

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath – see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

Street or Post Office Box

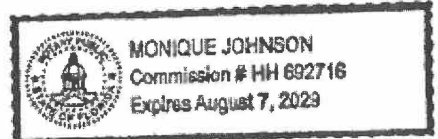
City, State, Zip Code

Print Name

Signature

Matthew Walsh

Matthew Walsh



FLORIDA SENATE CONFIRMATION QUESTIONNAIRE

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. **Please type or print in blue or black ink.**

09/03/25

Date Completed

1. Name: Mr. Walsh Matthew James
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: _____
Street Office # City
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____
Street City County
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☒ Residence ☐

4. Fax # (optional) _____ Email Address: fdjdj.gov

5. Date of Birth: _____ Place of Birth: Boston, Ma.

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever been known by any other legal name? Yes _____ No _____ If "Yes" explain:
N/A

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1996

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Are you an officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association that relates to your profession or occupation or the board to which you have been appointed? If "Yes" explain:

N/A

13. If required by law or administrative rule, will you file financial disclosure statements?

Yes ☒ No ☐

RECEIVED
DEPARTMENT OF STATE
2025 SEP -5 PM 2:32
DIVISION OF ELECTIONS
TALLAHASSEE, FL

FLORIDA SENATE CONFIRMATION QUESTIONNAIRE

As a general matter, applications for all positions within state government are public records which may be viewed by anyone upon request. However, there are some exemptions from the public records law for certain personal identifying information. If an exemption from the public records law applies to your submission, please check the appropriate boxes below.

I attest that I am an individual covered under Section 119.071, F.S., as (check the appropriate item (only one)):

- | | | |
|--|----|---|
| ☐ current | or | ☒ former |
| ☐ spouse of a current | or | ☐ spouse of a former |
| ☐ child of a current | or | ☐ child of a former |

and I hereby request the exemption (check applicable exemption category):

- ☐ Addiction treatment facility (licensed pursuant to ch. 397, F.S.) director, manager, supervisor, nurse, or clinical employee (s. 119.071(4)(d)2.s.)
- ☐ Child advocacy center (meeting the standards set forth in ch. 39, F.S.) director, manager, supervisor, or clinical employee; or member of a Child Protection Team as set forth in s. 39.303, F.S. (s. 119.071(4)(d)2.t.)
- ☐ Clerk of circuit court, deputy clerk of circuit court, or clerk of circuit court personnel (s. 119.071(4)(d)2.y.)
- ☐ Code enforcement officer (s. 119.071(4)(d)2.i.)
- ☐ County attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney (s. 119.071(4)(d)2.w.)
- ☐ County tax collector (s. 119.071(4)(d)2.n.)
- ☐ Dept. of Agriculture and Consumer Services inspector or investigator (s. 119.071(4)(d)2.v.)
- ☐ Dept. of Business and Professional Regulation investigator or inspector (s. 119.071(4)(d)2.m.)
- ☐ Dept. of Children and Family Services personnel whose duties involve investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities (s. 119.071(4)(d)2.a.)
- ☐ Dept. of Financial Services investigative personnel whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations (s. 119.071(4)(d)2.b.)
- ☐ Dept. of Health personnel whose duties support the investigations of child abuse or neglect, determination of benefits, or the investigation, inspection, or prosecution of health care practitioners (s. 119.071(4)(d)2.a.)
- ☐ Dept. of Health personnel whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Dept. of Health (s. 119.071(4)(d)2.o.)
- ☐ Dept. of Juvenile Justice juvenile probation officer, juvenile probation supervisor, detention superintendent, assistant detention superintendent, senior juvenile detention officer, juvenile detention officer supervisor, juvenile detention officer, house parent I or II, house parent supervisor, group treatment leader, group treatment leader supervisor, rehabilitation therapist, or social services counselor (s. 119.071(4)(d)2.k.)

List continued on next page.

FLORIDA SENATE CONFIRMATION QUESTIONNAIRE

List continued from previous page.

