

<b>Tab 1</b>	<b>SB 54 by Sharief; Use of Substances Affecting Cognitive Function</b>						
372468	D	S	RCS	CJ, Sharief	Delete everything after	12/09 11:48 AM	
<b>Tab 2</b>	<b>SB 156 by Leek; Similar to CS/H 00017 Criminal Offenses Against Law Enforcement Officers and Other Personnel</b>						
<b>Tab 3</b>	<b>SB 168 by Truenow; Similar to H 00481 Public Nuisances</b>						
<b>Tab 4</b>	<b>SB 296 by Berman (CO-INTRODUCERS) Smith; Identical to H 00269 Victims of Domestic Violence and Dating Violence</b>						
598500	D	S	RCS	CJ, Berman	Delete everything after	12/09 11:48 AM	
<b>Tab 5</b>	<b>SB 298 by Berman; Compare to H 00269 Public Records and Public Meetings/HAVEN Coordinating Council</b>						
342176	D	S	RCS	CJ, Berman	Delete everything after	12/09 11:48 AM	
<b>Tab 6</b>	<b>SB 350 by Grall; Public Records/Crime Victims</b>						
<b>Tab 7</b>	<b>SB 398 by Leek; Similar to CS/H 00245 Child Pornography Terminology</b>						
780652	A	S	RCS	CJ, Leek	btw L.474 - 475:	12/09 11:48 AM	

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CRIMINAL JUSTICE**  
**Senator Martin, Chair**  
**Senator Smith, Vice Chair**

**MEETING DATE:** Tuesday, December 9, 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	<b>SB 54</b> Sharief	Use of Substances Affecting Cognitive Function; Defining the terms "mass shooting" and "psychotropic drug"; requiring medical examiners to take specified actions when performing an autopsy on a decedent reasonably suspected of committing a mass shooting; requiring arresting law enforcement agencies to perform toxicology screenings of persons arrested on suspicion of committing a mass shooting or other violent crime; requiring school safety specialists to provide teachers with certain training on the adverse effects of psychotropic drugs, illicit drugs, and controlled substances, etc.  CJ 12/09/2025 Fav/CS ACJ RC	Fav/CS Yeas 5 Nays 1
2	<b>SB 156</b> 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 CJ 12/09/2025 Favorable ACJ RC	Favorable Yeas 5 Nays 1
3	<b>SB 168</b> Truenow (Similar H 481)	Public Nuisances; Revising the list of places that may be declared a public nuisance to include the site of a gambling house; revising provisions relating to the assessment and collection of fines for public nuisances; deleting a limit on the total amount of fines that may be imposed on a public nuisance, etc.  CJ 12/09/2025 Favorable CA RC	Favorable Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Tuesday, December 9, 2025, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 296</b> Berman (Identical H 269, Linked S 298)	Victims of Domestic Violence and Dating Violence; Creating the “Helping Abuse Victims Escape Now (HAVEN) Act”; creating the HAVEN Coordinating Council within the Department of Law Enforcement; authorizing counties to create county-level HAVEN councils; authorizing county-level HAVEN councils to take certain actions; defining the term “dating violence”; providing that victims of dating violence may apply to participate in the Attorney General’s address confidentiality program, etc.  CJ 12/09/2025 Fav/CS ACJ RC	Fav/CS Yeas 6 Nays 0
5	<b>SB 298</b> Berman (Compare H 269, Linked S 296)	Public Records and Public Meetings/HAVEN Coordinating Council; Specifying that information obtained by the HAVEN Coordinating Council or a county-level HAVEN council which is exempt or confidential and exempt from public records requirements retains its protected status; providing an exemption from public records requirements for personal identifying information of a victim of domestic violence or dating violence and other specified information contained in records held by the coordinating council or county-level councils; providing an exemption from public meetings requirements for portions of the coordinating council’s and county-level councils’ meetings during which exempt or confidential and exempt information is discussed; providing for future legislative review and repeal of the exemptions; providing statements of public necessity, etc.  CJ 12/09/2025 Fav/CS ACJ RC	Fav/CS Yeas 6 Nays 0
6	<b>SB 350</b> Grall	Public Records/Crime Victims; Expanding a public records exemption for crime victims to include the name and personal identification number of a victim and any other information or record that could be used to locate, intimidate, harass, or abuse the victim or the victim’s family; providing that such exemption includes records generated by any agency that regularly generates information from or concerning the victims of crime; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.  CJ 12/09/2025 Favorable GO RC	Favorable Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Tuesday, December 9, 2025, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 398</b> Leek (Similar CS/H 245)	Child Pornography Terminology; Replacing the terms “pornography” and “child pornography” with the term “child sexual abuse material”, etc.  CJ 12/09/2025 Fav/CS CF RC	Fav/CS Yeas 6 Nays 0

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Other Related Meeting Documents

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: CS/SB 54

INTRODUCER: Criminal Justice Committee and Senator Sharief

SUBJECT: Substances Affecting Cognitive Function

DATE: December 10, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	<b>Fav/CS</b>
2.			JU	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 54 creates s. 406.139, F.S., to mandate district medical examiners perform toxicology screenings for psychotropic drugs and intoxicating substances on decedents suspected of being a violent offender. The bill creates additional responsibilities for district medical examiners related to the autopsies of decedents who are violent offenders.

Any findings related to intoxicating substances or psychotropic drugs must be reported by the district medical examiner to the Florida Department of Law Enforcement, the Florida Department of Health, and the Agency for Health Care Administration.

Section 456.057, F.S., is amended to require records that confirm whether the suspected violent offender was ever treated with psychotropic drugs must be released to a law enforcement agency investigating the person. The law enforcement agency must request the records.

The bill amends s. 1006.07, F.S., to require the district school safety specialist, or his or her designee, to provide the necessary training and resources to school district staff on the adverse effects of psychotropic drugs and intoxicating substances as those terms are defined by the bill in s. 406.139, F.S., including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances.

The training must include instruction on how such staff can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and staff safety.

The bill amends s. 1006.12, F.S., to require each safe-school officer to complete training on the adverse effects of psychotropic drugs and intoxicating substances as those terms are defined in s. 406.139, F.S., including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances.

The training must include instruction on how a safe-school officer can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and officer safety.

The bill will have a negative fiscal impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

## II. Present Situation:

### Psychotropic Medications

Psychotropic medication is defined under Florida law as any drug or compound used to treat mental or emotional disorders affecting the mind, behavior, intellectual functions, perception, moods, or emotions and includes antipsychotic, antidepressant, antimanic, and antianxiety drugs.<sup>1</sup>

Generally, medications used to treat mental illness affect neurotransmitters, which are chemicals that carry messages in the nervous system. Weak or overactive neurotransmitters may produce unnecessary chemical reactions that lead to a mental health condition.<sup>2</sup> Psychotropic medications include antidepressants, anti-anxiety medications, stimulants, antipsychotics, and mood stabilizers.<sup>3</sup>

There are various common side effects of psychotropic medications. Individuals may have different treatments responses and side effects to various medications, and there is no single dosage that works for everyone. The following includes common side effects for each listed category of drug:

- Antidepressants:<sup>4</sup> Nausea, diarrhea, sexual dysfunction, insomnia, drop in blood pressure when standing, sedation, dry mouth, constipation, urinary retention, weight gain, dizziness, blurred vision and fatigue.
- Anti-anxiety:<sup>5</sup> Drowsiness, impaired coordination, memory impairment, and dry mouth.

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<sup>1</sup> Section 916.12, F.S.

<sup>2</sup> WebMD, *What are Psychotropic Medications?* April 13, 2025. Available at <https://www.webmd.com/mental-health/what-are-psychotropic-medications> (last visited December 4, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> PsychCentral, *Common Side Effects of Psychiatric Medications*. Available at <https://psychcentral.com/lib/common-side-effects-of-psychiatric-medications#1> (last visited December 4, 2025). Side effects listed are for selective serotonin reuptake inhibitors and tricyclics, commonly prescribed for depression.

<sup>5</sup> *Id.* Side effects listed are for Benzodiazepines.

- Stimulants:<sup>6</sup> Loss of appetite, sleep problems, and mood swings.
- Antipsychotics:<sup>7</sup> Drowsiness, restlessness, muscle spasms, tremor, dry mouth, blurring vision, constipation, dizziness/lightheadedness, and weight gain.

In 2004, the FDA issued a black box warning that antidepressants could increase the risk of suicidal thinking and behavior in teens. This warning was subsequent to an analysis of nearly 400 clinical trials of antidepressants, which found that individuals under the age of 18 who were taking antidepressants had more suicidal thoughts and behavior. Specifically, four percent of minors taking antidepressants had suicidal thoughts and behaviors while two percent of those in the placebo group had suicidal thoughts or behaviors.<sup>8</sup>

On February 13, 2025, President Trump signed the executive order establishing the President's Make America Healthy Again Commission. Part of the assessment and strategy of the commission is to "assess the prevalence of and threat posed by the prescription of selective serotonin reuptake inhibitors, antipsychotics, mood stabilizers, stimulants, and weight loss drugs."<sup>9</sup>

In response to the executive order, various associations and organizations<sup>10</sup> wrote a joint statement in response to federal concerns about psychotropic medication safety.<sup>11</sup> The joint statement provides that psychiatric medications are safe, effective, and can be lifesaving if they are taken properly- as directed- under the care of an appropriately licensed healthcare professional. The medications can significantly improve quality of life for children with mental health conditions, including those at imminent risk of suicide. Further, the statement provides that following the FDA black box warning, suicide rates increased, by as much as 60 percent in untreated youth with major depression. Additionally, post-mortem toxicology studies suggest that many suicide victims with known mental health conditions do not have detectable levels of psychotropic medication in their system.<sup>12</sup>

There have been few studies on the links between psychotropic medication and violence. One such study assessed the risk of violent crime during periods on compared to off SSRI treatment

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Stanford Medicine: News Center, Antidepressants for kids and teens: What the science says, July 28, 2025, available at <https://med.stanford.edu/news/insights/2025/07/antidepressants-for-kids-and-teens--what-the-science-says.html> (last visited December 4, 2025).

<sup>9</sup> The White House: Presidential actions, *Establishing the President's Make America Healthy Again Commission*, February 13, 2025, available at <https://www.whitehouse.gov/presidential-actions/2025/02/establishing-the-presidents-make-america-healthy-again-commission/> (last visited December 4, 2025).

<sup>10</sup> American Psychiatric Association, *Joint Statement on Federal Concerns About Psychotropic Medication Safety*, March 21, 2025, available at <https://www.psychiatry.org/news-room/news-releases/joint-statement-on-federal-concerns-about-psychotr> (last visited December 4, 2025), such associations and organizations include: American Society for Clinical Psychopharmacology, American College of Neuropsychopharmacology, American Academy of Child & Adolescent Psychiatry, American Psychiatric Association, National Network of Depression Centers, Society of Biological Psychiatry.

<sup>11</sup> American Psychiatric Association, *Joint Statement on Federal Concerns About Psychotropic Medication Safety*, March 21, 2025, available at <https://www.psychiatry.org/news-room/news-releases/joint-statement-on-federal-concerns-about-psychotr> (last visited December 4, 2025).

<sup>12</sup> *Id.*

within individuals.<sup>13</sup> This study found that “SSRI treatment was associated with an increased hazard of violent crime across age categories, in a cohort of SSRI users where 2.7% went on to commit violent crimes. The hazard was possibly elevated throughout on-treatment periods, and for up to 12 weeks after treatment discontinuation, though more research is necessary to confirm these findings.”<sup>14</sup> The study went on to note that because the vast majority of individuals taking SSRI’s will not commit violent crime, the results should not be used as reason to withhold treatment from those who may benefit from them, especially because causality is unclear.<sup>15</sup>

Another study assessed the patterns of aggressive and violent behavior in patients prescribed antipsychotics. This study concluded that polypharmacy is common in patients in different treatment settings, and that the prescription of antipsychotics “has an important role in preventing and managing aggressive and violent behavior in people with severe mental disorders, and clozapine has a special role in the clinical management of patients with an history of aggressive and violent behaviors: Finally, patient compliance is also of paramount importance to prevent and effectively treat aggressive and violent behaviors.”<sup>16</sup>

### **Obtaining Medical Information**

Generally, a person’s medical records are protected. However, under certain circumstances, medical records may become relevant to a criminal investigation, and certain entities may access such information. For example, medical examiners may have access to a decedent’s past records, or law enforcement may request access to medical records or request a blood draw of a suspect if they have probable cause and get a warrant.

#### ***Access to Medical Records Generally (HIPAA)***

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) governs the use and disclosure of protected health information (PHI) by covered entities, including most health care providers, health plans, and health care clearinghouses. The HIPAA Privacy Rule, codified at 45 C.F.R. Part 164, Subpart E, establishes national standards to protect individuals’ medical records and other personal health information and requires appropriate safeguards to ensure patient privacy.

Under the Privacy Rule, a covered entity generally may not disclose PHI without the patient’s written authorization unless the disclosure is otherwise permitted or required by law. One such permissible disclosure is for law enforcement purposes under specific circumstances outlined in 45 C.F.R. § 164.512(f).

For example, PHI may be disclosed in response to a court order, subpoena, or warrant, or to identify or locate a suspect, fugitive, material witness, or missing person, provided that certain

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<sup>13</sup> European Neuropsychopharmacology, *Associations between selective serotonin reuptake inhibitors and violent crime in adolescents, young, and older adults- Swedish register-based study*, Lagerberg, T., et. al., (2020) Vol. 36, pg. 1-9.

<sup>14</sup> *Id.* at pg. 6.

<sup>15</sup> *Id.* at pg. 7.

<sup>16</sup> Int. J. Neuropsychopharmacology, *Prescribing Patterns of Psychotropic Drugs and Risk of Violent Behavior: A prospective, Multicenter Study in Italy*, Giacomo, E., et. al., (2020) Vol. 23, pg. 300-310. Available at <https://academic.oup.com/ijnp/article/23/5/300/5716914> (last visited December 5, 2025).

conditions are met to protect the patient's privacy and limit the scope of the information disclosed.

HIPAA preempts state laws that are contrary to its provisions unless the state law is "more stringent," meaning it provides greater privacy protections to individuals. However, HIPAA expressly allows disclosure of PHI if "required by law," which includes statutes, regulations, or court orders that compel disclosure and that are enforceable in court. Thus, if a state law mandates or permits disclosure under defined circumstances, and the disclosure is narrowly tailored, HIPAA will generally not preempt it.

However, when a state law authorizes disclosure of PHI beyond what HIPAA permits, particularly without patient authorization or legal process, it risks preemption unless the disclosure falls within a HIPAA-permissible exception or if it constitutes a disclosure "required by law."

### ***Medical Examiners, Autopsies***

The Governor appoints district medical examiners.<sup>17</sup> The Governor also appoints the members of the Medical Examiners Commission within the Florida Department of Law Enforcement (FDLE).<sup>18</sup> The Commission is responsible to:

- Initiate cooperative policies with any agency of the state or political subdivision thereof.
- Remove or suspend district medical examiners pursuant to ch. 406, Part I, F.S., and have the authority to investigate violations of ch. 406, Part I, F.S.
- Oversee the distribution of state funds for the medical examiner districts and may make such agreements and contracts, subject to approval of the executive director of the FDLE, as may be necessary to effect the provisions of ch. 406, Part I, F.S.<sup>19</sup>

Under certain circumstances, the district medical examiner has the authority to make or perform such examinations, investigations, autopsies, laboratory examinations, or to obtain evidence necessary for forensic evidence, as he or she deems necessary and in the public interest or as requested by the state attorney.<sup>20</sup>

An autopsy report of a person whose manner of death was suicide held by a medical examiner is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, except that a surviving spouse of the deceased may view and copy the autopsy report. If there is no surviving spouse, the surviving parents must have access to such records. If there is no surviving spouse or parent, the adult children and siblings must have access to such records.<sup>21</sup> Additionally, a local governmental entity, or a state or federal agency, in furtherance of its

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<sup>17</sup> Section 406.06, F.S.

<sup>18</sup> Section 406.02, F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 406.11(1)(a), F.S.; The circumstances under which the medical examiner is authorized to perform an autopsy and other examinations under s. 406.11(1), F.S., include when the death is by suicide. Notwithstanding subsection (2) of s. 406.135, F.S., the medical examiner may permit a local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, to view or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide. s. 406.135(3)(b), F.S.

<sup>21</sup> Section 406.135(2)(c), F.S.

official duties, pursuant to a written request, may view or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide.<sup>22</sup>

### **Violence in Schools**

The National Threat Assessment Center (NTAC) within the U.S. Secret Service studied and analyzed 41 incidents of targeted school violence that occurred at K-12 schools in the United States from 2008 to 2017.<sup>23</sup> Among the key findings reported:

- There is no profile of a student attacker: Attackers varied in age, gender, race, grade level, academic performance, and social characteristics.
- Half of the attackers had interests in violent topics: Violent interests, without an appropriate explanation, are concerning, which means schools should not hesitate to initiate further information-gathering, assessment, and management of the student's behavior.
- Most attackers were victims of bullying, which was often observed by others: Most of the attackers were bullied by their classmates, and for over half of the attackers the bullying appeared to be of a persistent pattern which lasted for weeks, months, or years.
- All attackers exhibited concerning behaviors. Most elicited concern from others, and most communicated their intent to attack: The behaviors that elicited concern ranged from a constellation of lower-level concerns to objectively concerning or prohibited behaviors.
- Nearly every attacker experienced negative home life factors: The negative home life factors experienced by the attackers included parental separation or divorce, drug use or criminal charges among family members, and domestic abuse.

Most attackers had experienced psychological, behavioral, or developmental symptoms: the observable mental health symptoms displayed by attackers prior to their attacks were divided into three main categories which were psychological (e.g., depressive symptoms or suicidal ideation), behavioral (e.g., defiance/misconduct or symptoms of ADD/ADHD), and neurological/developmental (e.g., developmental delays or cognitive deficits).<sup>24</sup>

### ***School Safety Training***

The Office of Safe Schools (OSS) is the state's central repository for school-safety best practices, training standards, and compliance oversight.<sup>25</sup> The OSS develops and updates the statewide risk-assessment tool, provides training and technical assistance (including the School Safety Specialist Training Program), and conducts triennial unannounced compliance inspections of public schools.<sup>26</sup>

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<sup>22</sup> Section 406.135(3)(b), F.S.; also, HIPAA expressly allows disclosure of PHI (Personal Health Information) if "required by law," which includes statutes, regulations, or court orders that compel disclosure and that are enforceable in court. Thus, if a state law mandates or permits disclosure under defined circumstances, and the disclosure is narrowly tailored, HIPAA will generally not preempt it.

<sup>23</sup> National Threat Assessment Center. (2019). *Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence*. U.S. Secret Service, Department of Homeland Security, available at [https://www.secretservice.gov/sites/default/files/2020-04/Protecting\\_Americas\\_Schools.pdf](https://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf) (last visited December 1, 2025).

<sup>24</sup> *Id.*

<sup>19</sup> Section 1001.212, F.S.

<sup>26</sup> Section 1001.212, F.S.; Section 1006.1493, F.S.

### ***School Safety Specialist***

Each district school superintendent must designate a school safety specialist who oversees the district's school-safety and security personnel, policies, and procedures.<sup>27</sup> The specialist must complete training provided by the OSS within one year of appointment.<sup>28</sup> The school safety specialist (or designee) must:<sup>29</sup>

- Review district policies and procedures for compliance with state law and rule and report any noncompliance to the superintendent and school board at least quarterly.
- Provide training and resources to students and staff on youth mental health awareness and assistance, emergency procedures (including active-assailant response), and school safety and security.
- Serve as the district's liaison with public-safety agencies on school-safety matters.
- Ensure that each public school completes an annual security risk assessment using the Florida Safe Schools Assessment Tool (FSSAT).
- Present findings and recommendations at a publicly noticed school-board meeting and report resulting board actions to the OSS.
- Conduct annual unannounced safety inspections of each public school using an OSS-prescribed compliance form.
- Report violations of specified school-safety requirements by administrative and instructional personnel.

Districts also implement the Youth Mental Health Awareness and Assistance training program for school personnel, which is used to train employees in recognizing and responding to signs of mental illness, substance-use disorders, and suicide risk.<sup>30</sup> The specialist coordinates or designates certified trainers to support that requirement.<sup>31</sup>

### ***Safe School Officer Training***

Each district school board and superintendent must ensure that one or more safe-school officers are assigned to every public school facility in the district, including charter schools, and may use any combination of the statutory options to meet this requirement.<sup>32</sup> Safe-school officer options include:

- *School resource officer (SRO)*. A district may establish an SRO program by agreement with a law enforcement agency; SROs must be certified law enforcement officers, undergo criminal background checks, drug testing, and a psychological evaluation, abide by district policies, and coordinate with the principal while remaining employees of the law enforcement agency.<sup>33</sup>
- *School safety officer*. A district may commission one or more school safety officers who are certified law enforcement officers employed by a law enforcement agency or by the district;

<sup>27</sup> Section 1006.07(6)(a), F.S.

<sup>28</sup> Section 1006.07(6)(a), F.S.

<sup>29</sup> Section 1006.07(6)(a)1.-6., F.S.

<sup>30</sup> Section 1012.584, F.S.

<sup>31</sup> Section 1012.584, F.S.; Section 1006.07(6)(a), F.S.

<sup>32</sup> Section 1006.12, F.S.

