

Tab 2	CS/SB 54 by CJ, Sharief (CO-INTRODUCERS) Osgood, Rouson; Identical to H 01519 Use of Substances Affecting Cognitive Function			
188756	A S	ACJ, Sharief	Delete L.76 - 82:	01/13 09:59 AM
Tab 3	SB 156 by Leek ; Similar to CS/H 00017 Criminal Offenses Against Law Enforcement Officers and Other Personnel			
539084	A S	ACJ, Leek	Delete L.34 - 151:	01/13 02:12 PM
Tab 4	CS/SB 296 by CJ, Berman (CO-INTRODUCERS) Smith; Compare to H 00269 Victims of Domestic Violence and Dating Violence			
Tab 5	CS/SB 298 by CJ, Berman ; Compare to H 00269 Public Records/Victims of Domestic and Dating Violence			

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL
JUSTICE
Senator Garcia, Chair
Senator Martin, Vice Chair

MEETING DATE: Wednesday, January 14, 2026

TIME: 2:00—3:30 p.m.

PLACE: *Mallory Horne Committee Room*, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Martin, Vice Chair; Senators Osgood, Polsky, Simon, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on Governor's Fiscal Year 2026-2027 Budget Recommendations: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian Ad Litem Capital Collateral Regional Counsels Justice Administrative Commission		
2	CS/SB 54 Criminal Justice / Sharief	Use of Substances Affecting Cognitive Function; 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; authorizing the release of certain patient records to law enforcement agencies without patient authorization under certain circumstances; requiring school safety specialists to provide school district staff with certain training on the adverse effects of specified substances, etc.	

CJ 12/09/2025 Fav/CS
 ACJ 01/14/2026
 RC

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Wednesday, January 14, 2026, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 156	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 01/14/2026 RC
4	CS/SB 296	Victims of Domestic Violence and Dating Violence; Requiring the 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; authorizing victims of dating violence to apply to participate in the Attorney General's address confidentiality program; requiring the Attorney General to designate certain entities to assist victims of dating violence applying to be address confidentiality program participants, etc.	 CJ 12/09/2025 Fav/CS ACJ 01/14/2026 RC
5	CS/SB 298	Public Records/Victims of Domestic and Dating Violence; 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, etc.	 CJ 12/09/2025 Fav/CS ACJ 01/14/2026 RC

Other Related Meeting Documents

G O V E R N O R R O N D E S A N T I S

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FLORIDIANS FIRST

FISCAL YEAR 2026-2027 BUDGET PROPOSAL

Senate Appropriations Committee on Criminal and
Civil Justice

Public Safety

1

FLORIDIANS FIRST

2026-2027 | 

Governor's Office of Policy and Budget Public Safety Unit

Florida Commission on Offender Review

Florida Department of Corrections

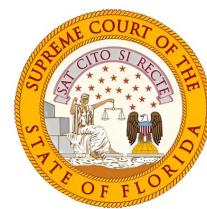
Florida Department of Juvenile Justice

Florida Department of Law Enforcement

Florida Department of Legal Affairs

Justice Administrative Commission

State Courts System

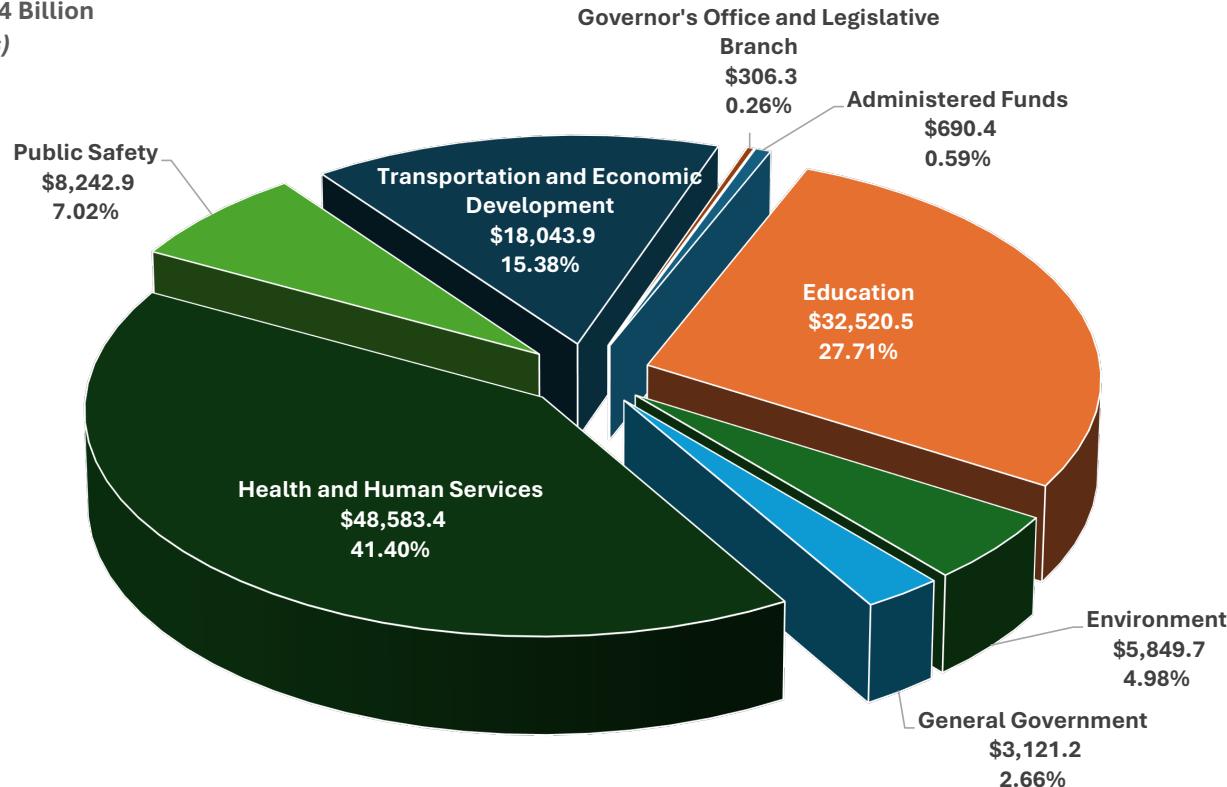


GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

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FY 2026-27 – Total Proposed Budget by Policy Area