- ☐ Dept. of Revenue personnel or local government personnel whose duties relate to revenue collection and enforcement or child support enforcement. (s. 119.071(4)(d)2.a.)
- ☐ Domestic violence centers (certified under ch. 39, F.S.) staff or domestic violence advocate as defined in s. 90.5036(1)(b), F.S. (s. 119.071(4)(d)2.u.)
- ☐ Emergency medical technician or paramedic certified under ch. 401, F.S. (s. 119.071(4)(d)2.q.)
- ☐ Firefighter certified in compliance with s. 633.408, F.S. (s. 119.071(4)(d)2.d.)
- ☐ Florida Gaming Control Commission member (s. 119.071(4)(d)2.x.)
- ☐ Guardian ad litem (s. 119.071(4)(d)2.j.)
- ☐ Human resource, labor relations, or employee relations director, or assistant director, manager, or assistant manager of any local government agency or water management district with personnel-related duties (s. 119.071(4)(d)2.h.)
- ☐ Impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession (s. 119.071(4)(d)2.p.)
- ☐ Inspector general employee or internal audit department employee whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline (s. 119.071(4)(d)2.r.)
- ☐ Judge (district court of appeal, circuit court or county court, or justice of the Florida Supreme Court (s. 119.071(4)(d)2.e.)
- ☐ Judicial assistant (s. 119.071(4)(d)2.e.)
- ☐ Judicial or quasi-judicial officer (general or special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support enforcement hearing officer) (s. 119.071(4)(d)2.g.)
- ☒ Law enforcement personnel, including correctional officers and correctional probation officers (s. 119.071(4)(d)2.a.)
- ☐ Office of Financial Regulation, Bureau of Financial Investigations, investigative personnel whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations (s. 119.071(4)(d)2.c.)
- ☐ Person employed by the U.S. Department of Defense who is authorized to access information that is deemed "secret" or "top secret" by the Federal Government or who is a servicemember of a special operations force (s. 119.071(5).k.)
- ☐ Prosecutor (state attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor) (s. 119.071(4)(d)2.f.)
- ☐ Public defender or criminal conflict and civil regional counsel (includes assistant public defenders and assistant criminal conflict and civil regional counsel) (s. 119.071(4)(d)2.l.)
- ☐ U.S. attorney or assistant attorney, U.S. appellate judge, U.S. district court judge, or U.S. magistrate (s. 119.071(5).i.)
- ☐ Victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence (s. 119.071(2).j.)
- ☐ Other (list applicable statute): _____

FLORIDA SENATE CONFIRMATION QUESTIONNAIRE

HAND DELIVERED

STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared

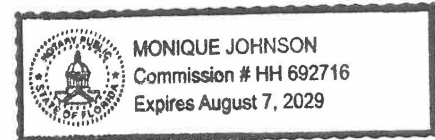
Matthew James Walsh

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers and any submitted addendums to the Senate is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Matthew J. Walsh
Signature of Applicant-Affiant

Sworn to and subscribed before me this 5th day of September, 2025.

Monique Johnson
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced: Florida DL

RECEIVED
DEPARTMENT OF STATE
2025 SEP - 5 PM 2:31
DIVISION OF ELECTIONS
TALLAHASSEE, FL

PERSONAL INFORMATION

1. Salutation: Mr. ☐ First: Matthew Middle: James Last: Walsh
2. Marital Status: Married ☐ Spouse information, if applicable: First: Michelle Last: Walsh
3. Have you ever been known by any other legal name? Yes ☐ No ☒

If "yes", explain.

4. Please list all of your places of residence for the last ten (10) years from most current to previous.

Address	City, State, & Zip Code	Dates: From/To

5. Since what year have you been a continuous resident of Florida? 1996

6. List all of your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City, State, & Zip Code	Dates: From/To

EDUCATION

Type of School	Name and Location of School	Year Graduated	Field of Study
High School	Weymouth North	1990	Diploma
Undergraduate	Southern Vermont College	1994	B.S. Criminal Justice
Graduate	Florida State University	2021	Master of Social Work
Other			

**If you have additional education that you would like to include, please attach additional pages at the end of this document.*