<sup>33</sup> Section 1006.12(1)(a)–(b), F.S.

safety officers have arrest authority on school property and authority to carry weapons while on duty.<sup>34</sup>

- *School guardian.* A district or charter governing board may participate in the state guardian program; eligible employees who complete the statutory requirements and are certified by the sheriff may serve as school guardians.<sup>35</sup>
- *School security guard.* A district or charter governing board may contract with a licensed security agency to provide a school security guard who holds Class “D” and Class “G” licenses and meets statutory training, screening, approval, and ongoing qualification requirements.<sup>36</sup>

Sworn law-enforcement officers serving as safe-school officers (school resource officers and school safety officers) must complete mental-health crisis-intervention training using a nationally developed curriculum.<sup>37</sup> School guardians and school security guards must complete the sheriff-conducted 144-hour guardian training program, which includes de-escalation and comprehensive firearms safety and proficiency, with security guards also subject to screening and ongoing qualification requirements.<sup>38</sup>

### ***Florida K-12 School Students and Psychotropic Medication***

As used in s.1006.0625, F.S., the term “psychotropic medication” means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, antihypnotics, antipsychotics, antidepressants, anxiety agents, sedatives, psychomotor stimulants, and mood stabilizers.<sup>39</sup>

A public school may not deny any student access to programs or services because the parent of the student has refused to place the student on psychotropic medication.<sup>40</sup>

A public school teacher and school district personnel may share school-based observations of a student’s academic, functional, and behavioral performance with the student’s parent and offer program options and other assistance that is available to the parent and the student based on the observations<sup>41</sup>. However, public school teachers and school district personnel may not compel or

<sup>34</sup> Section 1006.12(2), F.S.

<sup>35</sup> Section 1006.12(3), F.S.; Section 30.15(1)(k), F.S.

<sup>36</sup> Section 1006.12(4)(a)–(c), F.S.; Chapter 493, F.S.

<sup>37</sup> Section 1006.12(6), F.S.; Section 1006.12(2)(c), F.S.

<sup>38</sup> Section 30.15(1)(k)2.b., F.S.; Section 1006.12(4)(a)1.-5., F.S.; Section 30.15(1)(k)2.e., F.S.

<sup>39</sup> Section 1006.0625(1), F.S.; For a good explanation of the medications used to treat many mental illnesses *see* the Web MD article *Mental Health Medications Guide*, Lori M King, PhD, February 3, 2025, available at <https://www.webmd.com/mental-health/medications-treat-disorders> (last viewed November 30, 2025). *See also* s. 916.12(1), and (5), F.S., relating to the incompetence of a criminal defendant to proceed, which means that the defendant does not have sufficient present ability to consult with her or his lawyer with a reasonable degree of rational understanding or if the defendant has no rational, as well as factual, understanding of the proceedings against her or him.... A defendant who, because of psychotropic medication, is able to understand the nature of proceedings and assist in the defendant’s own defense shall not automatically be deemed incompetent to proceed simply because the defendant’s satisfactory mental functioning is dependent upon such medication. As used in this subsection, “psychotropic medication” means any drug or compound used to treat mental or emotional disorders affecting the mind, behavior, intellectual functions, perception, moods, or emotions and includes antipsychotic, antidepressant, antimanic, and antianxiety drugs.

<sup>40</sup> Section 1006.0625(2), F.S.

<sup>41</sup> Section 1006.0625(3), F.S.



attempt to compel any specific actions by the parent or require that a student take medication<sup>42</sup>. A parent may refuse psychological screening of the student.<sup>43</sup> Finally, any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent<sup>44</sup>

### III. Effect of Proposed Changes:

#### Section 1 – Autopsies of Suspected Violent Offenders (creating s. 406.139, F.S.)

The bill provides requirements for a medical examiner performing the autopsy on a decedent who is a violent offender. The requirements are that the medical examiner must:

- Order and perform a toxicology screening on the decedent to determine whether psychotropic drugs or intoxicating substances are present in the decedent's body;
- Make reasonable efforts to determine the identity of any treating mental health professional or primary care physician of the decedent; and
- Consult such individuals, if known and available, to obtain information regarding the decedent's history of psychotropic drug use, including any prescribed or discontinued medications.

All findings made by the medical examiner must be documented and included in the final autopsy report, along with any available corroborating information.

Any findings relating to the use of intoxicating substances or psychotropic drugs must be reported by the medical examiner to the Florida Department of Law Enforcement. Also, any findings relating to the use of psychotropic drugs, and if known, the prescribing facility, must be reported to the Florida Department of Health and the Agency for Health Care Administration.

The bill creates definitions for “intoxicating substance”, “psychotropic drug”, and “violent offender”.

- Intoxicating substance means alcoholic beverages, any controlled substance controlled under ch. 893, F.S., or any chemical substance set forth in s. 877.111, F.S.;
- Psychotropic drug is defined as any drug prescribed to affect an individual's mental state, including, but not limited to, antidepressants, antipsychotics, mood stabilizers, and antianxiety medications; and
- Violent offender means any person who is suspected by law enforcement of engaging in unprovoked violence that results in, or is likely to result in, the death or serious bodily injury of another.

#### Section 2 -- Ownership and Control of Patient Records; Report or Copies of Records to be Furnished; Disclosure of Information (amends s. 456.057, F.S.)

Records must be furnished to a law enforcement agency for the purpose of investigating a violent offender provided:

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Section 1006.0625, F.S.

- Such release is limited to only those records that confirm whether the suspected person was ever treated with psychotropic drugs;
- Records reasonably related to such treatment; and
- The law enforcement agency requests such records.

### **Section 3 – School Safety Specialist (amends s. 1006.07, F.S.)**

The bill requires the district school safety specialist, or his or her designee, to provide the necessary training and resources to school district staff on the adverse effects of psychotropic drugs and intoxicating substances, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances.

The training must include instruction on how such staff can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and staff safety.

### **Section 4 – Safe-School Officer Training (amends s. 1006.12, F.S.)**

The bill requires each safe-school officer to complete training on the adverse effects of psychotropic drugs and intoxicating substances, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances.

The training must include instruction on how a safe-school officer can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and officer safety.

The bill takes effect on July 1, 2026.

## **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:

There will be a negative fiscal impact on medical examiners and law enforcement due to increased toxicology screening.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 456.057, 1006.07, 1006.12.

This bill creates the following sections of the Florida Statutes: 406.139.

**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 December 9, 2025:**

The Committee Substitute:

- Removed mass shooting and replaced it with “violent offender” which was defined as a person who is suspected by law enforcement of engaging in unprovoked violence that results in, or is likely to result in, the death or serious bodily injury of another.
- Provides findings must be reported to the FDLE, the FDOH and AHCA.
- Defined intoxicating substance
- Removed s. 901.225, F.S., (Section 2), which required a toxicology screening if the person was arrested for committing a mass shooting or other violent crime, and required training for all LEOs

- Amended s. 456.057, F.S., to provide that records must be furnished to law enforcement for the purpose of investigating a violent offender and limited the release to only records that confirm whether a suspected person psychotropic drugs, and records reasonably related to the treatment.
- Made technical changes.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2025	.	
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	.	

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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 406.139, Florida Statutes, is created to  
read:

406.139 Autopsy of a suspected violent offender.—

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

(a) "Intoxicating substance" means alcoholic beverages, any  
controlled substance controlled under chapter 893, or any



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chemical substance set forth in s. 877.111.

(b) "Psychotropic drug" means any drug prescribed to affect an individual's mental state, including, but not limited to, antidepressants, antipsychotics, mood stabilizers, and antianxiety medications.

(c) "Violent offender" means any person who is suspected by law enforcement of engaging in unprovoked violence that results in, or is likely to result in, the death or serious bodily injury of another.

(2) CONSULTATION; TOXICOLOGY SCREENING.—If a medical examiner's office performs an autopsy on a decedent who is a violent offender, the medical examiner must do all of the following:

(a)1. Make reasonable efforts to determine the identity of any treating mental health professional or primary care physician of the decedent; and

2. Consult such individuals, if known and available, to obtain information and records regarding the decedent's history of psychotropic drug use, including any prescribed or discontinued medications.

(b) Order and perform a toxicology screening on the decedent to determine whether psychotropic drugs or intoxicating substances are present in the decedent's body.

(3) AUTOPSY REPORT; NOTIFICATION.—

(a) All findings under subsection (2) must be documented and included in the final autopsy report, along with any available corroborating information.

(b)1. Any findings relating to the use of intoxicating substances or psychotropic drugs must be reported to the Florida



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Department of Law Enforcement.

2. Any findings relating to the use of psychotropic drugs, and if known, the prescribing facility, must be reported to the Florida Department of Health and the Agency for Health Care Administration.

Section 2. Subsections (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (20) of section 456.057, Florida Statutes, are renumbered as subsections (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), and (21), respectively, and subsection (8) is added to that section, to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(8) Notwithstanding any other law, records must be furnished to a law enforcement agency as defined in s. 914.28 for the purpose of investigating a violent offender as defined in s. 406.139 provided:

(a) Such release is limited to only those records that confirm whether the suspected person was ever treated with psychotropic drugs as defined in s. 406.139;

(b) Records reasonably related to such treatment; and

(c) The law enforcement agency requests such records.

Section 3. Paragraph (a) of subsection (6) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the



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welfare of students, including:

(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(a) *School safety specialist*.—Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. Any school safety specialist designated from the sheriff's office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff's office remains the employee of the office for purposes of compensation, insurance, workers' compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist, or his or her designee, shall:

1. In conjunction with the district school superintendent,





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annually review school district policies and procedures for compliance with state law and rules, including the district's timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8). At least quarterly, the school safety specialist must report to the district school superintendent and the district school board any noncompliance by the school district with laws or rules regarding school safety.

2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.

3. Provide the necessary training and resources to school district staff in matters relating to the adverse effects of psychotropic drugs and intoxicating substances as those terms are defined in s. 406.139, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances. The training must include instruction on how such staff can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and staff safety.

4. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.

~~5.4.~~ In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool



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developed by the Office of Safe Schools pursuant to s.  
1006.1493. Based on the assessment findings, the district's  
school safety specialist shall provide recommendations to the  
district school superintendent and the district school board  
which identify strategies and activities that the district  
school board should implement in order to address the findings  
and improve school safety and security. Each district school  
board must receive such findings and the school safety  
specialist's recommendations at a publicly noticed district  
school board meeting to provide the public an opportunity to  
hear the district school board members discuss and take action  
on the findings and recommendations. Each school safety  
specialist, through the district school superintendent, shall  
report such findings and school board action to the Office of  
Safe Schools within 30 days after the district school board  
meeting.

~~6.5.~~ Conduct annual unannounced inspections, using the form  
adopted by the Office of Safe Schools pursuant to s.  
1001.212(13), of all public schools, including charter schools,  
while school is in session and investigate reports of  
noncompliance with school safety requirements.

~~7.6.~~ Report violations of paragraph (f) by administrative  
personnel and instructional personnel to the district school  
superintendent or charter school administrator, as applicable.

Section 4. Subsection (6) of section 1006.12, Florida  
Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the  
protection and safety of school personnel, property, students,  
and visitors, each district school board and school district



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superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(6) CRISIS INTERVENTION TRAINING; SUBSTANCE USE TRAINING.—

(a) Each safe-school officer who is also a sworn law enforcement officer shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(b) Each safe-school officer shall complete training on the adverse effects of psychotropic drugs and intoxicating substances as those terms are defined in s. 406.139, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances. The training must include instruction on how such a safe-school officer can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and officer safety.



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If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 5. This act shall take effect on 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 the use of substances affecting cognitive function; creating s. 406.139, F.S.; defining terms; requiring medical examiners to take specified actions when performing an autopsy on a decedent who is a violent offender; requiring that autopsy reports for such individuals include certain findings and information; requiring notification; amending s. 456.057, F.S.; authorizing the release of certain patient records to law enforcement agencies without patient authorization for investigation purposes; amending s. 1006.07, F.S.; requiring school safety specialists to provide school district staff with certain training on the adverse effects of



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214 specified substances; specifying requirements for  
215 training; amending s. 1006.12, F.S.; requiring safe-  
216 school officers to complete certain training on the  
217 adverse effects of specified substances; specifying  
218 requirements for training; providing an effective  
219 date. ; providing an effective date.

By Senator Sharief

35-00071-26

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1 A bill to be entitled  
 2 An act relating to the use of substances affecting  
 3 cognitive function; creating s. 406.139, F.S.;  
 4 defining the terms "mass shooting" and "psychotropic  
 5 drug"; requiring medical examiners to take specified  
 6 actions when performing an autopsy on a decedent  
 7 reasonably suspected of committing a mass shooting;  
 8 requiring that autopsy reports for such individuals  
 9 include certain findings and information; providing  
 10 construction; creating s. 901.225, F.S.; defining the  
 11 terms "mass shooting" and "psychotropic drug";  
 12 requiring arresting law enforcement agencies to  
 13 perform toxicology screenings of persons arrested on  
 14 suspicion of committing a mass shooting or other  
 15 violent crime; requiring that the results of the  
 16 screening be noted in the suspect's case file;  
 17 requiring law enforcement agencies to provide their  
 18 law enforcement officers with certain training on the  
 19 adverse effects of psychotropic drugs, illicit drugs,  
 20 and controlled substances; amending s. 1006.07, F.S.;  
 21 requiring school safety specialists to provide  
 22 teachers with certain training on the adverse effects  
 23 of psychotropic drugs, illicit drugs, and controlled  
 24 substances; specifying requirements for the training;  
 25 amending s. 1006.12, F.S.; requiring safe-school  
 26 officers to complete certain training on the adverse  
 27 effects of psychotropic drugs, illicit drugs, and  
 28 controlled substances; specifying requirements for the  
 29 training; providing an effective date.

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

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30  
 31 Be It Enacted by the Legislature of the State of Florida:  
 32  
 33 Section 1. Section 406.139, Florida Statutes, is created to  
 34 read:  
 35 406.139 Autopsies of suspected mass shooters.—  
 36 (1) DEFINITIONS.—As used in this section, the term:  
 37 (a) "Mass shooting" means an incident in which a person is  
 38 suspected of intentionally causing the death of four or more  
 39 individuals, not including the suspect, through the use of a  
 40 firearm at a single location during a continuous period of time.  
 41 (b) "Psychotropic drug" means any drug prescribed to affect  
 42 an individual's mental state, including, but not limited to,  
 43 antidepressants, antipsychotics, mood stabilizers, and  
 44 antianxiety medications.  
 45 (2) CONSULTATION; TOXICOLOGY SCREENING.—If a medical  
 46 examiner's office performs an autopsy on a decedent reasonably  
 47 suspected of committing a mass shooting, the medical examiner  
 48 must do all of the following:  
 49 (a)1. Make reasonable efforts to determine the identity of  
 50 any treating mental health professional or primary care  
 51 physician of the decedent; and  
 52 2. Consult such individuals, if known and available, to  
 53 obtain information regarding the decedent's history of  
 54 psychotropic drug use, including any prescribed or discontinued  
 55 medications.  
 56 (b) Order and perform toxicology screening on the decedent  
 57 to determine whether any of the following are present in the  
 58 decedent's body:

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1. Psychotropic drugs.2. Illicit drugs and controlled substances.3. Alcohol or other substances commonly affecting cognitive function.(3) AUTOPSY REPORT.—All findings under subsection (2) must be documented and included in the final autopsy report, along with any available corroborating information.(4) PUBLIC RECORDS.—This section does not exempt any part of the autopsy report from public disclosure except as otherwise provided by state or federal law.

Section 2. Section 901.225, Florida Statutes, is created to read:

901.225 Toxicology screening of person arrested for mass shooting or other violent crime.—(1) As used in this section, the term:(a) "Mass shooting" means an incident in which a person is suspected of intentionally causing the death of four or more individuals, not including the suspect, through the use of a firearm at a single location during a continuous period of time.(b) "Psychotropic drug" means any drug prescribed to affect an individual's mental state, including, but not limited to, antidepressants, antipsychotics, mood stabilizers, and antianxiety medications.(2) If a person is arrested on suspicion of committing a mass shooting or other violent crime, the arresting law enforcement agency must perform a toxicology screening of the suspect for the presence of any psychotropic drugs, illicit drugs, controlled substances, alcohol, or other substances commonly affecting cognitive function. The law enforcement

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agency shall note the results of the toxicology screening in the suspect's case file.(3) All law enforcement agencies shall provide their law enforcement officers with training on the adverse effects of psychotropic drugs, illicit drugs, and controlled substances, including irrational, violent, or suicidal behavior that may be demonstrated by persons under the influence of such drugs or substances. The training must include instruction on how law enforcement officers can identify and safely interact with persons who may be under the influence of such drugs or substances to avoid violent escalation or exchanges.

Section 3. Paragraph (a) of subsection (6) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.(a) School safety specialist.—Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in

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the school district. Any school safety specialist designated from the sheriff's office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff's office remains the employee of the office for purposes of compensation, insurance, workers' compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist, or his or her designee, shall:

1. In conjunction with the district school superintendent, annually review school district policies and procedures for compliance with state law and rules, including the district's timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8). At least quarterly, the school safety specialist must report to the district school superintendent and the district school board any noncompliance by the school district with laws or rules regarding school safety.

2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including

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active shooter training; and school safety and security.

3. Provide teachers with training on the adverse effects of psychotropic drugs as defined in s. 901.225, illicit drugs, and controlled substances, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances. The training must include instruction on how teachers can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and teacher safety.

4. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.

~~5.4.~~ In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety



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specialist, through the district school superintendent, shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

~~6.5-~~ Conduct annual unannounced inspections, using the form adopted by the Office of Safe Schools pursuant to s. 1001.212(13), of all public schools, including charter schools, while school is in session and investigate reports of noncompliance with school safety requirements.

~~7.6-~~ Report violations of paragraph (f) by administrative personnel and instructional personnel to the district school superintendent or charter school administrator, as applicable.

Section 4. Subsection (6) of section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(6) CRISIS INTERVENTION TRAINING; SUBSTANCE USE TRAINING.—

(a) Each safe-school officer who is also a sworn law enforcement officer shall complete mental health crisis

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intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(b) Each safe-school officer shall complete training on the adverse effects of psychotropic drugs as defined in s. 901.225, illicit drugs, and controlled substances, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances. The training must include instruction on how a safe-school officer can identify and safely interact with students who may be under the influence of such drugs or substances and improve upon the officer's knowledge and skills as a first responder to incidents involving such students, including de-escalation skills to ensure student and officer safety.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 5. 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

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I respectfully request that **Senate Bill # 54**, relating to Use of Substances Affecting Cognitive Function, 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

**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.)

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

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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	<b>Favorable</b>
2.			ACJ	
3.			RC	

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**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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

### 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.<sup>4</sup>

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

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> Section 943.10(1), F.S.

<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup>

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.<sup>8</sup> Statutes that are a part of a single act must be read in *pari materia*.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup>

### ***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:

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<sup>5</sup> Section 776.012(2), F.S.

<sup>6</sup> Section 776.051(1), F.S.

<sup>7</sup> Section 776.051(2), F.S.

<sup>8</sup> See ch. 74-383 L.O.F.

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

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

<sup>11</sup> *Id.*

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

- In the case of assault, from a second degree misdemeanor<sup>13</sup> to a first degree misdemeanor.<sup>14</sup>
- 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 felony<sup>15</sup> 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 felony<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup>

### ***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.<sup>19</sup>

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;<sup>20</sup>
- 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.<sup>21</sup>

<sup>13</sup> 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.

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

<sup>15</sup> 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.

<sup>16</sup> 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.

<sup>17</sup> Section 784.07(2), F.S.

<sup>18</sup> Florida Standard Jury Instruction 8.10 and 8.11 (Crim).

<sup>19</sup> Section 843.01, F.S.

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

<sup>21</sup> 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 officer<sup>22</sup> 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.<sup>23</sup>

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.<sup>24</sup> 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.<sup>25</sup>

***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.<sup>26,27</sup> However, under s. 782.07(4), F.S., manslaughter is a first degree felony<sup>28</sup> 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

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<sup>22</sup> 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.

<sup>23</sup> Section 782.065, F.S.

<sup>24</sup> Florida Standard Jury Instruction 8.13 (Crim).

<sup>25</sup> Florida Standard Jury Instruction 3.6f (Crim).

<sup>26</sup> Section 782.07, F.S.

<sup>27</sup> 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.

<sup>28</sup> 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.<sup>29</sup>

### 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 officers<sup>30</sup> *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.*

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<sup>29</sup> Florida Standard Jury Instructions 7.7(a) (Crim).

<sup>30</sup> 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.<sup>31</sup>

**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.

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

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<sup>31</sup> 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

7-00338-26

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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	<del>784.07 (2) (b)</del>	<del>3rd</del>	<del>Battery of law enforcement officer, firefighter, etc.</del>
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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178 guardian.

179 787.04 (2) 3rd Take, entice, or remove  
child beyond state  
limits with criminal  
intent pending custody  
proceedings.

180 787.04 (3) 3rd Carrying child beyond  
state lines with  
criminal intent to avoid  
producing child at  
custody hearing or  
delivering to designated  
person.

181 787.07 3rd Human smuggling.

182 790.115 (1) 3rd Exhibiting firearm or  
weapon within 1,000 feet  
of a school.

183 790.115 (2) (b) 3rd Possessing electric  
weapon or device,  
destructive device, or  
other weapon on school  
property.

790.115 (2) (c) 3rd Possessing firearm on

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184 school property.