Total Budget - \$117.4 Billion
(\$ in Millions)



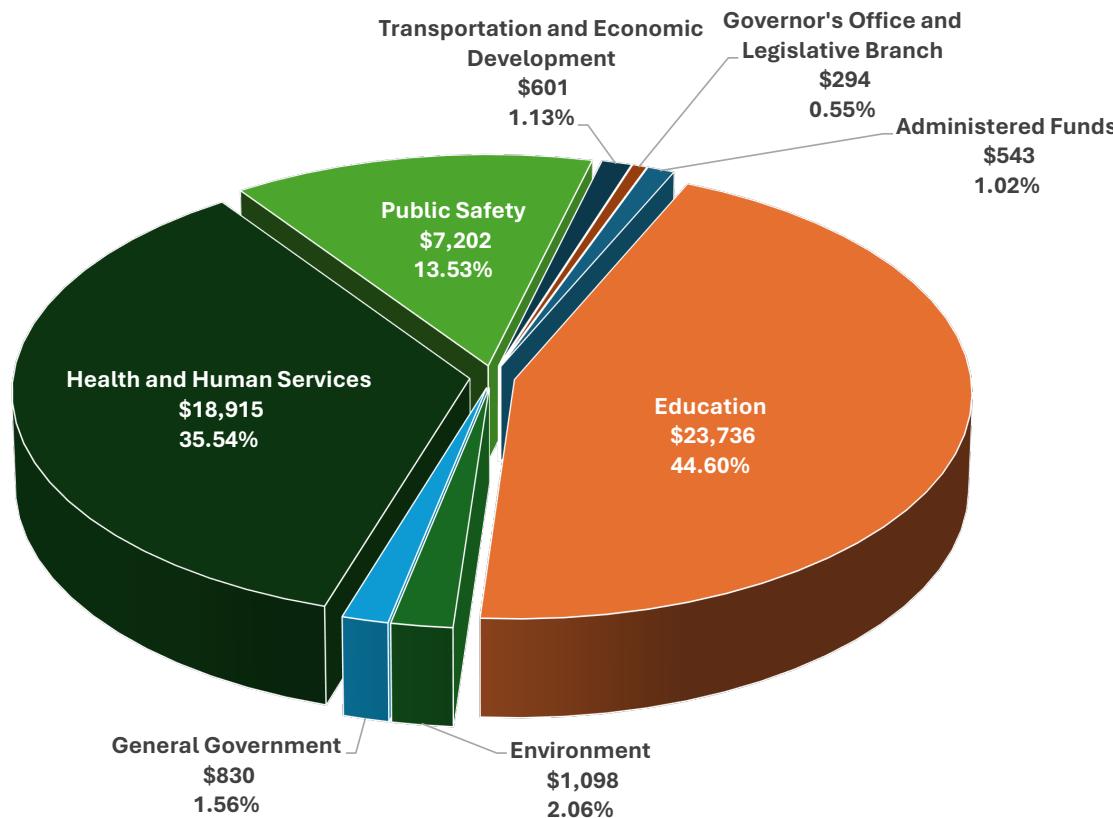
GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

3

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FY 2026-27 – Proposed General Revenue by Policy Area

General Revenue - Total \$53.2 Billion
(\$ in Millions)

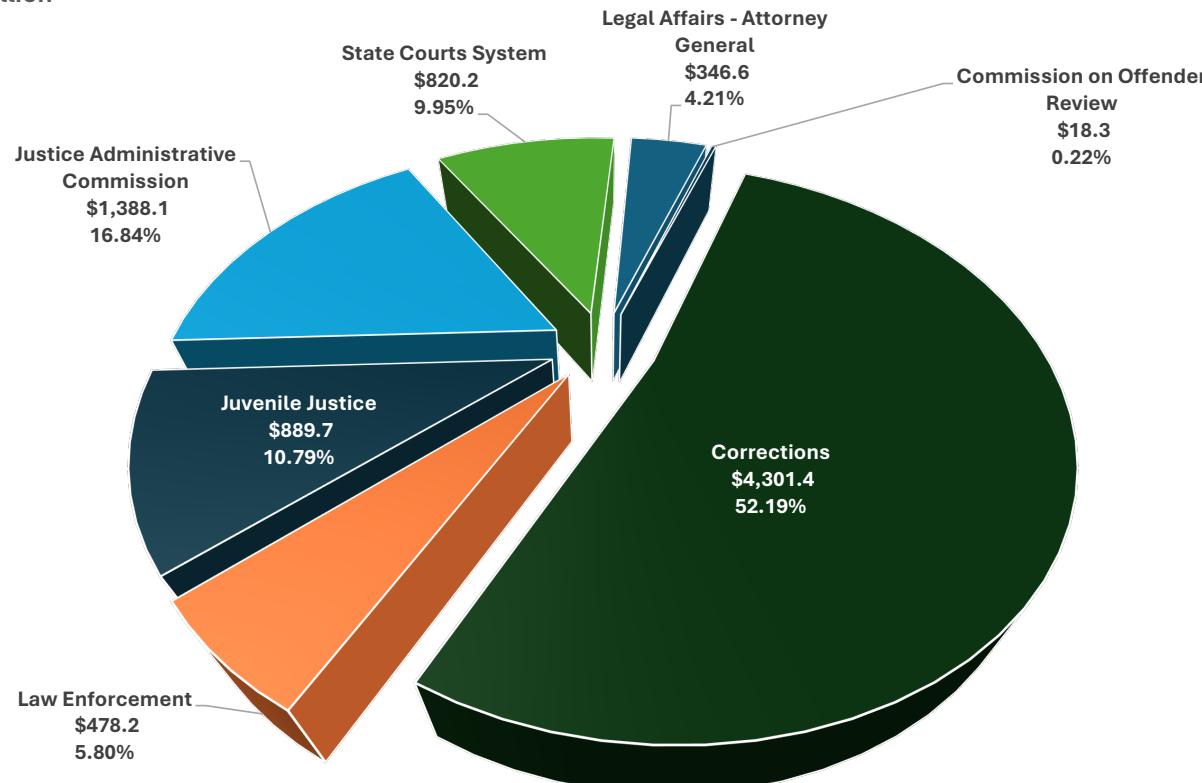


GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

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FY 2026-27 – Proposed Public Safety Budget

Total Budget - \$8.2 Billion
(\$ in Millions)



GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

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Florida Department of Law Enforcement