EMPLOYMENT1. Are you retired? Yes ☐ No ☒2. Please list your current employer and job title. If retired, please provide your most recent employer and job title. Current Employer Juvenile Justice Job Title Secretary

3. Please list any employers and job titles held within the past ten (10) years from most current to previous.

Employer	Job Title	Dates: From/To
Florida Department of Juvenile Justice	Secretary	09/2025 - Present
Florida Department of Law Enforcement	Deputy Executive Director	08/2003 - 08/2025
Clay County Sheriff's Office	Interim Sheriff	08/2020 - 09/2020

4. Have you ever been employed by any state, district, or local government agency in Florida that were not listed above? Yes ☒ No ☐

If "yes", list:

Name of Employing Agency	Position	Period(s) of Employment
Lee County Sheriff's Office	Deputy Sheriff	10/1997 - 08/2003

5. Have you ever been asked to resign or been terminated from any form of employment? Yes ☐ No ☒If "yes", explain. N/A6. Have you ever been the object of any administrative or civil action based upon discrimination in the workplace? Yes ☐ No ☒

If "yes", explain and indicate the disposition of the administrative or civil action.

N/A7. Are you or have you ever been a member of the Armed Forces of the United States? Yes ☐ No ☒Did you serve in combat? Yes ☐ No ☒ Branch and Component N/ADates of Service N/A Date and Type of Discharge N/A

PUBLIC SERVICE

1. Have you ever been elected to any public office in this state? Yes ☐ No ☒

If "yes", list:

Title(s) of Office	Date of Election(s)	Term of Office(s)	Level of Government
N/A			

2. Have you ever been a candidate for any public office in this state? Yes ☐ No ☒

If "yes", list:

Title(s) of Office	Date(s) of Candidacy	Election Results
N/A		

3. Have you ever been appointed to any public office in this state? Yes ☒ No ☐

If "yes", list:

Title(s) of Office	Date(s) of Appointment	Term of Office(s)	Level of Government
Secretary of DJJ	09/2025 - Present		State
Interim Sheriff of Clay County	08/2020 - 09/2020		County

If you have been appointed to any public office, answer the following:

Number of meetings held during your tenure on the board 10+

Number of meetings you attended 10+

Number of meetings you missed 0

Reason(s) for your absence N/A

4. Have any members of your immediate family (spouse, child, parent(s), sibling(s)) been appointed to serve as a Gubernatorial appointee in the state of Florida? Yes ☐ No ☒

If "yes", list:

Name of Appointee	Relation to You	Date of Appointment	Title(s) of Office
N/A			

5. Have you ever been appointed to any office that required confirmation by the Florida Senate?

Yes ☒ No ☐

If "yes", list:

Title(s) of Office	Term(s) of Appointment	Confirmation Result
Secretary of DJJ	09/2025 - Present	Pending

6. Have you ever resigned from any position, elected or appointed?

Yes ☒ No ☐

If "yes", list:

Title(s) of Office	Date(s) of Resignation	Reason for Resignation
Interim Sheriff of Clay County	09/2020	Elected Sheriff was appointed

7. Have you ever been suspended by the Governor of the state of Florida or any Governor from any position, elected or appointed? Yes ☐ No ☒

If "yes", list:

Title(s) of Office	Date(s) of Suspension	Reason for Suspension
N/A		

ETHICAL DISCLOSURE

1. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? This would include any time you have ever been convicted, entered a guilty plea of nolo contendere for any criminal violation (exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes ☐ No ☒

If "yes", explain. N/A

2. If you have ever been convicted of a crime and that record is sealed or expunged, select one of the following: Sealed ☐ Expunged ☐ Not Applicable ☒

3. Are you currently facing investigation, charges, or indictment for any violation of law? Yes ☐ No ☒

If "yes", explain. N/A

4. Have you ever been a party or involved in any civil or criminal legal proceedings? Yes ☒ No ☐

If "yes", explain (Do not include any information where no allegations of wrongdoing were alleged against you).

In my official capacity as a law enforcement officer I have been involved in hundreds of criminal investigations. I was also a victim/plaintiff against the person who was arrested for the attempted murder of me. I have provided testimony in criminal proceedings and civil depositions.