185 794.051 (1) 3rd Indecent, lewd, or  
lascivious touching of  
certain minors.

186 800.04 (7) (c) 3rd Lewd or lascivious  
exhibition; offender  
less than 18 years.

187 806.135 2nd Destroying or  
demolishing a memorial  
or historic property.

188 810.02 (4) (a) 3rd Burglary, or attempted  
burglary, of an  
unoccupied structure;  
unarmed; no assault or  
battery.

189 810.02 (4) (b) 3rd Burglary, or attempted  
burglary, of an  
unoccupied conveyance;  
unarmed; no assault or  
battery.

190 810.06 3rd Burglary; possession of  
tools.

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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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7-00338-26

2026156

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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7-00338-26

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

	7-00338-26		2026156	
	Florida	Felony		
	Statute	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				

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	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.

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	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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	7-00338-26		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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	7-00338-26		2026156	
	(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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	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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7-00338-26

2026156

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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2026156

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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7-00338-26

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

The Florida Senate

# APPEARANCE RECORD

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

SB 0152

Bill Number or Topic

12/9/25

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

STEVEN B. SLADE

Phone

850.322.5760

Address

300 E. BREVARD ST

Street

Email

stevenslade@flpha.org

TALLAHASSEE, FL 32311

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FL PBA

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

12/9/2025

**APPEARANCE RECORD**

156

Meeting Date

**Criminal Justice**

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Sam Wagoner**

Phone **850-701-3603**

Address **301 S Bronough Street**

Email **swagoner@flcities.com**

Street

**TLH**

**FL**

**32301**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

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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156  
Bill Number or Topic

Amendment Barcode (if applicable)

12/9/2025  
Meeting Date  
Criminal Justice  
Committee

Name Tim Parson Phone 850-910-2678

Address 113 E. College Ave. Email tim@libertypartnersfl.com  
Street  
Tallahassee FL 32302  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

Dec 9 2025

**APPEARANCE RECORD**

SB 156

Meeting Date

Senate 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 Jennifer Cook Pritt, Executive Director

Phone 8502193631

Address 2636 Mitcham Drive

Email jpritt@fpca.com

Street

Tallahassee

FL

32308

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Florida Police Chiefs  
Association

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

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

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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12/9/25  
Meeting Date

CJ  
Committee

156  
Bill Number or Topic

Amendment Barcode (if applicable)

Name AARON WAYT  
FL ASSN OF CRIM DEF LAWYERS

Phone 407-435-3194

Address \_\_\_\_\_  
Street

Email AARON@DONPUMPHREY.COM

\_\_\_\_\_  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ 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)

## **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 1<sup>st</sup> degree misdemeanor is increased to a Level 4, 3<sup>rd</sup> degree felony for battery of a law enforcement officer, firefighter, and other specified personnel, the 1<sup>st</sup> degree misdemeanor would be increased to a **Level 5, 3<sup>rd</sup> 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, 3<sup>rd</sup> 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**

**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 168

INTRODUCER: Senator Truenow

SUBJECT: Public Nuisances

DATE: December 8, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	<b>Favorable</b>
2. _____	_____	CA	_____
3. _____	_____	RC	_____

---

## **I. Summary:**

SB 168 amends s. 893.138, F.S., to declare any place or premises that has been used on more than two occasions within a 12-month period as a gambling house, as a public nuisance.

Additionally, the bill allows for an abatement board to:

- Increase daily fines to \$500 if the nuisance activity is not abated within a year and consider the gravity of the public nuisance and any actions taken by the owner when determining the amount of the fine.
- Remove the cap on fines of \$15,000, award attorney fees, if requested, including fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter.
- Retain jurisdiction over a place or premises for renewing periods of one year until the public nuisance is abated.
- Authorize an appropriate entity to foreclose on a lien under certain circumstances, and mandate the foreclosure if the public nuisance activity is unabated after two years.

A “legal assistant” is a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

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

The bill is effective July 1, 2026.

## **II. Present Situation:**

In March 2025, citizen reports led local law enforcement to three separate sites of illegal gambling rooms in Tallahassee. The law enforcement agencies seized a little over \$92,000 in cash and 401 illegal gambling machines. At the press conference, Leon County Sheriff Walt

McNeil noted these gambling rooms were, “in communities of high risk and in doing so, create an environment through gaming where they’re trying to take advantage of the lease of those persons in our community.” Gaming Control Commission Director of Law Enforcement Carl Herold also spoke to criminal activities surrounding illegal gambling rooms, referring to the 2023 murder of a security guard in a Gadsden county internet café.<sup>1</sup> In the Gadsden case, Tyrone Washington was convicted for the murder of Lewis Butler and attempted murder of the store clerk who was shot during the attempted robbery.<sup>2</sup>

### **Keeping Gambling Houses**

It is unlawful for a person<sup>3</sup> to have, keep, exercise or maintain a gaming table or room, gaming implements or apparatus, or place<sup>4</sup> for the purpose of gaming or gambling. Further, it is unlawful for a person to have or maintain a place in which a person<sup>5</sup> procures, suffers or permits any person to play for money or other valuable thing at any game.

A violation under this section results in a second degree misdemeanor.<sup>6,7</sup>

### **Nuisance Abatement**

Local governments may establish a nuisance abatement board to hear public nuisance complaints.<sup>8</sup> These boards may take various administrative actions to abate violence-related, drug-related, prostitution-related, or stolen property-related public nuisances and criminal gang activity, including the closure of the place or premises.

Specified criminal activities which, if committed at any place or premises during a specified period of time, may create a public nuisance. Such nuisance may be abated by order of a nuisance abatement board. Those properties subject to nuisance abatement by the board include any place or premises that has been used:<sup>9</sup>

- On more than two occasions within a 6-month period as the site for prostitution;<sup>10,11</sup>
- On more than two occasions within a 6-month period as a site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;<sup>12</sup>

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<sup>1</sup> Tallahassee Democrat, Over \$92K seized in Tallahassee gambling sting, March 21, 2025, available at: <https://www.tallahassee.com/story/news/local/2025/03/21/lcso-operation-westside-illegal-gambling-florida-gaming-control-commission-florida-highway-patrol/82591202007/> (last visited December 8, 2025).

<sup>2</sup> WCTV, Man found guilty of murder in internet café armed robbery, November 17, 2025, available at: <https://www.wctv.tv/2025/11/17/man-found-guilty-murder-internet-cafe-armed-robbery/> (last visited December 8, 2025).

<sup>3</sup> Or by the person’s clerk or agent.

<sup>4</sup> Including house, booth, tent, shelter, or other place.

<sup>5</sup> Directly or indirectly, who has charge, control or management, either exclusively or with others.

<sup>6</sup> Section 849.01, F.S.

<sup>7</sup> A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

<sup>8</sup> Section 893.138, F.S.

<sup>9</sup> Section 893.138(2), F.S.

<sup>10</sup> Section 893.138(2)(a), F.S.

<sup>11</sup> A violation of s. 796.07, F.S.

<sup>12</sup> Section 893.138(2)(b), F.S.

- On one occasion as the site of a felony involving the unlawful possession of a controlled substance and that has been previously used as the site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;<sup>13</sup>
- By a criminal street gang for a pattern of criminal street gang activity;<sup>14,15</sup>
- On more than two occasions within a 6-month period for dealing in stolen property;<sup>16,17</sup>
- On two or more occasions within a 6-month period, as the site of the Florida Drug and Cosmetic Act;<sup>18,19</sup>
- On more than two occasions within a 6-month period, as the site of a violation of any combination of murder and other specified aggravated batteries;<sup>20,21</sup> or
- On more than two occasions within a 12-month period, as the site of unlicensed or unlawful sale of alcoholic beverages.<sup>22,23</sup>

Additionally, any pain-management clinic which has been used on more than two occasions within a 6-month period as the site of a violation relating to assault and battery, burglary, theft, robbery by sudden snatching, or the unlawful distribution of controlled substances may be declared a public nuisance and subject to nuisance abatement.<sup>24</sup>

A local administrative board created to address public nuisances may order the owner of such place or premises to adopt appropriate procedures to abate a nuisance, or enter an order immediately prohibiting:<sup>25</sup>

- Maintaining the nuisance;
- Operating or maintaining the place or premises, including the closure or operation of the place or premises; and
- Conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

Penalties that may be imposed under s. 893.138, F.S., may be supplemented by a county or municipal ordinance, which may include, but is not limited to, the following penalties:<sup>26</sup>

- Imposing additional penalties for public nuisances, including fines not to exceed \$250 per day;

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<sup>13</sup> Section 893.138(2)(c), F.S.

<sup>14</sup> “Criminal gang-related activity” means, in part, an activity committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person’s own standing within a criminal gang. Section 874.03(4)(a), F.S.

<sup>15</sup> Section 893.138(2)(d), F.S.

<sup>16</sup> Section 893.138(2)(e), F.S.

<sup>17</sup> A violation of s. 812.019, F.S.

<sup>18</sup> Section 893.138(2)(f), F.S.

<sup>19</sup> A violation of ch. 499, F.S.

<sup>20</sup> Section 893.138(2)(g), F.S.

<sup>21</sup> Offenses include murder pursuant to s. 782.04, F.S., attempted felony murder pursuant to s. 782.051, F.S., aggravated battery with a deadly weapon pursuant to s. 784.045(1)(a)2., F.S., and aggravated assault with a deadly weapon without intent to kill pursuant to s. 784.021(1)(a), F.S.

<sup>22</sup> Section 893.138(2)(h), F.S.

<sup>23</sup> A violation of s. 562.12, F.S.

<sup>24</sup> Section 893.138(3), F.S.

<sup>25</sup> Section 893.138(5), F.S.

<sup>26</sup> Section 893.138(11), F.S.

- Requiring the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances;
- Providing continuing jurisdiction for a period of one year over any place or premises that has been or is declared to be a public nuisance;
- Imposing penalties, including fines not to exceed \$500 per day for recurring public nuisances;
- Requiring the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order;
- Providing that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and
- Providing for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. However, a lien may not be created to foreclose on real property which is a homestead under s. 4, Art. X of the State Constitution.

The total fines imposed in a county or municipal ordinance may not exceed \$15,000.

The nuisance abatement board may also bring a complaint under s. 60.05, F.S., seeking temporary and permanent injunctive relief against any nuisance described in s. 893.138(2), F.S.

There is a process for an Attorney General, state attorney, city attorney, county attorney, sheriff, or any citizen of the county to sue in the name of the state to prohibit the nuisance, the person or persons maintaining it, and the owner or agent of the building or ground on which the nuisance exists.<sup>27</sup> For other types of public nuisances such as the disposal of dead animals, the abandonment of refrigerators and other appliances, and abandoned or derelict vessels, other penalties are provided for the maintenance of those nuisances.<sup>28</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 893.138, F.S., to declare any place or premises that has been used on more than two occasions within a 12-month period as a gambling house, as a public nuisance.

Additionally, the bill allows for an abatement board to:

- Increase daily fines to \$500 if the nuisance activity is not abated within a year and consider the gravity of the public nuisance and any actions taken by the owner when determining the amount of the fine.
- Remove the cap on fines of \$15,000, award attorney fees, if requested, including fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter.
- Retain jurisdiction over a place or premises for renewing periods of one year until the public nuisance is abated.
- Authorize an appropriate entity to foreclose on a lien under certain circumstances, and mandate the foreclosure if the public nuisance activity is unabated after two years.

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<sup>27</sup> Section 60.05, F.S.

<sup>28</sup> Chapter 823, F.S.

A “legal assistant” is a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

The bill is effective 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:**

There may be an indeterminate fiscal impact incurred due to increased fines on private property or private businesses.

##### **C. Government Sector Impact:**

The bill may have an indeterminate fiscal impact due to additional funds received or fines increased by adding gambling houses to the list of offenses that are a public nuisance. Additionally, counties may incur costs due to foreclosure litigation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 893.138 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.

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

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By Senator Truenow

13-00205A-26

2026168\_\_

1 A bill to be entitled  
 2 An act relating to public nuisances; amending s.  
 3 893.138, F.S.; revising the list of places that may be  
 4 declared a public nuisance to include the site of a  
 5 gambling house; revising provisions relating to the  
 6 assessment and collection of fines for public  
 7 nuisances; defining the term "legal assistant";  
 8 deleting a limit on the total amount of fines that may  
 9 be imposed on a public nuisance; conforming provisions  
 10 to changes made by the act; providing an effective  
 11 date.  
 12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14  
 15 Section 1. Subsections (2) and (11) of section 893.138,  
 16 Florida Statutes, are amended to read:  
 17 893.138 Local administrative action to abate certain  
 18 activities declared public nuisances.—  
 19 (2) Any place or premises that has been used:  
 20 (a) On more than two occasions within a 6-month period, as  
 21 the site of a violation of s. 796.07;  
 22 (b) On more than two occasions within a 6-month period, as  
 23 the site of the unlawful sale, delivery, manufacture, or  
 24 cultivation of any controlled substance;  
 25 (c) On one occasion as the site of the unlawful possession  
 26 of a controlled substance, where such possession constitutes a  
 27 felony and that has been previously used on more than one  
 28 occasion as the site of the unlawful sale, delivery,  
 29 manufacture, or cultivation of any controlled substance;

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

13-00205A-26

2026168\_\_

30 (d) By a criminal gang for the purpose of conducting  
 31 criminal gang activity as defined by s. 874.03;  
 32 (e) On more than two occasions within a 6-month period, as  
 33 the site of a violation of s. 812.019, relating to dealing in  
 34 stolen property;  
 35 (f) On two or more occasions within a 6-month period, as  
 36 the site of a violation of chapter 499;  
 37 (g) On more than two occasions within a 6-month period, as  
 38 the site of a violation of any combination of the following:  
 39 1. Section 782.04, relating to murder;  
 40 2. Section 782.051, relating to attempted felony murder;  
 41 3. Section 784.045(1)(a)2., relating to aggravated battery  
 42 with a deadly weapon; or  
 43 4. Section 784.021(1)(a), relating to aggravated assault  
 44 with a deadly weapon without intent to kill; ~~or~~  
 45 (h) On more than two occasions within a 12-month period, as  
 46 the site of a violation of s. 562.12, relating to the unlicensed  
 47 or unlawful sale of alcoholic beverages; or  
 48 (i) On more than two occasions within a 12-month period, as  
 49 the site of a violation of s. 849.01, relating to keeping a  
 50 gambling house,  
 51  
 52 may be declared to be a public nuisance, and such nuisance may  
 53 be abated pursuant to the procedures provided in this section.  
 54 (11) ~~The provisions of~~ This section may be supplemented by  
 55 a county or municipal ordinance. The ordinance may include, but  
 56 is not limited to, any of the following:  
 57 (a) ~~provisions that establish additional~~ Penalties for  
 58 public nuisances, including fines not to exceed \$250 per day. If

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



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2026168

the nuisance activity is not abated within 1 year, the fines may increase to \$500 per day. In determining the amount of the fine, the nuisance abatement board shall consider the gravity of the public nuisance and any actions taken by the property owner to correct the public nuisance. ~~provide for the payment of reasonable costs, including~~

(b) Reasonable attorney fees associated with investigations of and hearings on public nuisances. If attorney fees are requested, the nuisance abatement board must also award fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter. For purposes of this subsection, the term "legal assistant" means a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

(c) ~~Provide for~~ Continuing jurisdiction for renewing periods a period of 1 year over any place or premises that has been or is declared to be a public nuisance, until the public nuisance is abated. establish penalties, including fines not to exceed \$500 per day for recurring public nuisances.

(d) ~~Provide for~~ The recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order. provide that Recorded orders on public nuisances may become liens against the real property that is the subject of the order. and

(e) ~~Provide for~~ The foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees and legal assistant fees, associated with the recording of orders and foreclosure. If a lien remains unpaid 3

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2026168

months after it is filed, the nuisance abatement board may authorize the appropriate entity to foreclose on the lien. If the public nuisance activity is unabated after 2 years, the nuisance abatement board must authorize and require the appropriate entity to foreclose on the lien. A ~~No~~ lien created pursuant to ~~the provisions of~~ this section may not be foreclosed on real property that which is a homestead under s. 4, Art. X of the State Constitution. If ~~Where~~ a local government seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner is ~~shall not be~~ subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. ~~The total fines imposed pursuant to the authority of this section shall not exceed \$15,000. Nothing contained within~~ This section does not prohibit ~~prohibits~~ a county or municipality from proceeding against a public nuisance by any other means.

Section 2. This act shall take effect July 1, 2026.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Agriculture, *Chair*  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Appropriations Committee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Fiscal Policy  
Military and Veterans Affairs, Space, and  
Domestic Security  
Transportation

## SENATOR KEITH TRUENOW

13th District

November 18, 2025

The Honorable Jonathan Martin  
315 Senate Office Building  
Tallahassee, FL 32399

Dear Chairman Martin,

I would like to request SB 168 Public Nuisance be placed on your next available Criminal Justice committee agenda.

This bill relates to public nuisances, revises the list of places that may be declared a public nuisance to include the site of a gambling house. It also revises the provisions relating to the assessment and collection of fines for public nuisances and defines "legal assistant" and deletes a limit on the total amount of fines that may be imposed on a public nuisance.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow  
Senate District 13

KT/dd

cc: Amanda Stokes, Staff Director  
Tori Denson, Administrative Assistant

## REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

# APPEARANCE RECORD

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

12-9-25

Meeting Date

SB 168

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name CAPTAIN DALE MACK  
ORANGE COUNTY SHERIFF

Phone 407-212-6171

Address 2500 W. COLONIAL DR  
Street

Email dale.mack@ocsofla.com

ORLANDO FL 32804  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing: OC SO

☐ 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.)

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

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BILL: CS/SB 296

INTRODUCER: Criminal Justice Committee and Senator Berman

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: December 10, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	<b>Fav/CS</b>
2. _____	_____	ACJ	_____
3. _____	_____	RC	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 296 creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study. The bill provides terms, requirements, and reporting requirements for such study.

The bill defines “dating violence” and allows a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program.

The bill takes effect July 1, 2026.

**II. Present Situation:**

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

Victims of dating violence may receive support and legal protection in a similar manner to victims of domestic violence; for example, victims of dating violence may petition the court for a protective injunction, and such injunction is transmitted to the Domestic, Dating, Sexual, and

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<sup>1</sup> Break the Cycle, *Teen Dating Violence Statistics 2024* (January 3, 2025), available at: <https://www.breakthecycle.org/teen-dating-violence-statistics/> (last visited December 8, 2025).

Repeat Violence Injunction Statewide Verification System. Additionally, victims of dating violence are to be given immediate notice of the legal rights and remedies available and are advised of domestic violence centers from which the victim can receive services. However, victims of dating violence are not included in the Attorney General's Domestic Violence Address Confidentiality Program which provides victims with substitute addresses.

### **Dating Violence**

Section 784.046, F.S., provides the following "dating violence" means:<sup>2</sup>

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

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

"Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.<sup>3</sup>

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.<sup>4</sup>

### **Domestic Violence**

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.<sup>5</sup>

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<sup>2</sup> Section 784.046(1)(d), F.S.

<sup>3</sup> Section 784.046(1)(a), F.S.

<sup>4</sup> Section 784.046(2)(b), F.S.

<sup>5</sup> Section 741.28(2), F.S.

In 2024, 61,216 crimes of domestic violence were reported, resulting in 32,665 arrests.<sup>6</sup> Of those 61,216 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 17,980 were spousal;<sup>7</sup>
- 6,957 were co-habitants;<sup>8</sup> and
- 4,983 were other.<sup>9</sup>

This data was compiled by the FDLE after receiving the number of reports and arrests from local law enforcement agencies.<sup>10</sup>

### ***Domestic Violence Investigations***

Domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:<sup>11</sup>

- Assist the victim to obtain medical treatment if such is required;<sup>12</sup>
- Advise the victim that there is a domestic violence center from which the victim may receive services;<sup>13</sup>
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;<sup>14</sup>
- Give the victim immediate notice of the legal rights and remedies available;<sup>15</sup>
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.<sup>16</sup> Such report must include:
  - A description of physical injuries observed, if any.

<sup>6</sup> Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report 2022-2024*, on file with the Senate Criminal Justice Committee.

<sup>7</sup> Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

<sup>8</sup> *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

<sup>9</sup> *Id.* Other means the victim and offender had a child together but were never married and never lived together.

<sup>10</sup> The data provided represents the information submitted to the FDLE as of the date of the report. The FDLE acts as a data repository for the law enforcement agencies who voluntarily submit UCR data or data required by the state. *See email correspondence from William Grissom*, on file with the Senate Criminal Justice Committee.

<sup>11</sup> Section 741.29, F.S.

<sup>12</sup> Section 741.29(1)(a), F.S.

<sup>13</sup> Section 741.29(1)(b), F.S.

<sup>14</sup> Section 741.29(1)(c), F.S.

<sup>15</sup> Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

<sup>16</sup> Section 741.29 (3), F.S.

- If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
- A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.<sup>17, 18</sup>

Basic skills training in handling domestic violence cases is required for law enforcement officers.<sup>19</sup> Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

### ***Address Confidentiality Program***

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address<sup>20</sup> designated by the Attorney General in order to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.<sup>21</sup>

## **911 Communications**

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety

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<sup>17</sup> Section 741.29(4), F.S.

<sup>18</sup> Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

<sup>19</sup> Section 943.171, F.S.

<sup>20</sup> “Address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant. Section 741.402(1), F.S.