Highlights	Amount
State Assistance for Fentanyl Eradication (S.A.F.E.)	\$15 million
Assisting Local Law Enforcement with Career Offenders	\$1.5 million
Florida's Law Enforcement Crime Databases	\$5.7 million
Law Enforcement Officer Mental Health	\$5 million
Improving Illegal Immigration Intelligence and Data Collection	\$1.2 million



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FISCAL YEAR 2026-2027 BUDGET

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Florida Department of Juvenile Justice

Highlights	Amount
Florida Scholars Academy	\$3.7 million
Uniforms for Detention Staff and Youth	\$1.3 million
Sustain Contracted Residential Services System	\$30.1 million
Broward Juvenile Detention Center FCO	\$41.3 million
Juvenile Facilities Security Enhancements and Maintenance	\$29.4 million



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FISCAL YEAR 2026-2027 BUDGET

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Florida Department of Corrections

Highlights	Amount
Supporting Correctional Officers	\$430.6 million/500 FTE
Correctional Facility Construction	\$56.4 million
Correctional Facilities Maintenance	\$20.7 million
Correctional Communications Expansion	\$18.5 million
OBIS Modernization – Year 5 of 6	\$48.5 million
Inmate Healthcare	\$105.5 million
Food Service Price Level and Population Increase	\$26.6 million



GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

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Public Safety Agencies

Highlights	Amount
Department of Legal Affairs – Increased Operating Costs	\$1 million
Department of Legal Affairs – Recurring IT Costs	\$3.8 million
State Courts System – Appellate Judicial Suite Staffing	\$1.6 million
State Courts System – Building Safety and Security	\$1.5 million
State Courts System – Certification of 25 Additional Judges	\$8.5 million
Justice Administrative Commission – Increased Due Process Costs	\$3.1 million



GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

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Thank you!

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Floridians First FY26-27 Budget Proposal



GOVERNOR RON DESANTIS
FISCAL YEAR 2026-2027 BUDGET

10

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By the Committee on Criminal Justice; and Senator Sharief

591-01745-26

A bill to be entitled

202654c1

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

28 Section 1. Section 406.139, Florida Statutes, is created to
29 read:

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591-01745-26

406.139 Autopsy of a suspected violent offender.—

(1) DEFINITIONS.—As used in this section, the term:
(a) "Intoxicating substance" means any alcoholic beverage, rolled substance controlled under chapter 893, or 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

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59 and included in the final autopsy report, along with any
 60 available corroborating information.

61 (b) 1. Any findings relating to the use of intoxicating
 62 substances or psychotropic drugs must be reported to the
 63 Department of Law Enforcement.

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

68 Section 2. Present subsections (8) through (20) of section
 69 456.057, Florida Statutes, are redesignated as subsections (9)
 70 through (21), respectively, and a new subsection (8) is added to
 71 that section, to read:

72 456.057 Ownership and control of patient records; report or
 73 copies of records to be furnished; disclosure of information.—

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

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

81 (b) The records reasonably relate to such treatment; and
 82 (c) The law enforcement agency requests such records.

83 Section 3. Paragraph (a) of subsection (6) of section
 84 1006.07, Florida Statutes, is amended to read:

85 1006.07 District school board duties relating to student
 86 discipline and school safety.—The district school board shall
 87 provide for the proper accounting for all students, for the

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88 attendance and control of students at school, and for proper
 89 attention to health, safety, and other matters relating to the
 90 welfare of students, including:

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

96 (a) *School safety specialist.*—Each district school
 97 superintendent shall designate a school safety specialist for
 98 the district. The school safety specialist must be a school
 99 administrator employed by the school district or a law
 100 enforcement officer employed by the sheriff's office located in
 101 the school district. Any school safety specialist designated
 102 from the sheriff's office must first be authorized and approved
 103 by the sheriff employing the law enforcement officer. Any school
 104 safety specialist designated from the sheriff's office remains
 105 the employee of the office for purposes of compensation,
 106 insurance, workers' compensation, and other benefits authorized
 107 by law for a law enforcement officer employed by the sheriff's
 108 office. The sheriff and the school superintendent may determine
 109 by agreement the reimbursement for such costs, or may share the
 110 costs, associated with employment of the law enforcement officer
 111 as a school safety specialist. The school safety specialist must
 112 earn a certificate of completion of the school safety specialist
 113 training provided by the Office of Safe Schools within 1 year
 114 after appointment and is responsible for the supervision and
 115 oversight for all school safety and security personnel,
 116 policies, and procedures in the school district. The school

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117 safety specialist, or his or her designee, shall:

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

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

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

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

144 5.4. In collaboration with the appropriate public safety
 145 agencies, as that term is defined in s. 365.171, by October 1 of

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146 each year, conduct a school security risk assessment at each
 147 public school using the Florida Safe Schools Assessment Tool
 148 developed by the Office of Safe Schools pursuant to s.
 149 1006.1493. Based on the assessment findings, the district's
 150 school safety specialist shall provide recommendations to the
 151 district school superintendent and the district school board
 152 which identify strategies and activities that the district
 153 school board should implement in order to address the findings
 154 and improve school safety and security. Each district school
 155 board must receive such findings and the school safety
 156 specialist's recommendations at a publicly noticed district
 157 school board meeting to provide the public an opportunity to
 158 hear the district school board members discuss and take action
 159 on the findings and recommendations. Each school safety
 160 specialist, through the district school superintendent, shall
 161 report such findings and school board action to the Office of
 162 Safe Schools within 30 days after the district school board
 163 meeting.

164 6.5. Conduct annual unannounced inspections, using the form
 165 adopted by the Office of Safe Schools pursuant to s.
 166 1001.212(13), of all public schools, including charter schools,
 167 while school is in session and investigate reports of
 168 noncompliance with school safety requirements.

169 7.6. Report violations of paragraph (f) by administrative
 170 personnel and instructional personnel to the district school
 171 superintendent or charter school administrator, as applicable.

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

174 1006.12 Safe-school officers at each public school.—For the

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

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

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

195 (b) Each safe-school officer shall complete training on the
 196 adverse effects of psychotropic drugs and intoxicating
 197 substances as those terms are defined in s. 406.139, including
 198 the irrational, violent, or suicidal behavior that may be
 199 demonstrated by students under the influence of such drugs or
 200 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

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204 and officer safety.