5. Are you the plaintiff or defendant in any action pending before any judicial or administrative tribunal?

Yes ☐ No ☒

If "yes", explain. N/A

6. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒

If "yes", explain. N/A

7. In the last five years, has any business in which you, a spouse, a relative, or a business associate been a party to any administrative agency proceeding or civil litigation relevant to the position in which you wish to be appointed to? Yes ☐ No ☒

If "yes", explain.

N/A

8. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes ☐ No ☒

If "yes", list:

Date(s) of Violation	Nature of Violation(s)	Disposition
N/A		

9. Have you, or any business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local government agency in Florida, including the office or agency to which you have been appointed to or are seeking appointment?

Yes ☐ No ☒

If "yes", explain.

Name of the Business	Your Relationship to the Business	Business Relationship to the Agency
N/A		

10. Have members of your immediate family (spouse, child, parent(s), sibling(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the agency to which you have been appointed or are seeking appointment? Yes ☒ No ☐

If "yes", explain.

Name of the Business	Relationship to you	Their Relationship to Business	Business Relationship to the Agency
Beyond the Badge Wellness,			

My wife Michelle Walsh owns the business

Michelle does business with FDLE for mental health training

Michelle has provided training to the Clay County Sheriff's Office and Florida Sheriff's Association

11. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the last five (5) years? Yes ☒ No ☐

a. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☒

If "yes", explain.

Name of the Agency Lobbied	Principal(s) you represented
Lobbied on behalf of FDLE to the legislature for budgetary purposes	

12. Dual Office Holding? Yes ☐ No ☒

Article II, section 5(a) of the Florida Constitution prohibits any person from holding more than one office under the government of the state, counties, and municipalities at the same time, except for certain exclusions stated therein (notary public, military officer, member of a statutory body having only advisory powers, etc.).

13. Are there any other possible conflicts of interest or perceived conflicts of interest that could hinder your ability to serve as a Gubernatorial appointee? Yes ☐ No ☒

If "yes", explain. N/A

EXPERIENCE AND INTERESTS

1. Please state your experiences and interests or elements of your personal history that qualify you for appointment to this board. I have a long history of service to the citizens of Florida. I have served as a law enforcement officer for 28 years and interacted with at risk youth during this time. Outside of my career, I have volunteered to work with youth at my local church while living in Ft Myers, FL. I volunteered for Big Brother's Big Sister's in the program "Beyond School Walls" in Jacksonville. I hold a Master of Social Work degree from Florida State University. The combination of my law enforcement experience, volunteerism, and education make me an ideal candidate to lead DJJ in promoting public safety through accountability and empathy.

2. Please list any awards or recognitions that you have received within the past ten (10) years.

Naval Post Graduate School, certificate, Executive Leaders Program (2022)

Commissioner's Medal (received for Pulse Nightclub response)

Distinguished Team of the Year (received for leading the investigation into the murder of a LEO)

3. Describe your understanding of the role of a member on the board that you are applying to be considered for. The mission of the Florida Department of Juvenile Justice is to enhance public safety through high-quality effective services for youth and families delivered by world-class professionals dedicated to building a stronger, safer Florida.

4. Please explain why you want to serve as a Gubernatorial appointee and share anything else that you think may be helpful. Living a life of service has been a life calling. Serving the at risk youth population will be perhaps the most important mission I fulfill.

5. Have you held or do you hold an occupational or professional license or certificate in the state of Florida?

Yes ☒ No ☐

If "yes", list:

Type of License/Certification	Original Issue Date	Issuing Authority	License Number
Registered Clinical Social Work Intern,	2021	Department of Health	ISW16378

6. Have you ever had any disciplinary action taken against a license or certification issued to you, including a fine, probation, revocation, or disbarment? Yes ☐ No ☒

If "yes", explain. N/A

7. Please identify all association memberships and offices (including any business, professional, occupation, civil, fraternal organizations, or any profit or not-for-profit board) that you currently hold or have held in the past ten (10) years including volunteer positions.