<sup>21</sup> Section. 741.401, F.S.

emergency responses.<sup>22</sup> The Emergency Communications Act prohibits the misuse of the 911, E911,<sup>23</sup> and NG911<sup>24</sup> systems.

Since 1974, Florida law has designated “911” as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.<sup>25, 26</sup> In 1999, the concept of “Enhanced 911” or “E911” service was established in Florida law to describe 911 service provided to wireless telephone users.<sup>27</sup> Today, under the Emergency Communications Number E911 Act,<sup>28</sup> the term “E911,” as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services<sup>29</sup> with 911 service. E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.<sup>30</sup> PSAPs receiving incoming 911 requests for assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.<sup>31</sup>

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.<sup>32</sup>

### ***Statewide Emergency Communications Plan***

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

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<sup>22</sup> Section 365.172(2)(a)-(b), F.S.

<sup>23</sup> “Enhanced 911” or “E911” means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

<sup>24</sup> “Next Generation 911” or “NG911” means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

<sup>25</sup> Chapter 74-357, L.O.F.

<sup>26</sup> “Public safety agency” means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

<sup>27</sup> Chapter 99-367, L.O.F.

<sup>28</sup> Chapter 2007-78, L.O.F.

<sup>29</sup> “Voice communications services” means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service.

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

<sup>30</sup> Section 365.172(3)(i), F.S.

<sup>31</sup> Section 365.172(3)(aa), F.S.

<sup>32</sup> *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited December 8, 2025).



- The public agency<sup>33</sup> emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.<sup>34</sup>

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.<sup>35</sup>

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.<sup>36</sup> No emergency communications number E911 system can be established and no present system can be expanded without prior approval of the Division.<sup>37</sup>

### **III. Effect of Proposed Changes:**

#### **911 Feasibility Study**

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

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

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

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<sup>33</sup> "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

<sup>34</sup> Section 365.171(4), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> Section 365.171(5), F.S.

<sup>37</sup> Section 365.171(9), F.S.

The Division is required to report the results of the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 31, 2027.

### **Address Confidentiality Program**

The bill amends s. 741.402, F.S., to define “dating violence” to mean any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death, or the threat of any such act, committed by an individual who has or has had a continuing and significant relationship of a romantic or intimate nature as determined by the factors listed in s. 784.046(1)(d), F.S., with the victim, regardless of whether it has been reported to law enforcement officers. This definition includes a threat of violence and only applies for purposes of the address confidentiality program.

Further, a victim of dating violence must be given information about the address confidentiality program and may participate in the program and receive assistance and counseling.

The bill takes effect 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.

**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: 741.401, 741.402, 741.403, 741.408, 741.4651, and 960.001.

This bill creates an undesignated section of the Florida Statutes.

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

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

**CS by Criminal Justice on December 9, 2025:**

This Committee Substitute:

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

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2025	.	
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The Committee on Criminal Justice (Berman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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

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



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365.172(3), Florida Statutes.

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

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

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

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

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

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

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

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

(3) By January 31, 2027, the division shall report to the President of the Senate and the Speaker of the House of Representatives the results of the feasibility study.

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



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

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

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

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

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

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



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

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

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

741.403 Address confidentiality program; application; certification.—

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

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



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whose behalf the application is made.

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

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

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

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

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

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





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

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

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

Section 8. 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 victims of domestic violence and  
dating violence; defining terms; requiring the



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Division of Telecommunications within the Department of Management Services to consult with certain entities to conduct a feasibility study regarding a specified alert system; providing requirements for such alert system; requiring the division to report to the Legislature the results of the feasibility study by a specified date; amending s. 741.401, F.S.; revising legislative findings to include victims of dating violence; reordering and amending s. 741.402, F.S.; defining the term "dating violence"; amending s. 741.403, F.S.; authorizing victims of dating violence to apply to participate in the Attorney General's address confidentiality program; amending s. 741.408, F.S.; requiring the Attorney General to designate certain entities to assist victims of dating violence applying to be address confidentiality program participants; amending ss. 741.4651 and 960.001, F.S.; conforming provisions to changes made by the act; providing an effective date.

By Senator Berman

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1 A bill to be entitled  
 2 An act relating to victims of domestic violence and  
 3 dating violence; creating s. 741.317, F.S.; providing  
 4 a short title; creating the HAVEN Coordinating Council  
 5 within the Department of Law Enforcement; requiring  
 6 the department to provide certain services; defining  
 7 terms; specifying the composition of the coordinating  
 8 council; providing requirements for member  
 9 appointments, election of a chair, and meetings;  
 10 requiring that member appointments be completed and  
 11 the first meeting of the coordinating council be held  
 12 by dates certain; specifying duties of the  
 13 coordinating council; authorizing counties to create  
 14 county-level HAVEN councils; authorizing county-level  
 15 HAVEN councils to take certain actions; requiring the  
 16 coordinating council to provide certain quarterly  
 17 reports; requiring the coordinating council to  
 18 annually submit a certain report to specified entities  
 19 and persons, the Governor, and the Legislature by a  
 20 specified date; requiring county-level HAVEN councils  
 21 to annually submit a certain report to the Department  
 22 of Law Enforcement and the coordinating council by a  
 23 specified date; providing for funding of the  
 24 coordinating council; specifying that the act  
 25 supersedes certain local regulations; providing for  
 26 legislative review and repeal of the coordinating  
 27 council; amending s. 741.401, F.S.; revising  
 28 legislative findings to include victims of dating  
 29 violence; reordering and amending s. 741.402, F.S.;

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30 defining the term "dating violence"; amending s.  
 31 741.403, F.S.; providing that victims of dating  
 32 violence may apply to participate in the Attorney  
 33 General's address confidentiality program; amending s.  
 34 741.408, F.S.; requiring the Attorney General to  
 35 designate certain entities to assist victims of dating  
 36 violence applying to be address confidentiality  
 37 program participants; amending ss. 741.465, 741.4651,  
 38 and 960.001, F.S.; conforming provisions to changes  
 39 made by the act; providing an effective date.

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

42  
 43 Section 1. Section 741.317, Florida Statutes, is created to  
 44 read:

45 741.317 Helping Abuse Victims Escape Now Act; coordinating  
 46 council; membership; duties; reports; funding; preemption.—

47 (1) SHORT TITLE.—This section may be cited as the "Helping  
 48 Abuse Victims Escape Now (HAVEN) Act."

49 (2) CREATION.—The HAVEN Coordinating Council, a  
 50 coordinating council as defined in s. 20.03, is created within  
 51 the Department of Law Enforcement. The Department of Law  
 52 Enforcement shall provide administrative and staff support  
 53 services relating to the functions of the coordinating council.

54 (3) DEFINITIONS.—As used in this section, the term:

55 (a) "Dating violence" has the same meaning as in s.  
 56 784.046(1)(d).

57 (b) "Domestic violence" has the same meaning as in s.  
 58 741.28.

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(c) "Dynamic website" means a website that generates webpages in real time and can change its content and layout depending on various parameters, such as user preferences, time of day, and location.

(4) MEMBERSHIP; MEETINGS.—

(a) The HAVEN Coordinating Council is composed of the following members:

1. A representative from the Department of Law Enforcement, appointed by the executive director of the Department of Law Enforcement.

2. A representative from a local law enforcement agency, appointed by the sheriff of the county in which the law enforcement agency is located.

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

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

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

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

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

(b) Appointments to the coordinating council must be made by September 1, 2026. Each member serves at the pleasure of the

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official who appointed the member. A vacancy on the coordinating council must be filled in the same manner as the original appointment.

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

(d) The first meeting of the coordinating council must be held no later than October 1, 2026. The coordinating council may hold its meetings through teleconference or other electronic means.

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

(a) Develop a dynamic website that has the ability to do all of the following:

1. Synchronize with law enforcement databases to ensure real-time data sharing and updates.

2. Allow a user to generate a unique telephone number from which the user can call a 911 emergency telephone number when he or she is in need of assistance from law enforcement.

3. Allow a user to choose a personalized numerical code or phrase that discreetly alerts a law enforcement agency or sheriff's office when the user calls his or her uniquely generated telephone number.

4. Automatically transmit specified data to a law enforcement agency or sheriff's office when a user calls his or her generated telephone number and uses his or her personalized numerical code or phrase, which then triggers the immediate dispatch of a law enforcement officer or sheriff's deputy to the user's location.

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

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(c) Coordinate with local law enforcement agencies and sheriff's offices to develop and implement a training program to ensure law enforcement officers are equipped to respond swiftly and effectively to alerts that are generated through the dynamic website.

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

(6) COUNTY-LEVEL HAVEN COUNCILS.—

(a) Each county may establish a county-level HAVEN council. County-level councils shall operate in coordination with the HAVEN Coordinating Council and may collaborate with local domestic violence fatality review teams established pursuant to s. 741.316.

(b) A county-level HAVEN council may do all of the following:

1. Review cases involving domestic violence and dating violence, including fatalities and near-fatalities, in coordination with local domestic violence fatality review teams.

2. Contribute to the development and maintenance of the dynamic website by providing localized data, resources, and impact metrics.

(7) REPORTS.—

(a) The HAVEN Coordinating Council shall do all of the following:

1. Provide quarterly reports to local law enforcement agencies and sheriff's offices.

2. Beginning in 2027, annually by November 1 submit to the Governor, the Attorney General, the executive director of the

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Department of Law Enforcement, the President of the Senate, and the Speaker of the House of Representatives a report that compiles the progress and cost breakdowns relating to the establishment of the dynamic website and, once the dynamic website is functioning, statistics relating to the usage and effectiveness of the website and the effectiveness of the coordinating council.

(b) Beginning in 2027, a county-level HAVEN council shall annually by November 1 submit to the Department of Law Enforcement and the HAVEN Coordinating Council a report summarizing the activities, findings, and recommendations of the county-level council.

(8) FUNDING.—

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

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

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

(10) REPEAL.—In accordance with s. 20.052(8), this section is repealed October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

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

741.401 Legislative findings; purpose.—The Legislature

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

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

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

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

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

(2) "Dating violence" means an act of violence as defined in s. 784.046(1)(a), including a threat of such an act, committed against an individual in a continuing and significant relationship as determined by the factors listed in s. 784.046(1)(d), regardless of whether the act or threat has been reported to law enforcement.

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

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

741.403 Address confidentiality program; application; certification.—

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

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

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

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

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

Section 6. Section 741.465, Florida Statutes, is amended to read:

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

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

(2) The addresses, corresponding telephone numbers, and social security numbers of program participants in the Address Confidentiality Program for Victims of ~~Domestic~~ Violence held by the Office of the Attorney General are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant; if directed by a court order, to a person identified in the order; or if the certification has been canceled. ~~For purposes of this section, the term "address" means a residential street address, school~~

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~~address, or work address, as specified on the individual's application to be a program participant in the Address Confidentiality Program for Victims of Domestic Violence.~~

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

Section 7. Section 741.4651, Florida Statutes, is amended to read:

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

Section 8. Paragraph (c) of subsection (1) of section

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960.001, Florida Statutes, is amended to read:

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

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

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

Section 9. 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:** November 17, 2025

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I respectfully request that **Senate Bill #296**, relating to Victims of Domestic Violence and Dating Violence, be placed on the:

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

A handwritten signature in cursive script that reads "Lori Berman". The signature is written in black ink and is positioned above a horizontal line.

---

Senator Lori Berman  
Florida Senate, District 26

The Florida Senate

# APPEARANCE RECORD

296

Bill Number or Topic

12-9-25

Meeting Date

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-251-4280

Address

625 E. Brevard St

Email

barbadevane1@yahoo.com

Street

City

Tallahassee

State

Zip

32308

Speaking:

☐

For

☐

Against

☐

Information

OR

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. [2020-2022 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

296

SB 209/Haven Act  
Bill Number or Topic

12/09/25  
Meeting Date

Crim Justice  
Committee

Amendment Barcode (if applicable)

Name Amy TRASK

Phone (352) 815-7393

Address 8852 SW 25 Rd  
Street

Email amyjay0214@outlook.com

Gainesville  
City

FL  
State

32608  
Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

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compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

S-001 (08/10/2021)

12/9/25  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 296  
Bill Number or Topic

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

Committee

Name

Address

Street

City

State

Zip

Phone

Email

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Alliance for Safety & Justice

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

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

S-001 (08/10/2021)

Report for FDLE Criminal Justice Analytics Bureau

Date of Report: November 18, 2025

State of Florida - Uniform Crime Reports - Domestic Violence

Offense Counts by Victim Relationship with Total Arrests

Date Range: January 1, 2022 - December 31, 2022

YEAR	OFFENSE	TOTAL	SPOUSE	PARENT	CHILD	SIBLING	OTHER_FAMILY	COHABITANT	OTHER	ARRESTS
2022	Criminal Homicide	156	45	30	29	7	18	16	11	89
2022	Manslaughter	16	2	0	11	1	2	0	0	7
2022	Rape - Committed	1,432	157	39	437	181	409	89	120	359
2022	Rape - Attempted	39	5	3	10	7	7	3	4	14
2022	Fondling	863	6	19	318	131	345	12	32	167
2022	Aggravated Assault	11,282	2,445	1,506	1,475	1,178	1,232	2,068	1,378	6,964
2022	Aggravated Stalking	33	9	1	0	0	3	4	16	21
2022	Simple Assault	60,457	17,253	9,100	6,409	5,935	4,827	10,483	6,450	31,951
2022	Threat/Intimidation	1,678	467	266	107	174	260	138	266	724
2022	Simple Stalking	353	154	18	15	14	31	52	69	138
2022	TOTAL	76,309	20,543	10,982	8,811	7,628	7,134	12,865	8,346	40,434

Source: State of Florida, Uniform Crime Reports: Summary Reporting System and Florida Incident-Based Reporting System, 2022.

Report for FDLE Criminal Justice Analytics Bureau

Date of Report: November 18, 2025

State of Florida - Uniform Crime Reports - Domestic Violence

Offense Counts by Victim Relationship with Total Arrests

Date Range: January 1, 2023 - December 31, 2023

YEAR	OFFENSE	TOTAL	SPOUSE	PARENT	CHILD	SIBLING	OTHER_FAMILY	COHABITANT	OTHER	ARRESTS
2023	Criminal Homicide	160	36	24	23	14	33	12	18	82
2023	Manslaughter	21	4	0	11	3	3	0	0	14
2023	Rape - Committed	1,221	169	21	368	153	379	59	72	339
2023	Rape - Attempted	26	6	2	5	4	5	1	3	10
2023	Fondling	803	8	25	334	121	287	8	20	145
2023	Aggravated Assault	9,998	2,312	1,366	1,360	1,191	1,276	1,393	1,100	6,074
2023	Aggravated Stalking	17	8	0	1	1	0	3	4	9
2023	Simple Assault	54,674	16,100	8,908	6,115	5,737	4,772	7,516	5,526	28,941
2023	Threat/Intimidation	1,411	429	272	102	137	225	84	162	497
2023	Simple Stalking	375	192	18	14	15	23	29	84	154
2023	TOTAL	68,706	19,264	10,636	8,333	7,376	7,003	9,105	6,989	36,265

Source: State of Florida, Uniform Crime Reports: Summary Reporting System and Florida Incident-Based Reporting System, 2023.

State of Florida - Uniform Crime Reports - Domestic Violence  
Offense Counts by Victim Relationship with Total Arrests  
Date Range: January 1, 2024 - December 31, 2024

YEAR	OFFENSE	TOTAL	SPOUSE	PARENT	CHILD	SIBLING	OTHER_FAMILY	COHABITANT	OTHER	ARRESTS
2024	Criminal Homicide	117	43	28	14	7	15	7	3	60
2024	Manslaughter	27	1	1	18	2	5	0	0	19
2024	Rape - Committed	956	151	16	267	152	300	32	38	253
2024	Rape - Attempted	21	5	0	5	1	7	1	2	5
2024	Fondling	691	6	16	293	97	256	11	12	152
2024	Aggravated Assault	8,023	2,007	1,191	1,063	995	1,171	840	756	5,032
2024	Aggravated Stalking	16	6	0	0	1	1	0	8	9
2024	Simple Assault	49,655	15,183	8,434	6,132	5,584	4,970	5,390	3,962	26,451
2024	Threat/Intimidation	1,304	386	260	109	169	192	54	134	499
2024	Simple Stalking	406	192	19	22	25	40	40	68	185
2024	TOTAL	61,216	17,980	9,965	7,923	7,033	6,957	6,375	4,983	32,665

Source: State of Florida, Uniform Crime Reports: Summary Reporting System and Florida Incident-Based Reporting System, 2024.



## Wyant, Madison

---

**From:** Grissom, William <WilliamGrissom@fdle.state.fl.us>  
**Sent:** Tuesday, December 2, 2025 12:41 PM  
**To:** Wyant, Madison  
**Subject:** RE: Domestic Violence

Hey Madison,

The data provided represents the information submitted to FDLE as of the date of the report. FDLE acts as the data repository for the law enforcement agencies who voluntarily submit UCR data or data required by statute.

I am not aware of FDLE making a statement regarding domestic violence incidents being up.

Thank you,

Will Grissom

---

**From:** Wyant, Madison <WYANT.MADISON@flsenate.gov>  
**Sent:** Tuesday, December 2, 2025 9:20 AM  
**To:** Grissom, William <WilliamGrissom@fdle.state.fl.us>  
**Subject:** RE: Domestic Violence

**CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.**

Hi Will,

I'm a little confused in the difference between the years. The last UCR I had was for 2020 which indicated 106,615 total offenses reported, resulting in 63,345 arrests.

For 2024, those numbers decreased to 61,216 reports resulting in 32,665 arrests. The number of reports is less than the number of arrests from previous years. Is this correct? A presentation was given in a few weeks back, I believe in the Senate Children and Families Committee, and a statement was made that domestic violence was up by a very high percentage, having never come down after Covid.

I am trying to get an idea of whether current numbers are up or down. Any insight is appreciated.

Thanks,

**Madison A. Wyant**

Legislative Analyst  
Criminal Justice Committee  
510 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
(850) 487-5192

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**From:** Grissom, William <[WilliamGrissom@fdle.state.fl.us](mailto:WilliamGrissom@fdle.state.fl.us)>  
**Sent:** Friday, November 21, 2025 12:04 PM  
**To:** Wyant, Madison <[WYANT.MADISON@flsenate.gov](mailto:WYANT.MADISON@flsenate.gov)>  
**Subject:** RE: Domestic Violence

Madison,

Attached are the domestic violence statistics for 2022 – 2024.

Thank you,

Will Grissom

---

**From:** Wyant, Madison <[WYANT.MADISON@flsenate.gov](mailto:WYANT.MADISON@flsenate.gov)>  
**Sent:** Thursday, November 20, 2025 12:41 PM  
**To:** Grissom, William <[WilliamGrissom@fdle.state.fl.us](mailto:WilliamGrissom@fdle.state.fl.us)>; Lyons, Brittany <[BrittanyLyons@fdle.state.fl.us](mailto:BrittanyLyons@fdle.state.fl.us)>  
**Subject:** Domestic Violence

**CAUTION:** This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.

Good afternoon,

Could you send along some updated statistics for domestic violence/dating violence. The most recent numbers I have are from the 2020 UCR.

Thank you!

**Madison A. Wyant**  
Legislative Analyst  
Criminal Justice Committee  
510 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
(850) 487-5192

**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.)

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

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BILL: CS/SB 298

INTRODUCER: Criminal Justice Committee and Senator Berman

SUBJECT: Public Records/Victims of Domestic Violence and Dating Violence

DATE: December 10, 2025      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	<b>Fav/CS</b>
2.			ACJ	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 298 amends s. 741.465, F.S., to expand public records exemptions for the address confidentiality program to include victims of dating violence. The address confidentiality program under the Office of the Attorney General provides the addresses, corresponding telephone numbers, and social security numbers of program participants are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The information may be disclosed under certain circumstances.

Additionally, the names, addresses, and telephone numbers of program participants contained in voter registration and voting records held by the supervisor of elections and the Department of State are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemption is repealed on October 2, 2031, unless reenacted by the Legislature.

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

The bill takes effect on the same day as SB 296 or any similar legislation. As filed, SB 296 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.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

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.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

### Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.<sup>5,6</sup>

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

### Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>9</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>10</sup> public

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

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

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

<sup>5</sup> Section 119.10(2)(a), F.S.

<sup>6</sup> 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.

<sup>7</sup> Section 119.10(2)(b), F.S.

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

<sup>9</sup> Section 119.15, F.S.

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

records or open meetings exemptions, with specified exceptions.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

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

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

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

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<sup>11</sup> 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.

<sup>12</sup> Section 119.15(3), F.S.

<sup>13</sup> Section 119.15(6)(b), F.S.

<sup>14</sup> Section 119.15(6)(b)1., F.S.

<sup>15</sup> Section 119.15(6)(b)2., F.S.

<sup>16</sup> Section 119.15(6)(b)3., F.S.

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

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

<sup>18</sup> See generally s. 119.15, F.S.

<sup>19</sup> Section 119.15(7), F.S.