205
 206 If a district school board, through its adopted policies,
 207 procedures, or actions, denies a charter school access to any
 208 safe-school officer options pursuant to this section, the school
 209 district must assign a school resource officer or school safety
 210 officer to the charter school. Under such circumstances, the
 211 charter school's share of the costs of the school resource
 212 officer or school safety officer may not exceed the safe school
 213 allocation funds provided to the charter school pursuant to s.
 214 1011.62(12) and shall be retained by the school district.

215 Section 5. Paragraph (c) of subsection (7) of section
 216 381.028, Florida Statutes, is amended to read:

217 381.028 Adverse medical incidents.—

218 (7) PRODUCTION OF RECORDS.—

219 (c)1. Fees charged by a health care facility for copies of
 220 records requested by a patient under s. 25, Art. X of the State
 221 Constitution may not exceed the reasonable and actual cost of
 222 complying with the request, including a reasonable charge for
 223 the staff time necessary to search for records and prevent the
 224 disclosure of the identity of any patient involved in the
 225 adverse medical incident through redaction or other means as
 226 required by the Health Insurance Portability and Accountability
 227 Act of 1996 or its implementing regulations. The health care
 228 facility may require payment, in full or in part, before acting
 229 on the records request.

230 2. Fees charged by a health care provider for copies of
 231 records requested by a patient under s. 25, Art. X of the State
 232 Constitution may not exceed the amount established under s.

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233 456.057(18) s. 456.057(17), which may include a reasonable
234 charge for the staff time necessary to prevent the disclosure of
235 the identity of any patient involved in the adverse medical
236 incident through redaction or other means as required by the
237 Health Insurance Portability and Accountability Act of 1996 or
238 its implementing regulations. The health care provider may
239 require payment, in full or in part, before acting on the
240 records request.

241 Section 6. This act shall take effect July 1, 2026.



LEGISLATIVE ACTION

Senate

House

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•

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

1 **Senate Amendment**

2 Delete lines 76 - 82

3 and insert:

4 upon request for the purpose of investigating a violent offender
5 as defined in s. 406.139. The release of such medical records
6 must include:

7 (a) Any medical records that may be relevant to the mental
8 or psychological state of the suspected person.

9 (b) Any records related to the prescription or use of



11 psychotropic drugs as defined in s. 406.139 or the prescription
12 or use of any drugs or substances that may contribute to a
13 person's mental or psychological state.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 54

INTRODUCER: Criminal Justice Committee and Senator Sharief

SUBJECT: Substances Affecting Cognitive Function

DATE: January 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Stokes	CJ	Fav/CS
2. Kolich	Harkness	ACJ	Pre-meeting
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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 the use of intoxicating substances or psychotropic drugs must be reported by the district medical examiner to the Department of Law Enforcement. Any findings related to the use of psychotropic drugs and the prescribing facility must also be reported to the 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.

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.

The bill will have an indeterminate fiscal impact on the district medical examiners. *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.¹

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.² Psychotropic medications include antidepressants, anti-anxiety medications, stimulants, antipsychotics, and mood stabilizers.³

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:⁴ 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:⁵ Drowsiness, impaired coordination, memory impairment, and dry mouth.
- Stimulants:⁶ Loss of appetite, sleep problems, and mood swings.
- Antipsychotics:⁷ 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

¹ Section 916.12, F.S.

² 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).

³ *Id.*

⁴ 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.

⁵ *Id.* Side effects listed are for Benzodiazepines.

⁶ *Id.*

⁷ *Id.*

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.⁸

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."⁹

In response to the executive order, various associations and organizations¹⁰ wrote a joint statement in response to federal concerns about psychotropic medication safety.¹¹ 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.¹²

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 within individuals.¹³ 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, thought more research is necessary to confirm these findings."¹⁴ The study went on to note that because the vast majority of individuals taking

⁸ 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 January 8, 2026).

⁹ 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 January 8, 2026).

¹⁰ 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-psychot> (last visited January 8, 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.

¹¹ 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-psychot> (last visited January 8, 2026).

¹² *Id.*

¹³ 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.

¹⁴ *Id.* at pg. 6.

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.¹⁵

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 a history of aggressive and violent behaviors: Finally, patient compliance is also of paramount importance to prevent and effectively treat aggressive and violent behaviors."¹⁶

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 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

¹⁵ *Id.* at pg. 7.

¹⁶ 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 January 8, 2026).

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.¹⁷ The Governor also appoints the members of the Medical Examiners Commission within the Florida Department of Law Enforcement (FDLE).¹⁸ 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.¹⁹

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.²⁰

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.²¹ Additionally, a local governmental entity, or a state or federal agency, in furtherance of its 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.²²

¹⁷ Section 406.06, F.S.

¹⁸ Section 406.02, F.S.

¹⁹ *Id.*

²⁰ 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.

²¹ Section 406.135(2)(c). F.S.

²² 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.

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 2017.²³ 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).²⁴

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.²⁵ 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.²⁶

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.²⁷ The specialist must

²³ 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 (last visited January 8, 2026).

²⁴ *Id.*

²⁵ Section 1001.212, F.S.

²⁶ Section 1001.212, F.S.; Section 1006.1493, F.S.

²⁷ Section 1006.07(6)(a), F.S.

complete training provided by the OSS within one year of appointment.²⁸ The school safety specialist (or designee) must:²⁹

- 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.³⁰ The specialist coordinates or designates certified trainers to support that requirement.³¹

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.³² 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.³³
- *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; safety officers have arrest authority on school property and authority to carry weapons while on duty.³⁴

²⁸ *Id.*

²⁹ Section 1006.07(6)(a)1.-6., F.S.

³⁰ Section 1012.584, F.S.

³¹ Section 1012.584, F.S.; Section 1006.07(6)(a), F.S.

³² Section 1006.12, F.S.

³³ Section 1006.12(1)(a)–(b), F.S.

³⁴ Section 1006.12(2), F.S.

- *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.³⁵
- *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.³⁶

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.³⁷ 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.³⁸

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.³⁹

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.⁴⁰

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 observations⁴¹. However, public school teachers and school district personnel may not compel or attempt to compel any specific actions by the parent or require that a student take medication⁴².

³⁵ Section 1006.12(3), F.S.; Section 30.15(1)(k), F.S.

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

³⁷ Section 1006.12(6), F.S.; Section 1006.12(2)(c), F.S.