Name of Association	Role in the Association	Dates of your Membership
Florida Police Chief's Association	Member	2022 - Present
Florida Sheriff's Association	Member	2022 - Present
Florida Governor's Challenge to reduce suicide among the Service Member and Veteran Population	Member	2020 - 2021
First Responder Suicide Reduction Task Force	Member	2020 - 2021
Florida Statewide Suicide Council	Member	2020 - Present

8. List three people who have known you well within the past five (5) years. Please exclude relatives:

Name	Organization	Relation to you	Phone Number and Email Address
Vaden Pollard	FDLE	Friend	@fdle.state.fl.us
Samantha Andrews	FDLE	Friend	@fdle.state.fl.us
Sharon Wester	FDLE	Friend	@fdle.state.fl.us

9. Did someone refer you to apply to be considered for appointment to this board? Yes ☐ No ☒

If "yes", list their name. N/A

CERTIFICATION AND SIGNATURE

1. Do you know of any reason why you would not be able to attend fully to the duties of the office or position to which you have been or could be appointed? Yes ☐ No ☒

If "yes", explain. N/A

2. If appointed, I agree to follow, as applicable to the position, Florida's public records and open meeting laws. Initial here. MW

3. If appointed, I agree to follow, as applicable to the position, the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S. Initial here. MW

4. I understand that any appointment tendered to me will be contingent upon the results of a background investigation, and I am aware that withholding information or making false statements on this application may be the basis for non-appointment by the Executive Office of the Governor and criminal penalties. I agree to these conditions, and I declare that I have read the foregoing application and any attachments and the facts stated within them are true, correct, and complete to the best of my knowledge and belief. Initial here. MW

5. By checking this box and typing my name below, I am electronically signing my application and understand that an electronic signature has the same force and effect as a written signature. ☒

/s/First Matthew Middle J Last Walsh Suffix

Please save this document to upload with your board application.

If you have any questions, please call (850) 717-9243 or email

appointments@eog.myflorida.com

If you need more space, add additional pages at the end of the document.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Matthew Walsh

Secretary of Juvenile Justice

NOTICE OF HEARING

TO: Mr. Matthew Walsh

YOU ARE HEREBY NOTIFIED that the Committee on Criminal Justice of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, November 18, 2025, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 10th day of November, 2025

Committee on Criminal Justice



Senator Jonathan Martin
As Chair and by authority of the committee

cc: Members, Committee on Criminal Justice
Office of the Sergeant at Arms

The Florida Senate

APPEARANCE RECORD

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

11/18/25

Meeting Date

Criminal Justice

Committee

Bill Number or Topic

Amendment Barcode (if applicable)

Name Matt Walsh

Phone 850 717 2717

Address 2737 Centerview Dr.

Email Matt.Walsh@fldsj.gov

Street

Tallahassee

City

FL

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Confirmation of Secretary Walsh

11/18/25

Meeting Date

Criminal Justice

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Anna Reagan

Phone 904 625 5709

Address 2902 Morningside Dr.
Street

Email Areagan@FLsheriffs.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 Sheriffs Association

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

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

Confirmation
Matt Walsh DW

Bill Number or Topic

Amendment Barcode (if applicable)

11/18/2025
Meeting Date
Criminal Justice
Committee

Name Jennifer Cooke Pratt Phone 850 219 3631

Address 2636 Mitchen Drive Email jpratt@fpra.com
Street
Tal FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Police Chiefs
Association

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37
Caption: Senate Criminal Justice

Case No.:
Judge:

Type:

Started: 11/18/2025 10:00:33 AM

Ends: 11/18/2025 11:06:42 AM

Length: 01:06:09

10:00:33 AM Chair Martin calls meeting to order
10:00:33 AM Roll call
10:00:52 AM Chair Martin TPs Tab 2: SB 156
10:01:40 AM Tab 5: Senate Confirmation of Matthew Walsh for Secretary of Juvenile Justice
10:01:55 AM Chair Martin
10:02:06 AM Matt Walsh
10:02:08 AM Chair Martin
10:02:09 AM Matt Walsh
10:12:45 AM Questions:
10:12:52 AM Vice Chair Smith
10:13:27 AM Matt Walsh
10:15:00 AM Vice Chair Smith
10:16:49 AM Matt Walsh
10:19:03 AM Sen. Pizzo
10:19:23 AM Matt Walsh
10:20:39 AM Sen. Pizzo
10:20:51 AM Matt Walsh
10:20:55 AM Sen. Pizzo
10:21:11 AM Matt Walsh
10:21:23 AM Sen. Pizzo
10:21:27 AM Matt Walsh
10:21:40 AM Sen. Pizzo
10:21:48 AM Matt Walsh
10:21:51 AM Sen. Pizzo
10:21:53 AM Matt Walsh
10:21:57 AM Sen. Garcia
10:22:31 AM Matt Walsh
10:23:26 AM Sen. Bernard
10:23:39 AM Matt Walsh
10:24:42 AM Chair Martin recognizes waives in support
10:24:58 AM Matt Walsh closes
10:25:35 AM Chair Martin recognizes motion to confirm
10:25:45 AM Roll call
10:26:00 AM Confirmation of Matt Walsh for Secretary of Juvenile Justice recommended favorably
10:26:20 AM Tab 4: SPB 7004 by Criminal Justice
10:26:30 AM Vice Chair Smith
10:26:49 AM Chair Martin explains SPB 7004
10:27:56 AM Vice Chair Smith
10:28:18 AM Chair Martin
10:28:21 AM Vice Chair Smith
10:28:51 AM Roll call
10:29:08 AM Vice Chair Smith reports SPB 7004 as favorable
10:29:14 AM Chair Martin
10:29:25 AM Recording Paused
10:35:09 AM Recording Resumed
10:35:09 AM Tab 1: SB 32 by Sharief
10:35:14 AM Chair Martin
10:35:20 AM Sen. Sharief
10:35:22 AM Chair Martin
10:35:29 AM Sen. Sharief explains SB 32 amendment
10:36:38 AM Questions:
10:36:42 AM Sen. Bradley

10:36:54 AM	Sen. Sharief
10:37:11 AM	Appearance Forms:
10:37:21 AM	Eric Friday, Florida Carry, Inc.
10:40:22 AM	Sen. Pizzo
10:40:38 AM	Eric Friday
10:41:05 AM	Sen. Pizzo
10:41:25 AM	Eric Friday
10:42:32 AM	Sen. Pizzo
10:43:16 AM	Eric Friday
10:44:40 AM	Sen. Pizzo
10:45:17 AM	Eric Friday
10:45:21 AM	Sen. Pizzo
10:45:28 AM	Eric Friday
10:45:32 AM	Chair Martin
10:45:50 AM	Sen. Sharief closes on amendment
10:48:28 AM	Chair Martin
10:48:39 AM	Chair Martin recognizes waives in support and against
10:48:49 AM	Appearance Forms for bill:
10:48:59 AM	Eric Friday
10:51:49 AM	Vice Chair Smith
10:52:02 AM	Eric Friday
10:52:46 AM	Sen. Pizzo
10:53:05 AM	Eric Friday
10:53:12 AM	Sen. Pizzo
10:53:33 AM	Eric Friday
10:54:16 AM	Sen. Pizzo
10:55:33 AM	Eric Friday
10:55:51 AM	Sen. Pizzo
10:56:06 AM	Eric Friday
10:56:15 AM	Sen. Garcia
10:56:30 AM	Eric Friday
10:57:19 AM	Sen. Garcia
10:57:27 AM	Eric Friday
10:58:33 AM	Chair Martin
10:58:40 AM	Debate:
10:58:44 AM	Sen. Pizzo
11:00:22 AM	Chair Martin
11:02:00 AM	Sen Sharief closes on bill
11:03:11 AM	Roll call
11:03:24 AM	Chair Martin reports CS/SB 32 as favorable
11:03:28 AM	Tab 3: SB 210 by Sharief
11:03:38 AM	Sen. Sharief explains bill
11:05:01 AM	Appearance Forms:
11:05:07 AM	Eric Friday
11:06:10 AM	Roll call
11:06:21 AM	Chair Martin reports SB 210 as favorable
11:06:22 AM	Chair Martin
11:06:35 AM	Adjournment
11:06:42 AM	