### **Public Record Exemption for the Victim of a Crime**

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.<sup>20</sup>

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.<sup>21</sup>

### **Public Meetings and Records**

All meetings of any board or commission of any state agency or authority of any agency or of any county, municipal corporation, or political subdivision, at which official acts are to be taken are declared to be public meetings open to the public at all times.<sup>22</sup> The minutes of a meeting must be promptly recorded and such records are open to the public.<sup>23</sup>

Any public officer who violates a provision of s. 286.011, F.S., is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.<sup>24</sup> Any person who is a member of a board or commission and who knowingly attends a meeting not held in accordance with the provisions outlined commits a second degree misdemeanor.<sup>25,26</sup>

## **III. Effect of Proposed Changes:**

The bill amends s. 741.465, F.S., to expand public records exemptions for the address confidentiality program to include victims of dating violence. The address confidentiality program under the Office of the Attorney General provides the addresses, corresponding telephone numbers, and social security numbers of program participants are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The information may be disclosed under certain circumstances.

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<sup>20</sup> Section 119.071(2)(j)1., F.S.

<sup>21</sup> *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency's statutory duties.

<sup>22</sup> Section 286.011(1), F.S.

<sup>23</sup> Section 286.011(2), F.S.

<sup>24</sup> Section 286.011(3)(a), F.S.

<sup>25</sup> A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

<sup>26</sup> Section 286.011(3)(b), F.S.

Additionally, the names, addresses, and telephone numbers of program participants contained in voter registration and voting records held by the supervisor of elections and the Department of State are exempt from s. 119.07(a), F.S., and s. 24(a), Art. I of the State Constitution.

The information may be disclosed under the following circumstances:

- To a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant;
- If directed by a court order, to a person identified in the order; or,
- If the certification has been canceled.

The exemption is repealed on October 2, 2031, unless it is reenacted by the Legislature.

The bill provides it is a public necessity that the addresses, corresponding telephone numbers, and social security numbers of victims of dating violence who participate in the address confidentiality program be made exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The Legislature recognizes that greater protection is needed for victims of dating violence, similar to that currently afforded to victims of domestic violence, to prevent harm from assailants or probable assailants who are attempting to find them. The release of such information could significantly threaten the physical safety and security of victims of dating violence who participate in the program.

Further, the bill provides it is a public necessity that the names, addresses, and telephone numbers contained in voter registration and voting records of victims of dating violence who participate in the program held by the supervisor of elections and the Department of State be exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The public record exemption for the name of a victim of dating violence who is a participant is a public necessity because access to such name narrows the location of that participant to his or her voting area.

The bill takes effect on the same day as SB 296 or any similar legislation. As filed, SB 296 takes effect 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:**

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption for public records pertaining

to victims of domestic violence and dating violence therefore, the bill requires a two-thirds vote of each chamber for enactment.

### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. 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 domestic violence and dating violence, and the bill exempts only records pertaining to those persons from the public records requirements.

The bill requires that addresses, telephone numbers, and social security numbers of victims of dating violence who participate in the address confidentiality program be made exempt from s. 119.07(1), F.S., and s. 24(b), Art. I of the State Constitution. Additionally, the bill includes the names of victims as it applies to voter records due to the ability to narrow the location of a victim to his or her voting district. The exemption is narrowly tailored to apply only to such information and so 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:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 741.465 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Criminal Justice on December 9, 2025:**

This Committee Substitute:

- Removes language regarding the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Expands an exemption to the public records requirements and provides a public necessity statement to allow victims of dating violence to participate in the address confidentiality program under the Office of the Attorney General.

B. Amendments:

None.



342176

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2025	.	
	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 741.465, Florida Statutes, is amended to  
read:

741.465 Public records exemption for the Address  
Confidentiality Program for Victims of Domestic and Dating  
Violence.—

(1) For purposes of this section, the term "address" means



342176

11 a residential street address, school address, or work address,  
12 as specified on the individual's application to be a program  
13 participant in the Address Confidentiality Program for Victims  
14 of Domestic and Dating Violence.

15 (2)(1) The addresses, corresponding telephone numbers, and  
16 social security numbers of program participants in the Address  
17 Confidentiality Program for Victims of Domestic and Dating  
18 Violence held by the Office of the Attorney General are exempt  
19 from s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution, except the information may be disclosed under the  
21 following circumstances: to a law enforcement agency for  
22 purposes of assisting in the execution of a valid arrest  
23 warrant; if directed by a court order, to a person identified in  
24 the order; or if the certification has been canceled. ~~For~~  
25 ~~purposes of this section, the term "address" means a residential~~  
26 ~~street address, school address, or work address, as specified on~~  
27 ~~the individual's application to be a program participant in the~~  
28 ~~Address Confidentiality Program for Victims of Domestic~~  
29 ~~Violence.~~

30 (3)(2) The names, addresses, and telephone numbers of  
31 participants in the Address Confidentiality Program for Victims  
32 of Domestic and Dating Violence contained in voter registration  
33 and voting records held by the supervisor of elections and the  
34 Department of State are exempt from s. 119.07(1) and s. 24(a),  
35 Art. I of the State Constitution, except the information may be  
36 disclosed under the following circumstances: to a law  
37 enforcement agency for purposes of assisting in the execution of  
38 an arrest warrant or, if directed by a court order, to a person  
39 identified in the order. This exemption applies to information



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made exempt by this subsection before, on, or after the effective date of the exemption.

(4)(a) Subsections (2) and (3) apply to records held by the Office of the Attorney General, the Department of State, and each supervisor of elections before, on, or after the effective date of the exemptions.

(b) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that the addresses, corresponding telephone numbers, and social security numbers of victims of dating violence who participate in the Address Confidentiality Program for Victims of Domestic and Dating Violence held by the Office of the Attorney General be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature recognizes that greater protection is needed for victims of dating violence, similar to that currently afforded to victims of domestic violence, to prevent harm from assailants or probable assailants who are attempting to find them. The Legislature finds that release of such information could significantly threaten the physical safety and security of victims of dating violence who participate in the program and that the harm that may result from the release of the information outweighs any public benefit that might result from public disclosure of the information.

(2) The Legislature finds that it is a public necessity that the names, addresses, and telephone numbers contained in



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voter registration and voting records of victims of dating violence who participate in the Address Confidentiality Program for Victims of Domestic and Dating Violence held by the supervisor of elections and the Department of State be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Victims of dating violence who are participants in the program will have demonstrated to the Office of the Attorney General that there exists a risk to their physical safety and security. Nonetheless, these program participants must be afforded the ability to participate in society and cast a vote in elections. However, the supervisor of elections must have a verifiable address for a program participant in order to place the participant in the proper voting district and to maintain accurate records for compliance with state and federal requirements. The public record exemption for the name of a victim of dating violence who is a participant in the program is a public necessity because access to such name narrows the location of that participant to his or her voting area. In addition, access to such participant's address and telephone number provides specific location and contact information for the participant. Therefore, access to the participant's name, address, and telephone number defeats the sole purpose of the Address Confidentiality Program for Victims of Domestic and Dating Violence, which is to provide safety and security to every participant.

Section 3. This act shall take effect on the same date that SB 296 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to public records; amending s.  
741.465, F.S.; providing that certain identifying  
information of victims of dating violence who  
participate in the Address Confidentiality Program for  
Victims of Domestic and Dating Violence which are held  
by the Office of the Attorney General or contained in  
voter registration or voting records held by the  
supervisor of elections or the Department of State are  
exempt from public records requirements; providing for  
retroactive application; providing for future  
legislative review and repeal; providing statements of  
public necessity; providing a contingent effective  
date.

By Senator Berman

26-00097-26

2026298\_\_

1 A bill to be entitled  
 2 An act relating to public records and public meetings;  
 3 amending s. 741.317, F.S.; specifying that information  
 4 obtained by the HAVEN Coordinating Council or a  
 5 county-level HAVEN council which is exempt or  
 6 confidential and exempt from public records  
 7 requirements retains its protected status; providing  
 8 an exemption from public records requirements for  
 9 personal identifying information of a victim of  
 10 domestic violence or dating violence and other  
 11 specified information contained in records held by the  
 12 coordinating council or county-level councils;  
 13 providing an exemption from public meetings  
 14 requirements for portions of the coordinating  
 15 council's and county-level councils' meetings during  
 16 which exempt or confidential and exempt information is  
 17 discussed; providing for future legislative review and  
 18 repeal of the exemptions; providing statements of  
 19 public necessity; providing a contingent effective  
 20 date.  
 21  
 22 Be It Enacted by the Legislature of the State of Florida:  
 23  
 24 Section 1. Present subsection (10) of section 741.317,  
 25 Florida Statutes, as created by SB 296 or similar legislation,  
 26 2026 Regular Session, is redesignated as subsection (11), and a  
 27 new subsection (10) is added to that section, to read:  
 28 741.317 Helping Abuse Victims Escape Now Act; coordinating  
 29 council; membership; duties; reports; funding; preemption;

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

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30 confidentiality.—  
 31 (10) CONFIDENTIALITY.—  
 32 (a)1. Any information that is exempt or confidential and  
 33 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 34 Constitution and is obtained by the HAVEN Coordinating Council  
 35 or a county-level HAVEN council while executing its duties under  
 36 this section retains its exempt or confidential and exempt  
 37 status when held by the council.  
 38 2. Any information contained in a record created by the  
 39 coordinating council or a county-level council which reveals the  
 40 identity of a victim of domestic violence or dating violence is  
 41 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 42 of the State Constitution.  
 43 3. Any information that is maintained as exempt or  
 44 confidential and exempt under this chapter retains its exempt or  
 45 confidential and exempt status when held by the coordinating  
 46 council or a county-level council.  
 47 (b) Portions of meetings of the coordinating council or a  
 48 county-level council which relate to the physical injury or  
 49 death of a victim of domestic violence or dating violence, or  
 50 the prevention of such physical injury or death, during which  
 51 exempt or confidential and exempt information, information  
 52 protected under this chapter, the identity of the victim, or the  
 53 identity of persons responsible for the welfare of the victim is  
 54 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the  
 55 State Constitution.  
 56 (c) This subsection is subject to the Open Government  
 57 Sunset Review Act in accordance with s. 119.15 and shall stand  
 58 repealed on October 2, 2031, unless reviewed and saved from

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

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repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that information that is exempt or confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution remain exempt or confidential and exempt when held by the HAVEN Coordinating Council or a county-level HAVEN council. Additionally, the Legislature finds that it is a public necessity that information that reveals the identity of a victim of domestic violence or dating violence or the identity of persons responsible for the welfare of such victim be made confidential and exempt from public records requirements because the disclosure of such sensitive personal identifying information could impede the open communication and coordination among the parties involved in the coordinating council or a county-level council. The harm that would result from the release of such information substantially outweighs any public benefit that would be achieved by disclosure.

(2) The Legislature further finds that it is a public necessity that portions of meetings of the coordinating council or a county-level council during which exempt or confidential and exempt information, information protected under chapter 741, Florida Statutes, the identity of the victim, or the identity of persons responsible for the welfare of the victim is discussed be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. Failure to close the portions of the meetings in which such sensitive personal identifying information is discussed would defeat the purpose of the public records exemption. Further, the Legislature finds

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that the exemption is narrowly tailored to apply only to those portions of the meetings in which such sensitive personal identifying information is discussed and that the remainder of such meetings remain open to allow for public oversight.

Section 3. This act shall take effect on the same date that SB 296 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 17, 2025

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I respectfully request that **Senate Bill #298**, relating to Public Records and Public Meetings/HAVEN Coordinating Council, be placed on the:

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

A handwritten signature in cursive script, reading "Lori Berman", followed by a horizontal line.

Senator Lori Berman  
Florida Senate, District 26

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date 12/9/25  
Committee \_\_\_\_\_  
Name Kate Bonnett  
Address 1173 Seminole Dr  
Street \_\_\_\_\_  
City Tallahassee State FL Zip 32301

Phone 850.339.9599  
Email kbonnett@sealandjust.org

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Alliance for Safety & Justice

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

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.)

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

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BILL: SB 350

INTRODUCER: Senator Grall

SUBJECT: Public Records/Crime Victims

DATE: December 8, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	<b>Favorable</b>
2.			GO	
3.			RC	

---

**I. Summary:**

SB 350 amends s. 119.071, F.S., to revise the public records exemption for documents that identify a person as a victim of a crime. The bill specifies any *public record* that reveals the identity, *including name or personal identification number*, home or employment address, or personal assets of a victim, *or any other information or record that could be used to locate, intimidate, harass, or abuse the victim or the victim's family*, which *public record is generated or received by any agency that regularly generates or receives information from or concerning the victims of crime*, is exempt.

The bill requires the identity of an officer contained in a public record that reveals the officer was involved in a use of force incident who becomes a victim is held confidential and exempt for a period of 72 hours immediately following such incident. The confidentiality may be extended if the employing agency head provides written findings to the public stating the necessity of extending the confidentiality of the officer's identity. However, such extension may not exceed 60 days. An officer must be acting in the scope of his or her employment or official duties for such information to become confidential and exempt.

The bill provides definitions for "employing agency head," "officer," "use of force incident," and "victim."

The exemption applies to information held by an agency on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

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

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

The bill takes effect 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.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

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.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

### Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.<sup>5,6</sup>

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

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

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

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

<sup>5</sup> Section 119.10(2)(a), F.S.

<sup>6</sup> 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.

<sup>7</sup> Section 119.10(2)(b), F.S.

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

## Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>9</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>10</sup> public records or open meetings exemptions, with specified exceptions.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

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

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

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.<sup>18</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds

<sup>9</sup> Section 119.15, F.S.

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

<sup>11</sup> 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.

<sup>12</sup> Section 119.15(3), F.S.

<sup>13</sup> Section 119.15(6)(b), F.S.

<sup>14</sup> Section 119.15(6)(b)1., F.S.

<sup>15</sup> Section 119.15(6)(b)2., F.S.

<sup>16</sup> Section 119.15(6)(b)3., F.S.

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

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

<sup>18</sup> See generally s. 119.15, F.S.

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.<sup>19</sup>

### **Marsy's Law**

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

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

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

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

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

Additionally, the question of whether police officers acting in an official capacity can be Marsy’s Law “victims” was presented to the Court. However, the Court decided to answer the question of anonymity stating, “we decide only what Marsy’s Law says and does not say; we do not pass

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<sup>19</sup> Section 119.15(7), F.S.

<sup>20</sup> Art. I, s. 16(b)-(e), Fla. Const.

<sup>21</sup> Art. I, s. 16(b), Fla. Const.

<sup>22</sup> Art. I, s. 16(e), Fla. Const.

<sup>23</sup> Art. I, s. 16(c), Fla. Const.

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

<sup>25</sup> *Id.* at 184 (internal citations omitted).

upon the validity of any statutory right of certain persons, in certain situations, to withhold their identities from disclosure.”<sup>26</sup>

### **Public Record Exemption for the Victim of a Crime**

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

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

### **III. Effect of Proposed Changes:**

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

The bill requires the identity of an officer who is involved in a use of force incident who becomes a victim to be held confidential and exempt for a period of 72 hours immediately following such incident. The confidentiality may be extended if the employing agency head provides written findings to the public, before the 72 hour period ends, stating the necessity of extending the confidentiality of the officer’s identity. However, such extension may not exceed 60 days. An officer must be acting in the scope of his or her employment or official duties for such information to become confidential and exempt.

The bill provides the following definitions:

- “Employing agency head” means an elected or appointed head official of an employing agency as defined in s. 943.10(4), F.S.,<sup>29</sup> who is certified under s. 943.13, F.S.

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<sup>26</sup> *Id.* at 188.

<sup>27</sup> Section 119.071(2)(j)1., F.S.

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

<sup>29</sup> “Employing agency” means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term includes any private entity that has contracted with the state or county for the operation and maintenance of a



- “Officer” means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13, F.S.
- “Use of force incident” means any incident that occurs within the scope of an officer’s employment or official duties and involves the officer’s use of deadly force as defined in s. 776.06, F.S.,<sup>30</sup> or any other use of force that results in great bodily harm.
- “Victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon showing that the interests of such person would be in actual or potential conflict with the best interests of the victim. The term does not include the accused.

The exemption applies to information held by an agency on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution. The public necessity statement provides that exempting records or documents from s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution which identify a crime victim, the victim’s family, or any information that may be used to threaten or harass the victim or the victim’s family is a necessity to prevent the possibility of further trauma and the release of such records may deter crime victims from cooperating with law enforcement and reporting criminal acts.

The bill takes effect 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:**

##### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption for records pertaining to

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nonjuvenile detention facility. The term also includes Class I, Class II, or Class III railroad that employs special officer. Section 943.10(4), F.S.

<sup>30</sup> As applied to a law enforcement officer or correctional officer acting in the performance of his or her official duties, the term “deadly force” means force that is likely to cause death or great bodily harm and includes, but is not limited to, the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm, and the firing of a firearm at a vehicle in which the person to be arrested is riding. The term “deadly force” does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. Section 776.06, F.S.

victims of crimes and officers involved in a use of force incident; therefore, the bill requires a two-thirds vote of each chamber for enactment.

### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

### **Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of crime and such victim's family members, and the bill exempts only records pertaining to those persons from the public records requirements.

The bill requires any public record that reveals the identity or location information for law enforcement officers involved in use of force incidents to be held confidential and exempt for 72 hours, and for an additional 60 days if an extension is necessary.

The exemption as applied to *any public record*, may be overly broad as it expands the law to any public record that is generated or received by an agency. As written, the bill may exempt an entire record rather than allowing for the redaction of information from such record.

Additionally, the bill may be overly broad by removing a requirement that such record identifies a person as the victim of a crime. By removing this requirement, documents containing a victim's information in unrelated cases may become exempt. For instance, a reference to a witness, who happens to be a victim in an unrelated case, may make the entire document exempt from public records disclosure.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

The legislature has constitutional authority over public records exemption; therefore, it may be an unconstitutional delegation of power to allow an agency head the authority and discretion to extend the confidentiality of an officer contained in such records.

The bill makes certain information of officers who become victims and are involved in use of force incidents confidential and exempt for a specified amount of time, and the confidentiality may be extended for up to 60 days. This is a separate protection than may be provided for victims of crime under Marsy's Law. No court has determined whether officers may be considered victims under Marsy's Law. If the court determines whether officers are victims under Art. I, s. 16(b), of the State Constitution, the language in the bill may conflict with constitutional requirements.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There is an indeterminate fiscal impact due to costs that agencies may incur by redacting additional information.

**VI. Technical Deficiencies:**

The bill defines "employing agency head" as an elected or appointed head official of an employing agency and who is certified under s. 943.13, F.S., however, a city manager may be considered as an employing agency head and may not be certified under s. 943.10, F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 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 Grall

29-00130-26

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1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.071, F.S.; defining terms; expanding a public  
 4 records exemption for crime victims to include the  
 5 name and personal identification number of a victim  
 6 and any other information or record that could be used  
 7 to locate, intimidate, harass, or abuse the victim or  
 8 the victim's family; providing that such exemption  
 9 includes records generated by any agency that  
 10 regularly generates information from or concerning the  
 11 victims of crime; providing that certain records  
 12 identifying law enforcement officers who are involved  
 13 in a use of force incident are confidential and exempt  
 14 for a specified timeframe; specifying requirements for  
 15 extending such timeframe; providing for future  
 16 legislative review and repeal of the exemptions;  
 17 providing a statement of public necessity; providing  
 18 an effective date.  
 19  
 20 Be It Enacted by the Legislature of the State of Florida:  
 21  
 22 Section 1. Paragraph (j) of subsection (2) of section  
 23 119.071, Florida Statutes, is amended to read:  
 24 119.071 General exemptions from inspection or copying of  
 25 public records.—  
 26 (2) AGENCY INVESTIGATIONS.—  
 27 (j)1.a. For purposes of this subparagraph, the term:  
 28 (I) "Employing agency head" means an elected or appointed  
 29 head official of an employing agency as defined in s. 943.10(4)

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

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30 who is certified under s. 943.13.  
 31 (II) "Officer" means any full-time, part-time, or auxiliary  
 32 law enforcement officer, correctional officer, or correctional  
 33 probation officer certified under s. 943.13.  
 34 (III) "Use of force incident" means any incident that  
 35 occurs within the scope of an officer's employment or official  
 36 duties and involves the officer's use of deadly force as defined  
 37 in s. 776.06, or any other use of force that results in great  
 38 bodily harm.  
 39 (IV) "Victim" means a person who suffers direct or  
 40 threatened physical, psychological, or financial harm as a  
 41 result of the commission or attempted commission of a crime or  
 42 delinquent act or against whom the crime or delinquent act is  
 43 committed. The term includes the victim's lawful representative,  
 44 the parent or guardian of a minor, or the next of kin of a  
 45 homicide victim, except upon a showing that the interest of such  
 46 person would be in actual or potential conflict with the  
 47 interests of the victim. The term does not include the accused.  
 48 b.(I) Any public record ~~document~~ that reveals the identity,  
 49 including the name or personal identification number, home or  
 50 employment telephone number, home or employment address, or  
 51 personal assets of a the victim, or any other information or  
 52 record that could be used to locate, intimidate, harass, or  
 53 abuse the victim or the victim's family of a crime and  
 54 identifies that person as the victim of a crime, which public  
 55 record is generated or ~~document is~~ received by any agency that  
 56 regularly generates or receives information from or concerning  
 57 the victims of crime, is exempt from s. 119.07(1) and s. 24(a),  
 58 Art. I of the State Constitution.

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(II) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. If, after review, this sub-subparagraph is not reenacted, the text of this sub-subparagraph shall revert to that in existence on June 30, 2026, except that any amendments to this sub-subparagraph enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the amendments to the sub-subparagraph made by this act.

c. Any information not otherwise held confidential or exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request.

d. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this section.

e.(I) The identity of an officer involved in a use of force incident who becomes the victim of a crime in the course and scope of the officer's employment or official duties in the same

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or a related incident is confidential and exempt from the public records law as set forth in sub-sub-subparagraphs (II) and (III).