³⁸ 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.

³⁹ 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 January 8, 2026). *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.

⁴⁰ Section 1006.0625(2), F.S.

⁴¹ Section 1006.0625(3), F.S.

⁴² *Id.*

A parent may refuse psychological screening of the student.⁴³ 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 parent⁴⁴

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 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 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:

- Such release is limited to only those records that confirm whether the suspected person was ever treated with psychotropic drugs;

⁴³ *Id.*

⁴⁴ Section 1006.0625, F.S.

- 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:

The bill will have an indeterminate fiscal impact on district medical examiners by requiring toxicology screenings of deceased violent offenders to determine the presence of psychotropic drugs or other intoxicating substances. The fiscal impact is indeterminate because it is unclear to what extent toxicology screenings are already performed during current autopsies and how many additional screenings will result from the bill's expansion of autopsies for suspected violent offenders.

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.

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

By Senator Leek

7-00338-26

2026156

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

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

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

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

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30 duty; prohibition.—

{1} A person is not justified in the use or threatened use of force to resist any an 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) 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. 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.

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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59 felony murder in violation of s. 782.051; or manslaughter in
 60 violation of s. 782.07(1); and
 61 (2) The victim of any offense described in subsection (1)
 62 was a law enforcement officer, part-time law enforcement
 63 officer, auxiliary law enforcement officer, correctional
 64 officer, part-time correctional officer, auxiliary correctional
 65 officer, correctional probation officer, part-time correctional
 66 probation officer, or auxiliary correctional probation officer,
 67 as those terms are defined in s. 943.10, who was acting in the
 68 performance of his or her official duties as described in s.
 69 943.10 engaged in the lawful performance of a legal duty.

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

72 784.07 Assault or battery of law enforcement officers and
 73 other specified personnel; reclassification of offenses; minimum
 74 sentences.—

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

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

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88 Department of Law Enforcement. The duties and responsibilities
 89 of these respective positions are described in s. 943.10.
 90 (2) Whenever any person is charged with knowingly
 91 committing an assault or battery upon a law enforcement officer,
 92 a firefighter, an emergency medical care provider, hospital
 93 personnel, a railroad special officer, a traffic accident
 94 investigation officer as described in s. 316.640, a nonsworn law
 95 enforcement agency employee who is certified as an agency
 96 inspector, a blood alcohol analyst, or a breath test operator
 97 while such employee is in uniform and engaged in processing,
 98 testing, evaluating, analyzing, or transporting a person who is
 99 detained or under arrest for DUI, a law enforcement explorer, a
 100 traffic infraction enforcement officer as described in s.
 101 316.640, a parking enforcement specialist as defined in s.
 102 316.640, a person licensed as a security officer as defined in
 103 s. 493.6101 and wearing a uniform that bears at least one patch
 104 or emblem that is visible at all times that clearly identifies
 105 the employing agency and that clearly identifies the person as a
 106 licensed security officer, a security officer employed by the
 107 board of trustees of a community college, or a utility worker
 108 engaged in work on critical infrastructure as defined in s.
 109 812.141(1), while the officer, firefighter, emergency medical
 110 care provider, hospital personnel, railroad special officer,
 111 traffic accident investigation officer, traffic infraction
 112 enforcement officer, inspector, analyst, operator, law
 113 enforcement explorer, parking enforcement specialist, public
 114 transit employee or agent, security officer, or utility worker
 115 is acting in the performance of his or her official duties
 116 engaged in the lawful performance of his or her duties, the

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

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

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

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

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

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

139 843.01 Resisting, obstructing, or opposing by offering or
 140 doing violence to legally authorized person, police canine, or
 141 police horse.—

142 (1) Whoever knowingly and willfully resists, obstructs, or
 143 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
 144 (7), (8), or (9); member of the Florida Commission on Offender
 145 Review or any administrative aide or supervisor employed by the

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146 commission; parole and probation supervisor; county probation
 147 officer; personnel or representative of the Department of Law
 148 Enforcement; or other person legally authorized to execute
 149 process in the execution of legal process or acting in the
 150 performance of his or her official duties as described in s.
 151 943.10 in the lawful execution of any legal duty, by offering or
 152 doing violence to the person of such officer or legally
 153 authorized person, commits a felony of the third degree,
 154 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

155 Section 6. Paragraphs (d) and (e) of subsection (3) of
 156 section 921.0022, Florida Statutes, are amended to read:
 157 921.0022 Criminal Punishment Code; offense severity ranking
 158 chart.—

159 (3) OFFENSE SEVERITY RANKING CHART

160 (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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	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
165	517.07(1)	3rd	Failure to register securities.
166	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
167	784.031	3rd	Battery by strangulation.
168	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
169	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
170	784.075	3rd	Battery on detention or commitment facility staff.

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171	7-00338-26	2026156	
	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.	
	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
179	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
180	787.07	3rd	Human smuggling.
181	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
182	790.115(2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
183	790.115(2) (c)	3rd	Possessing firearm on

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

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

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

7-00338-26		2026156	
197	817.505 (4) (a)	3rd	Internet; property stolen \$300 or more.
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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7-00338-26			2026156
204		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.	
205	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.	
837.02(1)	3rd	Perjury in official proceedings.	
207	3rd	Make contradictory statements in official proceedings.	
838.022	3rd	Official misconduct.	
209	3rd	Falsifying records of an individual in the care and custody of a state	

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

7-00338-26			2026156
210	839.13(2) (c)	3rd	agency.
211	843.021	3rd	Falsifying records of the Department of Children and Families.
212	843.025	3rd	Possession of a concealed handcuff key by a person in custody.
213	843.15(1) (a)	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
214	843.19(2)	2nd	Failure to appear while on bail for felony (bond estreature or bond jumping).
215	847.0135(5) (c)	3rd	Injure, disable, or kill police, fire, or SAR canine or police horse.
			Lewd or lascivious exhibition using computer; offender less

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216	7-00338-26		2026156	than 18 years.
217	870.01(3)	2nd		Aggravated rioting.
218	870.01(5)	2nd		Aggravated inciting a riot.
219	874.05(1) (a)	3rd		Encouraging or recruiting another to join a criminal gang.
220	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).
221	914.14(2)	3rd		Witnesses accepting bribes.
222	914.22(1)	3rd		Force, threaten, etc., witness, victim, or informant.
223	914.23(2)	3rd		Retaliation against a witness, victim, or informant, no bodily injury.