(II) During the 72 hours immediately following an incident in which an officer becomes the victim of a crime, the identity of the officer contained in a public record that reveals that the officer was involved in such a use of force incident is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. At the expiration of the 72-hour period, the officer's identity shall be subject to s. 119.07(1) unless the employing agency head provides written findings setting forth the necessity for an extension of the confidentiality of the officer's identity.

(III) The employing agency head may extend the confidentiality of the identity of an officer contained in a public record that reveals that the officer was involved in such a use of force incident only upon written findings. The written findings by the employing agency head must state the necessity of extending the confidentiality of the officer's identity beyond the 72-hour period and must be made public before the 72-hour period expires. Such an extension may not exceed 60 days.

(IV) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

2.a. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.

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847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, held by a law enforcement agency, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section.

b. A public employee or officer who has access to a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145 may not willfully and knowingly disclose videotaped information that reveals the minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense. A person who violates this provision commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. The Legislature finds that s. 16(b), Article I of the State Constitution mandates that crime victims have a

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right to be free from intimidation, harassment, and abuse and that it is a public necessity that information or records that may be used to locate, intimidate, harass, or abuse crime victims be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature further finds that exempting records or documents from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution which identify a crime victim, the victim's family, or any information that may be used to threaten or harass the victim or the victim's family is a public necessity to prevent the possibility of further trauma. The Legislature also finds that the release of such records or documents may deter crime victims from cooperating with law enforcement and reporting criminal acts.

Section 3. 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:** November 17, 2025

---

I respectfully request that **Senate Bill #350**, relating to Public Records/Crime Victims, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29

The Florida Senate  
**APPEARANCE RECORD**

350

Bill Number or Topic

Meeting Date

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

Committee

Amendment Barcode (if applicable)

Name

PAUL HAWKES

Phone

850.212.3067

Address

15210 MAHAN

Email

HAWKES.PAUL@GMAIL.COM

Street

TALL

City

FL

State

32309

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

MARSH'S LAW



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

12/9/25

Meeting Date

CRIMINAL JUSTICE

Committee

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

350

Bill Number or Topic

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E. BREVARD ST.  
Street

Email W.SMITH@FLPBA.ORG

TALLAHASSEE FL 32301  
City State Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL PBA

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

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

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

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BILL: CS/SB 398

INTRODUCER: Criminal Justice Committee and Senator Leek

SUBJECT: Child Pornography Terminology

DATE: December 10, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Fav/CS
2.			CF	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 398 amends numerous sections of Florida Statutes to replace the term “child pornography” with the term “child sexual abuse material.”

The bill does not make any substantive changes to the definition of “child pornography” or the elements of any criminal offense relating to child pornography.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

**Child Pornography**

The First Amendment does not protect child pornography. In *New York v. Ferber*,<sup>1</sup> the Supreme Court of the United States recognized that states have a compelling interest in safeguarding the physical and psychological well-being of minors and in preventing their sexual exploitation and abuse. The Court noted that it was “unlikely that visual depictions of children . . . lewdly exhibiting their genitals would often constitute an important and necessary part of a literary performance or scientific or educational work.”<sup>2</sup>

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<sup>1</sup> *New York v. Ferber*, 458 U.S. 747 (1982).

<sup>2</sup> *Id.* at 763.

### ***Child Pornography Prevention Action of 1996***

In 1996, Congress passed the Child Pornography Prevention Action of 1996 (CPPA),<sup>3</sup> which created a definition of “child pornography.” This criminalized, for the first time, acts relating to morphed child pornography. Under the CPPA, “child pornography” was defined as:

- Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct,<sup>4</sup> where:
  - The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
  - Such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct (i.e., virtual child pornography – created without using an actual child);
  - Such visual depiction has been created, adapted, or modified to appear that an identifiable minor<sup>5</sup> is engaging in sexually explicit conduct (i.e., morphed child pornography); or
  - Such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.<sup>6</sup>

### ***Florida Child Pornography Laws***

Present law defines “child pornography” to mean:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.<sup>7</sup>

Florida law currently contains a variety of statutes that prohibit acts relating to child pornography. Currently, these statutes are found in two different chapters, ch. 827, F.S., relating to the abuse of children, and ch. 847, F.S., relating to obscenity.

It is unlawful for any person to possess with the intent to promote<sup>8</sup> any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography.<sup>9</sup> A person who violates this subsection commits a third degree felony.<sup>10</sup>

<sup>3</sup> Pub. L. No. 104-208, s.121.

<sup>4</sup> The term “sexually explicit conduct” was defined as actual or simulated sexual intercourse (including genital-genital, oral-genital, anal-genital, or oral-anal) whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person. 18 U.S.C. s. 2256(2) (1996 ed.).

<sup>5</sup> The term “identifiable minor” was defined as a person who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, and: who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction. The term was not to be construed to require proof of the actual identity of the identifiable minor. 18 U.S.C. s. 2256(9) (1996 ed.).

<sup>6</sup> 18 U.S.C. s. 2256(8) (1996 ed.).

<sup>7</sup> Section 827.071(1)(b), F.S.

<sup>8</sup> Section 827.071(1)(h), F.S., defines “Promote” means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

<sup>9</sup> Section 827.071(4), F.S.

<sup>10</sup> A third degree felony is punishable by a term of imprisonment up to 5 years and a \$5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote.<sup>11</sup> A person who violates this subsection commits a second degree felony.<sup>12</sup>

Additionally, it is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which he or she knows to include child pornography.<sup>13</sup> A person who violates this section commits a third degree felony.

The provision does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

### ***Child Sexual Abuse Material (CSAM)***

There has been a recent push to replace the term “child pornography” with “child sexual abuse material.” Proponents of this change argue that the term “child pornography” should be avoided because:

- It fails to describe the true nature of the material and undermines the seriousness of the abuse from the child’s perspective;
- Pornography is a term primarily used to describe material depicting consensual sexual acts between adults distributed for the purpose of sexual pleasure. Using the term in this context risks normalizing, trivializing, and legitimizing the sexual abuse and exploitation of children;<sup>14</sup> and
- Child pornography implies consent, and a child cannot legally give consent.<sup>15</sup>

The term “child pornography” is currently used in federal statutes and is defined as any visual depiction of sexually explicit conduct involving a person less than 18 years old. While this phrase still appears in federal law, “child sexual abuse material” is preferred, as it better reflects the abuse that is depicted in the images and videos and the resulting trauma to the child. In 2016, an international working group, comprising a collection of countries and international organizations working to combat child exploitation, formally recognized “child sexual abuse material” as the preferred term.<sup>16</sup>

Currently three states have passed similar legislature amending the term “child pornography” with the term “child sexual abuse material”:

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<sup>11</sup> Section 827.071(4), F.S.

<sup>12</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>13</sup> Section 827.071(5)(a), F.S.

<sup>14</sup> IWF, *Child sexual abuse material vs. child porn’: why language matters* published on July 1, 2025, available at <https://www.iwf.org.uk/news-media/blogs/child-sexual-abuse-material-vs-child-porn-why-language-matters/> (last visited November 20, 2025).

<sup>15</sup> INHOPE, *What is Child Sexual Abuse Material?* (2025), available at <https://www.inhope.org/EN/articles/child-sexual-abuse-material?locale=en> (last visited on November 20, 2025).

<sup>16</sup> U.S. Department of Justice *Child Sexual Abuse Material*, available at [https://www.justice.gov/d9/2023-06/child\\_sexual\\_abuse\\_material\\_2.pdf](https://www.justice.gov/d9/2023-06/child_sexual_abuse_material_2.pdf) (last visited November 20, 2025).

- **Pennsylvania** – S.B. 187 amends the Child Internet Protection Act, enacted in 2004 to replace the term “child pornography with the term “child sexual abuse material.”<sup>17</sup>
- **Minnesota** – SF 2825/HF 2594 amends multiple statutes to use “child sexual abuse/child sexual material” terminology.<sup>18</sup>

Other states, including the following, have pending similar legislation:

- **Alaska** – HB 265 – An act changing the term child pornography to child sexual abuse material.<sup>19</sup>
- **Washington** – SB 5105 and related 2025 proposal to expand the statutory definitions to include fabricated AI CSAM and amend wording from child pornography to child sexual abuse material.<sup>20</sup>
- **Texas** – HB 1717 – proposed bill to update statutory definitions to capture AI generated or indistinguishable depictions and to modernize language away from child pornography to CSAM terms.<sup>21</sup>
- **Nebraska** – LB 383 recodifies relevant offenses and replaces wording to refer to child sexual abuse material harmonizing definitions and penalties.<sup>22</sup>

The cross-cutting reasons states have indicated for changing the terminology include:

- Victim-center language and avoiding implying consent.<sup>23</sup>
- Reframing the language ... better enables professionals to trigger the appropriate child-protection response.<sup>24</sup>

<sup>17</sup> Pennsylvania State Legislature, *Child Internet Protection Act* available at <https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2024/0/0092..HTM?12> (last visited November 20, 2025).

<sup>18</sup> Minnesota Legislature, *SF 2825 A bill for an act proposing changes to terms used in statute that punishes sexually explicit materials involving children, passed June 5, 2025*, available at <https://www.revisor.mn.gov/bills/94/2025/0/SF/2825/versions/latest/> (last visited November 20, 2025).

<sup>19</sup> Alaska Beacon *It's child sexual abuse material – not pornography, Alaska House says*, published March 14, 2024, available at <https://alaskabeacon.com/briefs/its-child-sexual-abuse-material-not-pornography-alaska-house-says/> (last visited November 20, 2025).

<sup>20</sup> The Columbian, *Washington lawmakers weigh new artificial intelligence regulations* available at <https://www.columbian.com/news/2025/feb/10/washington-lawmakers-weigh-new-artificial-intelligence-regulations/> (last visited November 20, 2025).

<sup>21</sup> Texas Public Policy Foundation *Bill Analysis HB 1717*, available at <https://www.texaspolicy.com/wp-content/uploads/2025/04/2025-03-Bill-Analyses-BTT-HB1717-Gee.pdf> (last visited November 20, 2025).

<sup>22</sup> Nebraska Legislature, *LB383 – Act to rename the Child Pornography Prevention Act (2025)* available at <https://nebraskalegislature.gov/FloorDocs/109/PDF/Final/LB383.pdf> (last visited December 2, 2025).

<sup>23</sup> Palm Beach Post *A Florida legislator wants to get rid of the term ‘child pornography.’ Here’s why*, available at [https://www.yahoo.com/news/articles/florida-legislator-wants-rid-term-090710577.html?utm\\_source=chatgpt.com&guccounter=1&guce\\_referrer=aHR0cHM6Ly9jaGF0Z3B0LmNvbS8&guce\\_referrer\\_sig=AQAAACDad4Xh0fSM7IO\\_TaXS\\_KHmc\\_Ovyny0IyBSW60qvC3HOsKw6jkUYeTonHYMD4CNoGmlecCCmvDisp\\_7nk\\_kdzsRCtVVFwfpXc0S3ww43oudqmX\\_nAlkajiFzhLheXMJLWcxGqeTQTo-gq4f7VEX89Hh-Lfc5TKEh5xSaV1KHta](https://www.yahoo.com/news/articles/florida-legislator-wants-rid-term-090710577.html?utm_source=chatgpt.com&guccounter=1&guce_referrer=aHR0cHM6Ly9jaGF0Z3B0LmNvbS8&guce_referrer_sig=AQAAACDad4Xh0fSM7IO_TaXS_KHmc_Ovyny0IyBSW60qvC3HOsKw6jkUYeTonHYMD4CNoGmlecCCmvDisp_7nk_kdzsRCtVVFwfpXc0S3ww43oudqmX_nAlkajiFzhLheXMJLWcxGqeTQTo-gq4f7VEX89Hh-Lfc5TKEh5xSaV1KHta) (last visited on November 21, 2025).

<sup>24</sup> NSPCC Learning, *Why language matters: why we should never use ‘child pornography’ and always say child sexual abuse material*, published January 30, 2023, available at <https://learning.nspcc.org.uk/news/why-language-matters/child-sexual-abuse-material#:~:text=Referring%20to%20child%20sexual%20abuse,children%20and%20recognise%20the%20abuse.> (last visited on December 2, 2025).

- Harmonize with global use of the term.<sup>25</sup> The term CSAM is used by the Department of Justice, and the Federal Bureau of Investigations.<sup>26</sup>

### III. Effect of Proposed Changes:

The bill amends numerous sections of Florida Statutes to replace the term “child pornography” with the term “child sexual abuse material.”

The bill does not make any substantive changes to the definition of “child pornography” or the elements of any criminal offense relating to child pornography.

The term “child pornography” is replaced with “child sexual abuse material” in the following statutes:

- Section 39.0138, F.S., relating to criminal history and other records checks;
- Section 92.56, F.S., relating to judicial proceedings and court records involving sexual offenses and human trafficking;
- Section 92.561, F.S., relating to prohibition on reproduction of child pornography;
- Section 435.07, F.S., relating to exemptions from disqualification;
- Section 456.074, F.S., relating to certain health care practitioners;
- Section 775.0847, F.S., relating to possession or promotion of certain images of child pornography;
- Section 827.071, F.S., relating to sexual performance by a child and child pornography;
- Section 827.072, F.S., relating to generated child pornography;
- Section 836.13, F.S., relating to altered sexual depictions;
- Section 836.14, F.S., relating to theft or unauthorized promotion of a sexually explicit image;
- Section 847.001, F.S., relating to definitions pertaining to offenses involving obscenity;
- Section 847.002, F.S., relating to child pornography prosecutions;
- Section 847.01357, F.S., relating to exploited children; civil remedy;
- Section 847.0137, F.S., relating to transmission of child pornography by electronic device or prohibited equipment;
- Section 847.0139, F.S., relating to immunity from civil liability for reporting child pornography, or any image, information, or data harmful to minors to a minor in this state;
- Section 903.011, F.S., relating to pretrial release;
- Section 921.0022, F.S., relating to the Criminal Punishment Code Offense Severity Ranking Chart; specifically amending the following statutes:
  - Section 827.071(5), F.S., replacing the term “child pornography” with the term “child sexual abuse material.”
  - Section 827.071(4), F.S., replacing the term “child pornography” with the term “child sexual abuse material.”
  - Section 847.0137(2), F.S., replacing the term “child pornography” with the term “child sexual abuse material.”

<sup>25</sup> INHOPE guidelines, *Guidelines on Advocacy and Initiating Legislative Changes*, published July 2024, available at <https://inhope.org/media/pages/articles/inhope-guidelines-on-advocacy-initiating-legislative-changes/90ede35c40-1724148895/inhope-guidelines-on-advocacy-initiating-legislative-changes.pdf> (last visited at December 2, 2025).

<sup>26</sup> FBI Public Service Announcement: *Child Sexual Abuse Material Created by Generative AI and Similar Online Tools is Illegal*, published March 29, 2024, available at <https://www.ic3.gov/PSA/2024/PSA240329> (last visited November 20, 2025).

- Section 847.0137(3), F.S., replacing the term “child pornography” with the term “child sexual abuse material.”
- Section 948.06, F.S., relating to violation of probation or community control;
- Section 960.03, F.S., relating to definitions pertaining to the Florida Crimes Compensation Act; and
- Section 960.197, F.S., relating to assistance to victims of online sexual exploitation and child pornography.

The bill takes effect July 1, 2026.

#### **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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 39.0138, 92.56, 92.561, 435.07, 456.074, 775.0847, 827.071, 827.072, 836.13, 836.14, 847.001, 847.002, 847.01357, 847.0137, 847.0139, 903.011, 921.0022, 948.06, 960.03, 960.197 of the Florida Statutes.

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

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

**CS by Criminal Justice on December 9, 2025:**

The committee substitute:

- Incorporates technical and conforming changes amending Level 5 of the OSRC to replace the term “child pornography” with “child sexual abuse material” in the offense description contained in s. 847.0137(2) and (3), F.S.

**B. Amendments:**

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2025	.	
	.	
	.	
	.	

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

**Senate Amendment (with directory and title amendments)**

Between lines 474 and 475

insert:

(e) LEVEL 5

Florida	Felony	
Statute	Degree	Description
316.027(2)(a)	3rd	Accidents involving



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8			personal injuries other than serious bodily injury, failure to stop; leaving scene.
	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
9			
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
10			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
11			
	327.30 (5) (a) 2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury;



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12

365.172  
(14) (b) 2.

2nd

leaving scene.  
Misuse of emergency  
communications system  
resulting in death.

13

379.365 (2) (c) 1.

3rd

Violation of rules  
relating to: willful  
molestation of stone  
crab traps, lines, or  
buoys; illegal  
bartering, trading, or  
sale, conspiring or  
aiding in such barter,  
trade, or sale, or  
supplying, agreeing to  
supply, aiding in  
supplying, or giving  
away stone crab trap  
tags or certificates;  
making, altering,  
forging,  
counterfeiting, or  
reproducing stone crab  
trap tags; possession  
of forged, counterfeit,  
or imitation stone crab  
trap tags; and engaging  
in the commercial



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14

379.367(4)

3rd

harvest of stone crabs  
while license is  
suspended or revoked.

15

379.407(5)(b)3.

3rd

Willful molestation of  
a commercial  
harvester's spiny  
lobster trap, line, or  
buoy.

16

381.0041(11)(b)

3rd

Possession of 100 or  
more undersized spiny  
lobsters.

17

440.10(1)(g)

2nd

Donate blood, plasma,  
or organs knowing HIV  
positive.

18

440.105(5)

2nd

Failure to obtain  
workers' compensation  
coverage.

19

440.381(2)

3rd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

Submission of false,  
misleading, or



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incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

624.401 (4) (b) 2.

2nd

Transacting insurance  
without a certificate  
or authority; premium  
collected \$20,000 or  
more but less than  
\$100,000.

626.902 (1) (c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

790.01 (3)

3rd

Unlawful carrying of a  
concealed firearm.

790.162

2nd

Threat to throw or  
discharge destructive  
device.

790.163 (1)

2nd

False report of bomb,  
explosive, weapon of  
mass destruction, or  
use of firearms in  
violent manner.



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25	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
26	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
27	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
28	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
29	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
30	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
31	810.145 (4)	3rd	Commercial digital



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			voyeurism dissemination.
32	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
33	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
34	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
35	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
36	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
37	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.



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38	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
39	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
40	812.081 (3)	2nd	Trafficking in trade secrets.
41	812.131 (2) (b)	3rd	Robbery by sudden snatching.
42	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
43	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
44	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
45	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making





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46

817.568 (2) (b)

2nd

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

47

817.611 (2) (a)

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.

48

817.625 (2) (b)

2nd

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

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



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reencoder.

825.1025(4)

3rd

Lewd or lascivious  
exhibition in the  
presence of an elderly  
person or disabled  
adult.

828.12(2)

3rd

Tortures any animal  
with intent to inflict  
intense pain, serious  
physical injury, or  
death.

836.14(4)

2nd

Person who willfully  
promotes for financial  
gain a sexually  
explicit image of an  
identifiable person  
without consent.

839.13(2)(b)

2nd

Falsifying records of  
an individual in the  
care and custody of a  
state agency involving  
great bodily harm or  
death.

843.01(1)

3rd

Resist officer with



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54			violence to person; resist arrest with violence.
55	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
56	847.0137 (2) & (3)	3rd	Transmission of <u>child sexual abuse material</u> <del>pornography</del> by electronic device or equipment.
57	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
58	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
	874.05 (2) (a)	2nd	Encouraging or recruiting person under



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59

893.13(1)(a)1.

2nd

13 years of age to join  
a criminal gang.

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).

60

893.13(1)(c)2.

2nd

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

61

893.13(1)(d)1.

1st

Sell, manufacture, or  
deliver cocaine (or  
other s. 893.03(1)(a),



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62

893.13(1)(e)2.

2nd

(1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)5.  
drugs) within 1,000  
feet of university.

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.

63

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.

64

893.13(4)(b)

2nd

Use or hire of minor;



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deliver to minor other  
controlled substance.

893.1351(1)

3rd

Ownership, lease, or  
rental for trafficking  
in or manufacturing of  
controlled substance.