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224	7-00338-26		2026156	Introduction of specified contraband into certain DCF facilities.
225	916.1085	3rd		(2) (c)1.
226	934.215	3rd		Use of two-way communications device to facilitate commission of a crime.
227	944.47(1) (a)6.	3rd		Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
228	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.
229	(e) LEVEL 5			

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

			2026156
	Florida Statute	Felony Degree	Description
230	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
231	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
232	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
233	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
234	327.30(5)(a)2.	3rd	Vessel accidents

	2026156	
	7-00338-26	
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

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

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

248	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.	2026156
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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

7-00338-26			2026156
262		thefts within specified period.	
	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

7-00338-26			2026156
270		(2)(a) & (3)(a)	
	817.568(2)(b)	2nd	statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
271	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.
272	817.625(2)(b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
		2nd	Second or subsequent fraudulent use of scanning device, skimming device, or

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

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

7-00338-26		2026156
		deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
284	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.
285	893.13(1)(d)1.	1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

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286	893.13(1)(e)2.	2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
287	893.13(1)(f)1.	1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
288	893.13(4)(b)	2nd Use or hire of minor; deliver to minor other controlled substance.
289	893.1351(1)	3rd Ownership, lease, or

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rental for trafficking
in or manufacturing of
controlled substance.

290

291

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



LEGISLATIVE ACTION

Senate

House

•
•
•
•
•

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

1 **Senate Amendment**

2
3 Delete lines 34 - 151

4 and insert:

5 who is engaged in the performance of his or her official duties
6 as described in s. 943.10(1) ~~execution of a legal duty~~, if the
7 law enforcement officer was acting in good faith and he or she
8 is known, or reasonably appears, to be a law enforcement
9 officer. As used in this section, the term "acting in good
10 faith" means to make sincere and reasonable efforts to comply



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11 with legal requirements, even if the arrest, detention, or other
12 act is later found to have been unlawful.

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

17 Section 3. Section 782.065, Florida Statutes, is amended to
18 read:

19 782.065 Murder; law enforcement officer, correctional
20 officer, correctional probation officer.—Notwithstanding ss.
21 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
22 must ~~shall~~ be sentenced to life imprisonment without eligibility
23 for release upon findings by the trier of fact that, beyond a
24 reasonable doubt:

25 (1) The defendant committed murder in the first degree in
26 violation of s. 782.04(1) and a death sentence was not imposed;
27 murder in the second or third degree in violation of s.
28 782.04(2), (3), or (4); attempted murder in the first or second
29 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted
30 felony murder in violation of s. 782.051; or manslaughter in
31 violation of s. 782.07(1); and

32 (2) The victim of any offense described in subsection (1)
33 was a law enforcement officer, part-time law enforcement
34 officer, auxiliary law enforcement officer, correctional
35 officer, part-time correctional officer, auxiliary correctional
36 officer, correctional probation officer, part-time correctional
37 probation officer, or auxiliary correctional probation officer,
38 as those terms are defined in s. 943.10, who was engaged in the
39 performance of his or her official duties as described in s.



40 ~~943.10 lawful performance of a legal duty.~~

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

43 784.07 Assault or battery of law enforcement officers and
44 other specified personnel; reclassification of offenses; minimum
45 sentences.—

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

47 (e) "Law enforcement officer" includes a law enforcement
48 officer, a correctional officer, a correctional probation
49 officer, a part-time law enforcement officer, a part-time
50 correctional officer, an auxiliary law enforcement officer, and
51 an auxiliary correctional officer, as those terms are
52 respectively defined in s. 943.10, and any county probation
53 officer; an employee or agent of the Department of Corrections
54 who supervises or provides services to inmates; an officer of
55 the Florida Commission on Offender Review; a federal law
56 enforcement officer as defined in s. 901.1505; and law
57 enforcement personnel of the Fish and Wildlife Conservation
58 Commission, the Department of Environmental Protection, or the
59 Department of Law Enforcement. The duties and responsibilities
60 of these respective positions are described in s. 943.10.

61 (2) Whenever any person is charged with knowingly
62 committing an assault or battery upon a law enforcement officer,
63 a firefighter, an emergency medical care provider, hospital
64 personnel, a railroad special officer, a traffic accident
65 investigation officer as described in s. 316.640, a nonsworn law
66 enforcement agency employee who is certified as an agency
67 inspector, a blood alcohol analyst, or a breath test operator
68 while such employee is in uniform and engaged in processing,



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69 testing, evaluating, analyzing, or transporting a person who is
70 detained or under arrest for DUI, a law enforcement explorer, a
71 traffic infraction enforcement officer as described in s.
72 316.640, a parking enforcement specialist as defined in s.
73 316.640, a person licensed as a security officer as defined in
74 s. 493.6101 and wearing a uniform that bears at least one patch
75 or emblem that is visible at all times that clearly identifies
76 the employing agency and that clearly identifies the person as a
77 licensed security officer, a security officer employed by the
78 board of trustees of a community college, or a utility worker
79 engaged in work on critical infrastructure as defined in s.
80 812.141(1), while the officer, firefighter, emergency medical
81 care provider, hospital personnel, railroad special officer,
82 traffic accident investigation officer, traffic infraction
83 enforcement officer, inspector, analyst, operator, law
84 enforcement explorer, parking enforcement specialist, public
85 transit employee or agent, security officer, or utility worker
86 is engaged in the ~~lawful~~ performance of his or her official
87 duties, the offense for which the person is charged shall be
88 reclassified as follows:

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

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

97 (c) In the case of aggravated assault, from a felony of the



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98 third degree to a felony of the second degree. Notwithstanding
99 any other provision of law, any person convicted of aggravated
100 assault upon a law enforcement officer shall be sentenced to a
101 minimum term of imprisonment of 3 years.

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

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

109 843.01 Resisting, obstructing, or opposing by offering or
110 doing violence to legally authorized person, police canine, or
111 police horse.—

112 (1) Whoever knowingly and willfully resists, obstructs, or
113 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
114 (7), (8), or (9); member of the Florida Commission on Offender
115 Review or any administrative aide or supervisor employed by the
116 commission; parole and probation supervisor; county probation
117 officer; personnel or representative of the Department of Law
118 Enforcement; or other person legally authorized to execute
119 process in the execution of legal process or engaged in the
120 performance of his or her official duties as described in s.
121 943.10 lawful execution of any legal duty, by offering or

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 156

INTRODUCER: Senator Leek

SUBJECT: Criminal Offenses Against Law Enforcement Officers and Other Personnel

DATE: January 12, 2026 REVISED: _____

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

I. Summary:

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

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

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

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

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

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

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

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

The bill takes effect upon becoming law.

II. Present Situation:

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

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

Use of Force or Threatened Use of Force

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

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

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

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

³ Section 943.10(1), F.S.

⁴ Section 776.012(1), F.S.

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

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

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

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

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

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

Assault or Battery on Law Enforcement

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

⁵ Section 776.012(2), F.S.

⁶ Section 776.051(1), F.S.

⁷ Section 776.051(2), F.S.

⁸ See ch. 74-383 L.O.F.

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

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

¹¹ *Id.*

¹² *Id.*

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

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

Resisting Arrest with Violence

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

Specified officers include:

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

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

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

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

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

¹⁷ Section 784.07(2), F.S

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

¹⁹ Section 843.01, F.S.

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

²¹ Section 843.01, F.S.

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

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

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

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

Manslaughter

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

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

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

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

²³ Section 782.065, F.S.

²⁴ Florida Standard Jury Instruction 8.13 (Crim).

²⁵ Florida Standard Jury Instruction 3.6f (Crim).

²⁶ Section 782.07, F.S.

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

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

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

III. Effect of Proposed Changes:

Section 1 provides that the bill may be cited as the “Officer Jason Raynor Act,” after Officer Jason Raynor of the Daytona Beach Police Department who was shot during a confrontation in 2021 and later succumbed to his injuries.

Section 2 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.

Under the bill, the term “acting in good faith” is defined to mean 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 that 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.

Section 3 amends s. 782.065, F.S., to add manslaughter to the list of crimes that a person must be sentenced to life imprisonment without the eligibility of release upon conviction, if such offense was committed against specified officers³⁰ *who were acting in the performance of their official duties as described in s. 943.10, F.S.*

Sections 4 and 6 amend ss. 784.07(2), F.S. and 921.0022, F.S., relating to assault or battery on an officer or other personnel and the Offense Severity Ranking Chart (OSRC), respectively, 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 raised from a Level 4 to a Level 5 offense on the OSRC.

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

Section 5 amends s. 843.01(1), F.S., relating to resisting, obstructing, or opposing an officer with violence, to specify that such officer is *acting in the performance of his or her official duties as described in s. 943.10, F.S.*

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

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

The bill takes effect upon becoming a law.

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 provided the following additional information regarding its estimate:

- Per DOC, in FY 24-25, there were two new commitments to prison under s. 782.065, F.S., 381 new commitments to prison under s. 784.07, F.S., and 179 new commitments to prison under s. 843.01, F.S. Of the 381 new commitments under s. 784.07, F.S., 242 would be potentially impacted by the increase in felony level. However, it is unknown how this change would increase the number of future new

commitments with both Level 4 and Level 5, 3rd degree felonies hovering around a 20% incarceration rate over the last two fiscal years. There was one new commitment to prison for manslaughter of law enforcement officers, correctional officers, correctional probation officers, or other first responders (s. 782.07, F.S.). Both s. 782.07, F.S. and s. 784.07, F.S. include other specified personnel, so it is not known how many of these offenses involve the respective positions listed under s. 943.10, F.S. Furthermore, it is not known how the definition of “acting in good faith” and other changes to the statutory language, such as the inclusion of “detention” for when someone is not justified in resisting, or removing that a law enforcement officer’s use of force is not permitted during a knowingly unlawful arrest, would impact the pool of potential offenders.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

VIII. Statutes Affected:

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

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

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

By the Committee on Criminal Justice; and Senators Berman and Smith

591-01742-26

2026296c1

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

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

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30 within the Department of Management Services.

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

32 365.172(3), Florida Statutes.

33 (c) "Next Generation 911" has the same meaning as in s.

34 365.172(3), Florida Statutes.

35 (d) "Public safety agency" has the same meaning as in s.

36 365.172(3), Florida Statutes.

37 (e) "Public safety answering point" or "PSAP" has the same

38 meaning as in s. 365.172(3), Florida Statutes.

39 (2) The division shall consult with enhanced 911 and Next

40 Generation 911 service providers; state, county, and municipal

41 PSAPS; and state and local public safety agencies to conduct a

42 feasibility study regarding the creation of a web-based 911

43 alert system for use by victims of domestic violence and dating

44 violence which is capable of:

45 (a) Ensuring real-time data-sharing between PSAPs and law

46 enforcement agencies.

47 (b) Creating a unique telephone number for each user which

48 will connect the user to a PSAP.

49 (c) Creating a user-generated numerical code or phrase that

50 can be utilized by the user after contacting a PSAP and that

51 indicates the user's need for immediate law enforcement

52 assistance.

53 (d) Transmitting specified data to law enforcement agencies

54 when a user calls from his or her unique telephone number and

55 enters his or her numerical code or phrase.

56 (3) By January 31, 2027, the division shall report to the

57 President of the Senate and the Speaker of the House of

58 Representatives the results of the feasibility study.

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59 Section 2. Section 741.401, Florida Statutes, is amended to
 60 read:
 61 741.401 Legislative findings; purpose.—The Legislature
 62 finds that persons attempting to escape from actual or
 63 threatened domestic violence or dating violence frequently
 64 establish new addresses in order to prevent their assailants or
 65 probable assailants from finding them. The purpose of ss.
 66 741.401-741.409 is to enable state and local agencies to respond
 67 to requests for public records without disclosing the location
 68 of a victim of domestic violence or dating violence, to enable
 69 interagency cooperation with the Attorney General in providing
 70 address confidentiality for victims of domestic violence and
 71 dating violence, and to enable state and local agencies to
 72 accept a program participant's use of an address designated by
 73 the Attorney General as a substitute mailing address.

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

76 741.402 Definitions; ss. 741.401-741.409.—Unless the
 77 context clearly requires otherwise, as used in ss. 741.401-
 78 741.409, the term:

79 (1) "Address" means a residential street address, school
 80 address, or work address of an individual, as specified on the
 81 individual's application to be a program participant under ss.
 82 741.401-741.409.

83 (4) ~~(2)~~ "Program participant" means a person certified as a
 84 program participant under s. 741.403.