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

And the directory clause is amended as follows:

Delete line 470

and insert:

Section 17. Paragraphs (e), (f), and (g) of subsection (3)  
of

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

And the title is amended as follows:

Delete lines 5 - 8

and insert:

847.002, 847.01357, 847.0139, 903.011, 948.06, 960.03,  
and 960.197, F.S.; replacing the term "child  
pornography" with the term "child sexual abuse  
material"; amending ss. 847.0137 and 921.0022, F.S.;  
replacing the

By Senator Leek

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1 A bill to be entitled  
 2 An act relating to child pornography terminology;  
 3 amending ss. 39.0138, 92.56, 92.561, 435.07, 456.074,  
 4 775.0847, 827.071, 827.072, 836.13, 836.14, 847.001,  
 5 847.002, 847.01357, 847.0139, 903.011, 921.0022,  
 6 948.06, 960.03, and 960.197, F.S.; replacing the term  
 7 "child pornography" with the term "child sexual abuse  
 8 material"; amending s. 847.0137, F.S.; replacing the  
 9 terms "pornography" and "child pornography" with the  
 10 term "child sexual abuse material"; providing an  
 11 effective date.  
 12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14  
 15 Section 1. Subsection (3) of section 39.0138, Florida  
 16 Statutes, is amended to read:  
 17 39.0138 Criminal history and other records checks; limit on  
 18 placement of a child.—  
 19 (3) The department may not place a child with a person  
 20 other than a parent if the criminal history records check  
 21 reveals that the person has been convicted of any felony that  
 22 falls within any of the following categories:  
 23 (a) Child abuse, abandonment, or neglect;  
 24 (b) Domestic violence;  
 25 (c) Child sexual abuse material ~~pornography~~ or other felony  
 26 in which a child was a victim of the offense; or  
 27 (d) Homicide, sexual battery, or other felony involving  
 28 violence, other than felony assault or felony battery when an  
 29 adult was the victim of the assault or battery, or resisting

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

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30 arrest with violence.  
 31 Section 2. Subsection (3) of section 92.56, Florida  
 32 Statutes, is amended to read:  
 33 92.56 Judicial proceedings and court records involving  
 34 sexual offenses and human trafficking.—  
 35 (3) The state may use a pseudonym instead of the victim's  
 36 name to designate the victim of a crime described in s.  
 37 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),  
 38 or (g), or in chapter 794 or chapter 800, or of child abuse,  
 39 aggravated child abuse, or sexual performance by a child as  
 40 described in chapter 827, or any crime involving the production,  
 41 possession, or promotion of child sexual abuse material  
 42 ~~pornography~~ as described in chapter 847, in all court records  
 43 and records of court proceedings, both civil and criminal.  
 44 Section 3. Section 92.561, Florida Statutes, is amended to  
 45 read:  
 46 92.561 Prohibition on reproduction of child sexual abuse  
 47 material ~~pornography~~.—  
 48 (1) In a criminal proceeding, any property or material that  
 49 portrays sexual performance by a child as defined in s. 827.071,  
 50 constitutes generated child sexual abuse material ~~pornography~~ as  
 51 defined in s. 827.072, or constitutes child sexual abuse  
 52 material ~~pornography~~ as defined in s. 847.001, must remain  
 53 secured or locked in the care, custody, and control of a law  
 54 enforcement agency, the state attorney, or the court.  
 55 (2) Notwithstanding any law or rule of court, a court shall  
 56 deny, in a criminal proceeding, any request by the defendant to  
 57 copy, photograph, duplicate, or otherwise reproduce any property  
 58 or material that portrays sexual performance by a child,

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constitutes generated child sexual abuse material ~~pornography~~,  
or constitutes child sexual abuse material ~~pornography~~ so long  
as the state attorney makes the property or material reasonably  
available to the defendant.

(3) For purposes of this section, property or material is  
deemed to be reasonably available to the defendant if the state  
attorney provides ample opportunity at a designated facility for  
the inspection, viewing, and examination of the property or  
material that portrays sexual performance by a child,  
constitutes generated child sexual abuse material ~~pornography~~,  
or constitutes child sexual abuse material ~~pornography~~ by the  
defendant, his or her attorney, or any individual whom the  
defendant uses as an expert during the discovery process or at a  
court proceeding.

Section 4. Paragraph (c) of subsection (4) of section  
435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise  
provided by law, the provisions of this section apply to  
exemptions from disqualification for disqualifying offenses  
revealed pursuant to background screenings required under this  
chapter, regardless of whether those disqualifying offenses are  
listed in this chapter or other laws.

(4)

(c) Disqualification from employment under this chapter may  
not be removed from, and an exemption may not be granted to, any  
current or prospective child care personnel, as defined in s.  
402.302(3), and such a person is disqualified from employment as  
child care personnel, regardless of any previous exemptions from  
disqualification, if the person has been registered as a sex

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offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been  
arrested for and is awaiting final disposition of, has been  
convicted or found guilty of, or entered a plea of guilty or  
nolo contendere to, regardless of adjudication, or has been  
adjudicated delinquent and the record has not been sealed or  
expunged for, any offense prohibited under any of the following  
provisions of state law or a similar law of another  
jurisdiction:

1. A felony offense prohibited under any of the following  
statutes:

a. Chapter 741, relating to domestic violence.

b. Section 782.04, relating to murder.

c. Section 782.07, relating to manslaughter; aggravated  
manslaughter of an elderly person or disabled adult; aggravated  
manslaughter of a child; or aggravated manslaughter of an  
officer, a firefighter, an emergency medical technician, or a  
paramedic.

d. Section 784.021, relating to aggravated assault.

e. Section 784.045, relating to aggravated battery.

f. Section 787.01, relating to kidnapping.

g. Section 787.025, relating to luring or enticing a child.

h. Section 787.04(2), relating to leading, taking,  
enticing, or removing a minor beyond the state limits, or  
concealing the location of a minor, with criminal intent pending  
custody proceedings.

i. Section 787.04(3), relating to leading, taking,  
enticing, or removing a minor beyond the state limits, or  
concealing the location of a minor, with criminal intent pending  
dependency proceedings or proceedings concerning alleged abuse



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or neglect of a minor.

j. Section 794.011, relating to sexual battery.

k. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

l. Section 794.05, relating to unlawful sexual activity with certain minors.

m. Section 794.08, relating to female genital mutilation.

n. Section 806.01, relating to arson.

o. Section 826.04, relating to incest.

p. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

q. Section 827.04, relating to contributing to the delinquency or dependency of a child.

r. Section 827.071, relating to sexual performance by a child.

s. Chapter 847, relating to child sexual abuse material ~~pornography~~.

t. Chapter 893, relating to a drug abuse prevention and control offense, if that offense was committed in the preceding 5 years.

u. Section 985.701, relating to sexual misconduct in juvenile justice programs.

2. A misdemeanor offense prohibited under any of the following statutes:

a. Section 784.03, relating to battery, if the victim of the offense was a minor.

b. Section 787.025, relating to luring or enticing a child.

c. Chapter 847, relating to child sexual abuse material

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~~pornography~~.

3. A criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subparagraph 1. or subparagraph 2.

Section 5. Paragraph (aa) of subsection (5) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(5) The department shall issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of any of the following criminal offenses in this state or similar offenses in another jurisdiction:

(aa) Section 847.0137, relating to the transmission of child sexual abuse material ~~pornography~~ by electronic device or equipment.

Section 6. Paragraph (b) of subsection (1) and subsection (2) of section 775.0847, Florida Statutes, are amended to read:

775.0847 Possession or promotion of certain images of child sexual abuse material ~~pornography~~; reclassification.—

(1) For purposes of this section:

(b) "Child sexual abuse material ~~pornography~~" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

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(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to the next higher degree as provided in subsection (3) if:

(a) The offender possesses 10 or more images of any form of child sexual abuse material ~~pornography~~ regardless of content; and

(b) The content of at least one image contains one or more of the following:

1. A child who is younger than the age of 5.
2. Sadomasochistic abuse involving a child.
3. Sexual battery involving a child.
4. Sexual bestiality involving a child.

5. Any motion picture, film, video, or computer-generated motion picture, film, or video involving a child, regardless of length and regardless of whether the motion picture, film, video, or computer-generated motion picture, film, or video contains sound.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 7. Paragraph (b) of subsection (1), subsection (4), and paragraph (a) of subsection (5) of section 827.071, Florida Statutes, are amended to read:

827.071 Sexual performance by a child; child sexual abuse material ~~pornography~~; penalties.—

(1) As used in this section, the following definitions

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shall apply:

(b) "Child sexual abuse material ~~pornography~~" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child sexual abuse material ~~pornography~~. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child sexual abuse material ~~pornography~~. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child sexual abuse material ~~pornography~~ depicting more than one child, then each such child in each such photograph, motion picture, exhibition,

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show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Paragraph (a) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 827.072, Florida Statutes, are amended to read:

827.072 Generated child sexual abuse material ~~pornography~~.—

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

(a) "Generated child sexual abuse material ~~pornography~~" means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.

(2)(a) It is unlawful for a person to knowingly possess or control or intentionally view a photograph, a motion picture, a representation, an image, a data file, a computer depiction, or any other presentation which, in whole or in part, he or she knows includes generated child sexual abuse material ~~pornography~~. The possession, control, or intentional viewing of each such photograph, motion picture, representation, image, data file, computer depiction, or other presentation is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who intentionally creates generated child sexual abuse material ~~pornography~~ commits a felony of the third

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

Section 9. Subsection (11) of section 836.13, Florida Statutes, is amended to read:

836.13 Altered sexual depictions; prohibited acts; penalties; applicability.—

(11) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child sexual abuse material ~~pornography~~ or the sexual performance or the sexual exploitation of children.

Section 10. Subsection (9) of section 836.14, Florida Statutes, is amended to read:

836.14 Theft or unauthorized promotion of a sexually explicit image.—

(9) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child sexual abuse material ~~pornography~~ or the sexual performance or the sexual exploitation of children.

Section 11. Subsection (3) of section 847.001, Florida Statutes, is amended to read:

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

(3) "Child sexual abuse material ~~pornography~~" means:

(a) Any image depicting a minor engaged in sexual conduct;

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291 or

292 (b) Any image that has been created, altered, adapted, or  
293 modified by electronic, mechanical, or other means, to portray  
294 an identifiable minor engaged in sexual conduct.

295 Section 12. Section 847.002, Florida Statutes, is amended  
296 to read:

297 847.002 Child sexual abuse material pornography  
298 prosecutions.—

299 (1) Any law enforcement officer who, pursuant to a criminal  
300 investigation, recovers images or movies of child sexual abuse  
301 material pornography shall:

302 (a) Provide such images or movies to the law enforcement  
303 agency representative assigned to the Child Victim  
304 Identification Program at the National Center for Missing and  
305 Exploited Children, as required by the center's guidelines.

306 (b) Request the law enforcement agency contact information  
307 from the Child Victim Identification Program for any images or  
308 movies recovered which contain an identified victim of child  
309 sexual abuse material pornography as defined in s. 960.03.

310 (c) Provide case information to the Child Victim  
311 Identification Program, as required by the National Center for  
312 Missing and Exploited Children guidelines, in any case where the  
313 law enforcement officer identifies a previously unidentified  
314 victim of child sexual abuse material pornography.

315 (2) Any law enforcement officer submitting a case for  
316 prosecution which involves the production, promotion, or  
317 possession of child sexual abuse material pornography shall  
318 submit to the designated prosecutor the law enforcement agency  
319 contact information provided by the Child Victim Identification

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320 Program at the National Center for Missing and Exploited  
321 Children, for any images or movies involved in the case which  
322 contain the depiction of an identified victim of child sexual  
323 abuse material pornography as defined in s. 960.03.

324 (3) In every filed case involving an identified victim of  
325 child sexual abuse material pornography, as defined in s.  
326 960.03, the prosecuting agency shall enter the following  
327 information into the Victims in Child Pornography Tracking  
328 Repeat Exploitation database maintained by the Office of the  
329 Attorney General:

330 (a) The case number and agency file number.

331 (b) The named defendant.

332 (c) The circuit court division and county.

333 (d) Current court dates and the status of the case.

334 (e) Contact information for the prosecutor assigned.

335 (f) Verification that the prosecutor is or is not in  
336 possession of a victim impact statement and will use the  
337 statement in sentencing.

338 Section 13. Subsections (1) and (4) of section 847.01357,  
339 Florida Statutes, are amended to read:

340 847.01357 Exploited children's civil remedy.—

341 (1) Any person who, while under the age of 18, was a victim  
342 of a sexual abuse crime listed in chapter 794, chapter 800,  
343 chapter 827, or chapter 847, where any portion of such abuse was  
344 used in the production of child sexual abuse material  
345 pornography, and who suffers personal or psychological injury as  
346 a result of the production, promotion, or possession of such  
347 images or movies, may bring an action in an appropriate state  
348 court against the producer, promoter, or possessor of such

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images or movies, regardless of whether the victim is now an adult. In any action brought under this section, a prevailing plaintiff shall recover the actual damages such person sustained and the cost of the suit, including reasonable attorney's fees. Any victim who is awarded damages under this section shall be deemed to have sustained damages of at least \$150,000.

(4) It is not a defense to a civil cause of action under this section that the respondent did not know the victim or commit the abuse depicted in any image of child sexual abuse material ~~pornography~~.

Section 14. Subsections (2), (3), and (4) of section 847.0137, Florida Statutes, are amended to read:

847.0137 Transmission of child sexual abuse material ~~pornography~~ by electronic device or equipment prohibited; penalties.-

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting child sexual abuse material ~~pornography~~, as defined in s. 847.001, to another person in this state or in another jurisdiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child sexual abuse material ~~pornography~~, as defined in s. 847.001, to any person in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section shall not be construed to preclude prosecution of a person in this state or another jurisdiction

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for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section, for the transmission of child sexual abuse material ~~pornography~~, as defined in s. 847.001, to any person in this state.

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 15. Section 847.0139, Florida Statutes, is amended to read:

847.0139 Immunity from civil liability for reporting child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or any image, information, or data harmful to minors to a minor in this state.-Any person who reports to a law enforcement officer what the person reasonably believes to be child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or any image, information, or data that is harmful to minors to a minor in this state may not be held civilly liable for such reporting. For purposes of this section, such reporting may include furnishing the law enforcement officer with any image, information, or data that the person reasonably believes to be evidence of child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or an image, information, or data that is harmful to minors to a minor in this state.

Section 16. Subsection (6) of section 903.011, Florida Statutes, is amended to read:

903.011 Pretrial release; general terms; statewide uniform bond schedule.-

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(6) A person may not be released before his or her first appearance hearing or bail determination and a judge must determine the appropriate bail, if any, based on an individualized consideration of the criteria in s. 903.046(2), if the person meets any of the following criteria:

(a) The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state;

(b) The person was, at the time of arrest, designated as a sexual offender or sexual predator in this state or any other state;

(c) The person was arrested for violating a protective injunction;

(d) The person was, at the time of arrest, on release from supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731;

(e) The person has, at any time before the current arrest, been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

(f) The person has been arrested three or more times in the 6 months immediately preceding his or her arrest for the current offense; or

(g) The person's current offense of arrest is for one or more of the following crimes:

1. A capital felony, life felony, felony of the first degree, or felony of the second degree;

2. A homicide under chapter 782; or any attempt, solicitation, or conspiracy to commit a homicide;

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3. Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in s. 741.28; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on juvenile probation officer, or other staff of a detention center or commitment facility, or a staff member of a commitment facility, or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;

4. Kidnapping, false imprisonment, human trafficking, or human smuggling;

5. Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;

6. Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child sexual abuse material ~~pornography~~;

7. Abuse, neglect, or exploitation of an elderly person or disabled adult;

8. Child abuse or aggravated child abuse;

9. Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;

10. Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;

11. Any offense committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang;

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465 12. Trafficking in a controlled substance, including  
 466 conspiracy to engage in trafficking in a controlled substance;  
 467 13. Racketeering; or  
 468 14. Failure to appear at required court proceedings while  
 469 on bail.

470 Section 17. Paragraphs (f) and (g) of subsection (3) of  
 471 section 921.0022, Florida Statutes, are amended to read:  
 472 921.0022 Criminal Punishment Code; offense severity ranking  
 473 chart.—  
 474 (3) OFFENSE SEVERITY RANKING CHART  
 475 (f) LEVEL 6  
 476

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
400.9935(4)(c)	2nd	Operating a clinic, or offering

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services requiring licensure,  
without a license.

482 499.0051(2) 2nd Knowing forgery of transaction  
history, transaction  
information, or transaction  
statement.

483 499.0051(3) 2nd Knowing purchase or receipt of  
prescription drug from  
unauthorized person.

484 499.0051(4) 2nd Knowing sale or transfer of  
prescription drug to  
unauthorized person.

485 775.0875(1) 3rd Taking firearm from law  
enforcement officer.

486 784.021(1)(a) 3rd Aggravated assault; deadly  
weapon without intent to kill.

487 784.021(1)(b) 3rd Aggravated assault; intent to  
commit felony.

488 784.041 3rd Felony battery; domestic  
battery by strangulation.

489 784.048(3) 3rd Aggravated stalking; credible

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threat.

490

784.048(5)

3rd

Aggravated stalking of person  
under 16.

491

784.07(2)(c)

2nd

Aggravated assault on law  
enforcement officer.

492

784.074(1)(b)

2nd

Aggravated assault on sexually  
violent predators facility  
staff.

493

784.08(2)(b)

2nd

Aggravated assault on a person  
65 years of age or older.

494

784.081(2)

2nd

Aggravated assault on specified  
official or employee.

495

784.082(2)

2nd

Aggravated assault by detained  
person on visitor or other  
detainee.

496

784.083(2)

2nd

Aggravated assault on code  
inspector.

497

787.02(2)

3rd

False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

498

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787.025(2)(a) 3rd Luring or enticing a child.

499

790.115(2)(d)

2nd

Discharging firearm or weapon  
on school property.

500

790.161(2)

2nd

Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

501

790.164(1)

2nd

False report concerning bomb,  
explosive, weapon of mass  
destruction, act of arson or  
violence to state property, or  
use of firearms in violent  
manner.

502

790.19

2nd

Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

503

794.011(8)(a)

3rd

Solicitation of minor to  
participate in sexual activity  
by custodial adult.

504

794.05(1)

2nd

Unlawful sexual activity with  
specified minor.

505

800.04(5)(d)

3rd

Lewd or lascivious molestation;

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victim 12 years of age or older  
but less than 16 years of age;  
offender less than 18 years.

800.04(6)(b) 2nd Lewd or lascivious conduct;  
offender 18 years of age or  
older.

806.031(2) 2nd Arson resulting in great bodily  
harm to firefighter or any  
other person.

810.02(3)(c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

810.145(8)(b) 2nd Digital voyeurism; certain  
minor victims; 2nd or  
subsequent offense.

812.014(2)(b)1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

812.014(2)(c)5. 3rd Grand theft; third degree;  
firearm.

812.014(6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.

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812.015(9)(a) 2nd Retail theft; property stolen  
\$750 or more; second or  
subsequent conviction.

812.015(9)(b) 2nd Retail theft; aggregated  
property stolen within 120 days  
is \$3,000 or more; coordination  
of others.

812.015(9)(d) 2nd Retail theft; multiple thefts  
within specified period.

812.015(9)(e) 2nd Retail theft; committed with  
specified number of other  
persons and use of social media  
platform.

812.13(2)(c) 2nd Robbery, no firearm or other  
weapon (strong-arm robbery).

817.4821(5) 2nd Possess cloning paraphernalia  
with intent to create cloned  
cellular telephones.

817.49(2)(b)2. 2nd Willful making of a false  
report of a crime resulting in  
death.

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817.505(4) (b) 2nd Patient brokering; 10 or more patients.

817.5695(3) (b) 2nd Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.

825.102(1) 3rd Abuse of an elderly person or disabled adult.

825.102(3) (c) 3rd Neglect of an elderly person or disabled adult.

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103(3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

827.03(2) (c) 3rd Abuse of a child.

827.03(2) (d) 3rd Neglect of a child.

827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes

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child sexual abuse material  
~~pornography~~.

828.126(3) 3rd Sexual activities involving animals.

836.05 2nd Threats; extortion.

836.10 2nd Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

843.12 3rd Aids or assists person to escape.

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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

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951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.
(g) LEVEL 7		
Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,

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permanent disfiguration,  
permanent disability, or death.

409.920 3rd Medicaid provider fraud;  
(2) (b) 1.a. \$10,000 or less.

409.920 2nd Medicaid provider fraud; more  
(2) (b) 1.b. than \$10,000, but less than  
\$50,000.

456.065(2) 3rd Practicing a health care  
profession without a license.

456.065(2) 2nd Practicing a health care  
profession without a license  
which results in serious bodily  
injury.

458.327(1) 3rd Practicing medicine without a  
license.

459.013(1) 3rd Practicing osteopathic medicine  
without a license.

460.411(1) 3rd Practicing chiropractic  
medicine without a license.

461.012(1) 3rd Practicing podiatric medicine  
without a license.

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462.17 3rd Practicing naturopathy without  
a license.

463.015(1) 3rd Practicing optometry without a  
license.

464.016(1) 3rd Practicing nursing without a  
license.

465.015(2) 3rd Practicing pharmacy without a  
license.

466.026(1) 3rd Practicing dentistry or dental  
hygiene without a license.

467.201 3rd Practicing midwifery without a  
license.

468.366 3rd Delivering respiratory care  
services without a license.

483.828(1) 3rd Practicing as clinical  
laboratory personnel without a  
license.

483.901(7) 3rd Practicing medical physics  
without a license.

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570 484.013(1)(c) 3rd Preparing or dispensing optical  
devices without a prescription.

571 484.053 3rd Dispensing hearing aids without  
a license.

572 494.0018(2) 1st Conviction of any violation of  
chapter 494 in which the total  
money and property unlawfully  
obtained exceeded \$50,000 and  
there were five or more  
victims.

573 560.123(8)(b)1. 3rd Failure to report currency or  
payment instruments exceeding  
\$300 but less than \$20,000 by a  
money services business.

574 560.125(5)(a) 3rd Money services business by  
unauthorized person, currency  
or payment instruments  
exceeding \$300 but less than  
\$20,000.

575 655.50(10)(b)1. 3rd Failure to report financial  
transactions exceeding \$300 but  
less than \$20,000 by financial  
institution.

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576 775.21(10)(a) 3rd Sexual predator; failure to  
register; failure to renew  
driver license or  
identification card; other  
registration violations.

577 775.21(10)(b) 3rd Sexual predator working where  
children regularly congregate.

578 775.21(10)(g) 3rd Failure to report or providing  
false information about a  
sexual predator; harbor or  
conceal a sexual predator.

579 782.051(3) 2nd Attempted felony murder of a  
person by a person other than  
the perpetrator or the  
perpetrator of an attempted  
felony.

580 782.07(1) 2nd Killing of a human being by the  
act, procurement, or culpable  
negligence of another  
(manslaughter).

782.071 2nd Killing of a human being or  
unborn child by the operation  
of a motor vehicle in a  
reckless manner (vehicular

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homicide).

581

782.072

2nd

Killing of a human being by the  
operation of a vessel in a  
reckless manner (vessel  
homicide).

582

784.045(1)(a)1.

2nd

Aggravated battery;  
intentionally causing great  
bodily harm or disfigurement.

583

784.045(1)(a)2.

2nd

Aggravated battery; using  
deadly weapon.

584

784.045(1)(b)

2nd

Aggravated battery; perpetrator  
aware victim pregnant.

585

784.048(4)

3rd

Aggravated stalking; violation  
of injunction or court order.

586

784.048(7)

3rd

Aggravated stalking; violation  
of court order.

587

784.07(2)(d)

1st

Aggravated battery on law  
enforcement officer.

588

784.074(1)(a)

1st

Aggravated battery on sexually  
violent predators facility  
staff.

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589

784.08(2)(a)

1st

Aggravated battery on a person  
65 years of age or older.

590

784.081(1)

1st

Aggravated battery on specified  
official or employee.

591

784.082(1)

1st

Aggravated battery by detained  
person on visitor or other  
detainee.

592

784.083(1)

1st

Aggravated battery on code  
inspector.

593

787.025(2)(b)

2nd

Luring or enticing a child;  
second or subsequent offense.

594

787.025(2)(c)

2nd

Luring or enticing a child with  
a specified prior conviction.

595

787.06(3)(a)2.

1st

Human trafficking using  
coercion for labor and services  
of an adult.

596

787.06(3)(e)2.

1st

Human trafficking using  
coercion for labor and services  
by the transfer or transport of  
an adult from outside Florida  
to within the state.

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597				
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
598				
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.	
599				
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
600				
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
601				
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
602				
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	
603				
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the	

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				penalty enhancements provided for in s. 874.04.
604				
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	
605				
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.	
606				
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.	
607				
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.	
608				
	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.	
609				
	800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older	

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but younger than 16 years;  
offender 18 years or older;  
prior conviction for specified  
sex offense.

610

806.01(2) 2nd Maliciously damage structure by  
fire or explosive.

611

810.02(3) (a) 2nd Burglary of occupied dwelling;  
unarmed; no assault or battery.

612

810.02(3) (b) 2nd Burglary of unoccupied  
dwelling; unarmed; no assault  
or battery.

613

810.02(3) (d) 2nd Burglary of occupied  
conveyance; unarmed; no assault  
or battery.

614

810.02(3) (e) 2nd Burglary of authorized  
emergency vehicle.

615

812.014(2) (a) 1. 1st Property stolen, valued at  
\$100,000 or more or a  
semitrailer deployed by a law  
enforcement officer; property  
stolen while causing other  
property damage; 1st degree  
grand theft.

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616

812.014(2) (b) 2. 2nd Property stolen, cargo valued  
at less than \$50,000, grand  
theft in 2nd degree.

617

812.014(2) (b) 3. 2nd Property stolen, emergency  
medical equipment; 2nd degree  
grand theft.

618

812.014(2) (b) 4. 2nd Property stolen, law  
enforcement equipment from  
authorized emergency vehicle.

619

812.014(2) (g) 2nd Grand theft; second degree;  
firearm with previous  
conviction of s.  
812.014(2) (c) 5.

620

812.0145(2) (a) 1st Theft from person 65 years of  
age or older; \$50,000 or more.

621

812.019(2) 1st Stolen property; initiates,  
organizes, plans, etc., the  
theft of property and traffics  
in stolen property.

622

812.131(2) (a) 2nd Robbery by sudden snatching.

623

812.133(2) (b) 1st Carjacking; no firearm, deadly

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weapon, or other weapon.

624

817.034(4)(a)1. 1st Communications fraud, value  
greater than \$50,000.

625

817.234(8)(a) 2nd Solicitation of motor vehicle  
accident victims with intent to  
defraud.

626

817.234(9) 2nd Organizing, planning, or  
participating in an intentional  
motor vehicle collision.

627

817.234(11)(c) 1st Insurance fraud; property value  
\$100,000 or more.

628

817.2341 1st Making false entries of  
(2)(b) & material fact or false  
(3)(b) statements regarding property  
values relating to the solvency  
of an insuring entity which are  
a significant cause of the  
insolvency of that entity.

629

817.418(2)(a) 3rd Offering for sale or  
advertising personal protective  
equipment with intent to  
defraud.

630

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817.504(1)(a) 3rd Offering or advertising a  
vaccine with intent to defraud.

631

817.535(2)(a) 3rd Filing false lien or other  
unauthorized document.

632

817.611(2)(b) 2nd Traffic in or possess 15 to 49  
counterfeit credit cards or  
related documents.

633

825.102(3)(b) 2nd Neglecting an elderly person or  
disabled adult causing great  
bodily harm, disability, or  
disfigurement.

634

825.103(3)(b) 2nd Exploiting an elderly person or  
disabled adult and property is  
valued at \$10,000 or more, but  
less than \$50,000.

635

827.03(2)(b) 2nd Neglect of a child causing  
great bodily harm, disability,  
or disfigurement.

636

827.04(3) 3rd Impregnation of a child under  
16 years of age by person 21  
years of age or older.

637

827.071(2) & (3) 2nd Use or induce a child in a

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sexual performance, or promote  
or direct such performance.

827.071(4)

2nd

Possess with intent to promote  
any photographic material,  
motion picture, etc., which  
includes child sexual abuse  
material ~~pornography~~.

837.05(2)

3rd

Giving false information about  
alleged capital felony to a law  
enforcement officer.

838.015

2nd

Bribery.

838.016

2nd

Unlawful compensation or reward  
for official behavior.

838.021(3) (a)

2nd

Unlawful harm to a public  
servant.

838.22

2nd

Bid tampering.

843.0855(2)

3rd

Impersonation of a public  
officer or employee.

843.0855(3)

3rd

Unlawful simulation of legal  
process.

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843.0855(4)

3rd

Intimidation of a public  
officer or employee.

847.0135(3)

3rd

Solicitation of a child, via a  
computer service, to commit an  
unlawful sex act.

847.0135(4)

2nd

Traveling to meet a minor to  
commit an unlawful sex act.

872.06

2nd

Abuse of a dead human body.

874.05(2) (b)

1st

Encouraging or recruiting  
person under 13 to join a  
criminal gang; second or  
subsequent offense.

874.10

1st, PBL

Knowingly initiates, organizes,  
plans, finances, directs,  
manages, or supervises criminal  
gang-related activity.

893.13(1) (c) 1.

1st

Sell, manufacture, or deliver  
cocaine (or other drug  
prohibited under s.  
893.03(1) (a), (1) (b), (1) (d),  
(2) (a), (2) (b), or (2) (c) 5.)  
within 1,000 feet of a child  
care facility, school, or

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state, county, or municipal  
park or publicly owned  
recreational facility or  
community center.

653

893.13(1)(e)1. 1st Sell, manufacture, or deliver  
cocaine or other drug  
prohibited under s.  
893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)5.,  
within 1,000 feet of property  
used for religious services or  
a specified business site.

654

893.13(4)(a) 1st Use or hire of minor; deliver  
to minor other controlled  
substance.

655

893.135(1)(a)1. 1st Trafficking in cannabis, more  
than 25 lbs., less than 2,000  
lbs.

656

893.135 1st Trafficking in cocaine, more  
(1)(b)1.a. than 28 grams, less than 200  
grams.

657

893.135 1st Trafficking in illegal drugs,  
(1)(c)1.a. more than 4 grams, less than 14  
grams.

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658

893.135 1st Trafficking in hydrocodone, 28  
(1)(c)2.a. grams or more, less than 50  
grams.

659

893.135 1st Trafficking in hydrocodone, 50  
(1)(c)2.b. grams or more, less than 100  
grams.

660

893.135 1st Trafficking in oxycodone, 7  
(1)(c)3.a. grams or more, less than 14  
grams.

661

893.135 1st Trafficking in oxycodone, 14  
(1)(c)3.b. grams or more, less than 25  
grams.

662

893.135 1st Trafficking in fentanyl, 4  
(1)(c)4.b.(I) grams or more, less than 14  
grams.

663

893.135 1st Trafficking in phencyclidine,  
(1)(d)1.a. 28 grams or more, less than 200  
grams.

664

893.135(1)(e)1. 1st Trafficking in methaqualone,  
200 grams or more, less than 5  
kilograms.

665

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893.135(1)(f)1. 1st Trafficking in amphetamine, 14  
grams or more, less than 28  
grams.

893.135 1st Trafficking in flunitrazepam, 4  
(1)(g)1.a. grams or more, less than 14  
grams.

893.135 1st Trafficking in gamma-  
(1)(h)1.a. hydroxybutyric acid (GHB), 1  
kilogram or more, less than 5  
kilograms.

893.135 1st Trafficking in 1,4-Butanediol,  
(1)(j)1.a. 1 kilogram or more, less than 5  
kilograms.

893.135 1st Trafficking in Phenethylamines,  
(1)(k)2.a. 10 grams or more, less than 200  
grams.

893.135 1st Trafficking in synthetic  
(1)(m)2.a. cannabinoids, 280 grams or  
more, less than 500 grams.

893.135 1st Trafficking in synthetic  
(1)(m)2.b. cannabinoids, 500 grams or  
more, less than 1,000 grams.

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893.135 1st Trafficking in n-benzyl  
(1)(n)2.a. phenethylamines, 14 grams or  
more, less than 100 grams.

893.1351(2) 2nd Possession of place for  
trafficking in or manufacturing  
of controlled substance.

896.101(5)(a) 3rd Money laundering, financial  
transactions exceeding \$300 but  
less than \$20,000.

896.104(4)(a)1. 3rd Structuring transactions to  
evade reporting or registration  
requirements, financial  
transactions exceeding \$300 but  
less than \$20,000.

943.0435(4)(c) 2nd Sexual offender vacating  
permanent residence; failure to  
comply with reporting  
requirements.

943.0435(8) 2nd Sexual offender; remains in  
state after indicating intent  
to leave; failure to comply  
with reporting requirements.

943.0435(9)(a) 3rd Sexual offender; failure to

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comply with reporting  
requirements.

679

943.0435(13) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

680

943.0435(14) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification; providing false  
registration information.

681

944.607(9) 3rd Sexual offender; failure to  
comply with reporting  
requirements.

682

944.607(10) (a) 3rd Sexual offender; failure to  
submit to the taking of a  
digitized photograph.

683

944.607(12) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

684

944.607(13) 3rd Sexual offender; failure to  
report and reregister; failure

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to respond to address  
verification; providing false  
registration information.

685

985.4815(10) 3rd Sexual offender; failure to  
submit to the taking of a  
digitized photograph.

686

985.4815(12) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

687

985.4815(13) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification; providing false  
registration information.

688

689 Section 18. Paragraph (c) of subsection (8) of section  
690 948.06, Florida Statutes, is amended to read:

691 948.06 Violation of probation or community control;  
692 revocation; modification; continuance; failure to pay  
693 restitution or cost of supervision.—

694 (8)

695 (c) For purposes of this section, the term "qualifying  
696 offense" means any of the following:

697 1. Kidnapping or attempted kidnapping under s. 787.01,  
698 false imprisonment of a child under the age of 13 under s.

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787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).

2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.

3. Aggravated battery or attempted aggravated battery under s. 784.045.

4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).

5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious conduct under s. 800.04(6)(b), lewd or lascivious exhibition under s. 800.04(7)(b), or lewd or lascivious exhibition on computer under s. 847.0135(5)(b).

6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.

7. Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025.

8. Sexual performance by a child or attempted sexual performance by a child under s. 827.071.

9. Computer pornography under s. 847.0135(2) or (3), transmission of child sexual abuse material pornography under s. 847.0137, or selling or buying of minors under s. 847.0145.

10. Poisoning food or water under s. 859.01.

11. Abuse of a dead human body under s. 872.06.

12. Any burglary offense or attempted burglary offense that

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is either a first degree felony or second degree felony under s. 810.02(2) or (3).

13. Arson or attempted arson under s. 806.01(1).

14. Aggravated assault under s. 784.021.

15. Aggravated stalking under s. 784.048(3), (4), (5), or (7).

16. Aircraft piracy under s. 860.16.

17. Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4).

18. Treason under s. 876.32.

19. Any offense committed in another jurisdiction which would be an offense listed in this paragraph if that offense had been committed in this state.

Section 19. Paragraph (e) of subsection (3) and subsection (10) of section 960.03, Florida Statutes, are amended to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(e) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138, related to online sexual exploitation and child sexual abuse material pornography.

(10) "Identified victim of child sexual abuse material pornography" means any person who, while under the age of 18, is depicted in any image or movie of child sexual abuse material pornography and who is identified through a report generated by a law enforcement agency and provided to the National Center for Missing and Exploited Children's Child Victim Identification Program.

Section 20. Subsection (1) of section 960.197, Florida

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Statutes, is amended to read:

960.197 Assistance to victims of online sexual exploitation and child sexual abuse material ~~pornography~~.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award compensation for counseling and other mental health services to treat psychological injury or trauma to:

(a) A child younger than 18 years of age who suffers psychiatric or psychological injury as a direct result of online sexual exploitation under any provision of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138, and who does not otherwise sustain a personal injury or death; or

(b) Any person who, while younger than age 18, was depicted in any image or movie, regardless of length, of child sexual abuse material ~~pornography~~ as defined in s. 847.001, who has been identified by a law enforcement agency or the National Center for Missing and Exploited Children as an identified victim of child sexual abuse material ~~pornography~~, who suffers psychiatric or psychological injury as a direct result of the crime, and who does not otherwise sustain a personal injury or death.

Section 21. 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:** November 18, 2025

---

I respectfully request that **Senate Bill #398**, relating to Child Pornography Terminology, 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





# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations Committee on Criminal and  
Civil Justice, *Chair*  
Children, Families, and Elder Affairs, *Vice Chair*  
Appropriations  
Appropriations Committee on Health and  
Human Services  
Criminal Justice  
Ethics and Elections  
Rules

## SENATOR ILEANA GARCIA

36th District

December 8<sup>th</sup>, 2025

### The Honorable Jonathan Martin

Chair, Committee on Criminal Justice

510 Knott Building

404 South Monroe Street

Tallahassee, FL 32399-1100

Dear Chair Martin,

I respectfully request an excused absence from December 9<sup>th</sup>, 2025, meeting of the Committee on Criminal Justice.

I appreciate your consideration.

Sincerely,

Senator Ileana Garcia

## REPLY TO:

☐ 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841

☐ 314 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

# THE FLORIDA SENATE

## SENATOR JASON W.B. PIZZO

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*Legislative Aide*  
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### **COMMITTEES:**

Appropriations Committee  
on Pre-K-12 Education,  
*Vice Chair*

Regulated Industries,  
*Vice Chair*

Appropriations

Appropriations Committee  
on Agriculture,  
Environment, and General  
Government

Banking and Insurance

Community Affairs

Criminal Justice

Rules

Joint Legislative Auditing  
Committee

### **BEN ALBRITTON**

*President of the Senate*

### **JASON BRODEUR**

*President Pro Tempore*

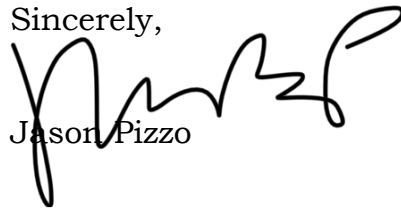
December 9, 2025

The Honorable Senator Jonathan Martin  
Chairman, Criminal Justice  
510 Knott Building  
404 South Monroe  
Tallahassee, FL 32399

Chair Martin,

I respectfully request to be excused from today's Criminal Justice meeting. Thank you for your cooperation.

Sincerely,



Jason Pizzo

# CourtSmart Tag Report

**Room:** SB 37

**Case No.:**

**Type:**

**Caption:** Senate Criminal Justice Committee

**Judge:**

**Started:** 12/9/2025 10:01:33 AM

**Ends:** 12/9/2025 11:03:18 AM

**Length:** 01:01:45

10:01:33 AM Chair Martin calls meeting to order  
10:01:47 AM Roll call  
10:02:12 AM Chair Martin gives opening statements  
10:02:24 AM Tab 6 SB 350 by Sen. Grall  
10:02:42 AM Sen. Grall explains the bill  
10:04:05 AM Questions:  
10:04:11 AM Vice Chair Smith  
10:04:46 AM Sen. Grall  
10:05:45 AM Appearance Cards:  
10:05:50 AM Paul Hawks  
10:08:01 AM William B. Smith, FL Police Benevolent Assn  
10:08:36 AM Debate:  
10:08:42 AM Vice Chair Smith  
10:09:31 AM Sen. Grall closes on the bill  
10:10:11 AM Roll call  
10:10:24 AM Chair Martin reports on the bill  
10:10:35 AM Chair Martin passes gavel to Vice Chair Smith  
10:10:40 AM Tab 4 SB 296 by Sen. Berman  
10:11:05 AM Sen. Berman explains Amendment 598500  
10:14:02 AM Vice Chair Smith  
10:14:26 AM Sen. Berman waives close on Amendment 598500  
10:14:28 AM Vice Chair Smith reports on Amendment 598500  
10:14:50 AM Appearance cards:  
10:14:57 AM Vice Chair Smith recognizes waived speaking  
10:15:00 AM Amy Trask  
10:18:16 AM Vice Chair Smith  
10:18:36 AM Wendy Strickland, Angel Wingz Family Crisis & Intervention Center  
10:23:20 AM Vice Chair Smith  
10:23:39 AM Vice Chair Smith recognizes waived speaking  
10:23:46 AM Sen. Berman waives close  
10:24:06 AM Roll call  
10:24:24 AM Vice Chair Smith reports on SB 296  
10:24:36 AM Tab 5 SB 298 by Sen. Berman  
10:24:57 AM Sen. Berman explains Amendment 342176  
10:25:26 AM Vice Chair Smith  
10:25:41 AM Sen. Berman waives close on Amendment 342176  
10:25:43 AM Vice Chair Smith reports on Amendment 342176  
10:26:11 AM Vice Chair recognizes waive speakers  
10:26:17 AM Sen. Berman waives close on the bill  
10:26:19 AM Vice Chair Smith  
10:26:23 AM Roll call  
10:26:43 AM Vice Chair Smith reports on SB 298  
10:27:01 AM Vice Chair Smith calls recess  
10:27:03 AM Recording Paused  
10:36:58 AM Recording Resumed  
10:37:08 AM Tab 7 SB 398 by Sen. Leek  
10:37:40 AM Sen. Leek explains Amendment 780652  
10:38:35 AM Vice Chair Smith  
10:38:57 AM Sen. Leek waives close on Amendment 780652  
10:39:03 AM Vice Chair Smith reports on Amendment 780652  
10:39:24 AM Sen. Leek waives close  
10:39:26 AM Vice Chair Smith

**10:39:30 AM** Roll call  
**10:39:44 AM** Vice Chair Smith reports on the bill  
**10:40:03 AM** Tab 2 SB 156 by Sen. Leek  
**10:40:17 AM** Sen. Leek explains the bill  
**10:43:35 AM** Vice Chair Smith  
**10:43:53 AM** Appearance cards:  
**10:44:05 AM** Vice Chair Smith recognizes waived speaking  
**10:44:52 AM** Aaron Wayt, FL Assn of Crim Def Lawyers  
**10:48:34 AM** Vice Chair Smith  
**10:49:30 AM** Wayt  
**10:51:24 AM** Vice Chair Smith  
**10:51:47 AM** Debate:  
**10:51:50 AM** Vice Chair Smith  
**10:54:44 AM** Sen. Leek closes on the bill  
**10:57:18 AM** Roll call  
**10:57:35 AM** Vice Chair Smith reports on the bill  
**10:57:50 AM** Tab 3 SB 168 by Sen. Truenow  
**10:58:04 AM** Sen. Truenow explains the bill  
**10:58:56 AM** Vice Chair Smith  
**10:59:11 AM** Appearance cards:  
**10:59:11 AM** Vice Chair Smith recognizes waived speaking  
**10:59:25 AM** Vice Chair Smith passes gavel to Chair Martin  
**10:59:42 AM** Chair Martin  
**10:59:50 AM** Sen. Truenow waives close  
**10:59:54 AM** Roll call  
**11:00:08 AM** Chair Martin reports on the bill  
**11:00:15 AM** Tab 1 SB 54 by Sen. Sharief  
**11:00:35 AM** Sen. Sharief explains Amendment 372468  
**11:01:50 AM** Chair Martin  
**11:01:56 AM** Sen. Sharief waives close on Amendment 372468  
**11:01:58 AM** Chair Martin reports on Amendment 372468  
**11:02:01 AM** Chair Martin  
**11:02:10 AM** Sen. Sharief waives close on the bill  
**11:02:14 AM** Roll call  
**11:02:29 AM** Chair Martin reports on the bill  
**11:02:35 AM** Chair Martin  
**11:02:43 AM** Sen. Yarborough  
**11:02:52 AM** Chair Martin  
**11:03:12 AM** Adjournment