85 (2) "Dating violence" means any assault, aggravated
 86 assault, battery, aggravated battery, sexual assault, sexual
 87 battery, stalking, aggravated stalking, kidnapping, false

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88 imprisonment, or any criminal offense resulting in physical
 89 injury or death, or the threat of any such act, committed by an
 90 individual who has or has had a continuing and significant
 91 relationship of a romantic or intimate nature as determined by
 92 the factors listed in s. 784.046(1)(d) with the victim,
 93 regardless of whether these acts or threats have been reported
 94 to law enforcement officers.

95 (3) "Domestic violence" means an act as defined in s.
 96 741.28 and includes a threat of such acts committed against an
 97 individual in a domestic situation, regardless of whether these
 98 acts or threats have been reported to law enforcement officers.

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

101 741.403 Address confidentiality program; application;
 102 certification.—

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

113 (a) A sworn statement by the applicant that the applicant
 114 has good reason to believe that the applicant, or the minor or
 115 incapacitated person on whose behalf the application is made, is
 116 a victim of domestic violence or dating violence, and that the

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 117 applicant fears for his or her safety or his or her children's
 118 safety or the safety of the minor or incapacitated person on
 119 whose behalf the application is made.

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

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

126 741.408 Assistance for program applicants.—The Attorney
 127 General shall designate state and local agencies and nonprofit
 128 agencies that provide counseling and shelter services to victims
 129 of domestic violence and dating violence to assist persons
 130 applying to be program participants. Assistance and counseling
 131 rendered by the Office of the Attorney General or its designees
 132 to applicants does not constitute legal advice.

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

135 741.4651 Public records exemption; victims of stalking or
 136 aggravated stalking.—The names, addresses, and telephone numbers
 137 of persons who are victims of stalking or aggravated stalking
 138 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 139 Constitution in the same manner that the names, addresses, and
 140 telephone numbers of participants in the Address Confidentiality
 141 Program for Victims of Domestic and Dating Violence which are
 142 held by the Attorney General under s. 741.465 are exempt from
 143 disclosure, provided that the victim files a sworn statement of
 144 stalking with the Office of the Attorney General and otherwise
 145 complies with the procedures in ss. 741.401-741.409.

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 146

147 Section 7. Paragraph (c) of subsection (1) of section
 148 960.001, Florida Statutes, is amended to read:
 149 960.001 Guidelines for fair treatment of victims and
 150 witnesses in the criminal justice and juvenile justice systems.—

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

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

Section 8. This act shall take effect July 1, 2026.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 296

INTRODUCER: Criminal Justice Committee and Senators Berman and Smith

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: January 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	<u>Fav/CS</u>
2. Atchley	Harkness	ACJ	<u>Pre-meeting</u>
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 296 creates an undesignated section of law to require the Division of Telecommunications within the Department of Management Services to conduct 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 has an estimated fiscal impact of between \$100,000 and \$250,000 to the Department of Management Services to conduct a feasibility study. See Section V., Fiscal Impact Statement.

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.¹

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

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 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., defines the term “dating violence” to mean:

- 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.²

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.

The term “violence” is defined to mean 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.³

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.⁴

Domestic Violence

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any

² Section 784.046(1)(d), F.S.

³ Section 784.046(1)(a), F.S.

⁴ Section 784.046(2)(b), F.S.

criminal offense resulting in physical injury or death of one family or household member by another family or household member.⁵

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

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

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

Domestic Violence Investigations

Domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;
- Advise the victim that there is a domestic violence center from which the victim may receive services;
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;
- Give the victim immediate notice of the legal rights and remedies available;¹¹
- 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. Such report must include all of the following:
 - A description of physical injuries observed, if any.

⁵ Section 741.28(2), F.S.

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

⁷ “Spouse” includes the victim and offender are married by law or have been previously married. This category included ex-spouses.

⁸ *Id.* “Co-Habitant” includes the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

⁹ *Id.* “Other” includes the victim and offender had a child together but were never married and never lived together.

¹⁰ 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 Committee on Criminal Justice).

¹¹ 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.”

- 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.^{12, 13}

Basic skills training in handling domestic violence cases is required for law enforcement officers.¹⁴ 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 address¹⁵ 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.¹⁶

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

¹² Section 741.29, F.S.

¹³ 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.

¹⁴ Section 943.171, F.S.

¹⁵ “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.

¹⁶ Section. 741.401, F.S.

emergency responses.¹⁷ The Emergency Communications Act prohibits the misuse of the 911, E911,¹⁸ and NG911¹⁹ 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.^{20,21} In 1999, the concept of “Enhanced 911” or “E911” service was established in Florida law to describe 911 service provided to wireless telephone users.²² Today, under the Emergency Communications Number E911 Act,²³ 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 services²⁴ 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.²⁵ 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.²⁶

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.²⁷

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:

¹⁷ Section 365.172(2)(a)-(b), F.S.

¹⁸ “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.

¹⁹ “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.

²⁰ Chapter 74-357, L.O.F.

²¹ “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.

²² Chapter 99-367, L.O.F.

²³ Chapter 2007-78, L.O.F.

²⁴ “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.

²⁵ Section 365.172(3)(i), F.S.

²⁶ Section 365.172(3)(aa), F.S.

²⁷ *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited December 8, 2025).

- The public agency²⁸ 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.²⁹

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.³⁰

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.³¹ No emergency communications number E911 system can be established and no present system can be expanded without prior approval of the Division.³²

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.

²⁸ "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.

²⁹ Section 365.171(4), F.S.

³⁰ *Id.*

³¹ Section 365.171(5), F.S.

³² 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:

The Department of Management Services will have costs associated with conducting a feasibility study for the creation of a web-based 911 alert system for use of victims of domestic violence and dating violence. The cost of the study is unknown, but based on previous studies directed by the Legislature, it is estimated that the study would cost between \$100,000 and \$250,000.

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.

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

By the Committee on Criminal Justice; and Senator Berman

591-01743-26

2026298c1

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 741.465, F.S.; providing that certain identifying
 4 information of victims of dating violence who
 5 participate in the Address Confidentiality Program for
 6 Victims of Domestic and Dating Violence which are held
 7 by the Office of the Attorney General or contained in
 8 voter registration or voting records held by the
 9 supervisor of elections or the Department of State are
 10 exempt from public records requirements; providing for
 11 retroactive application; providing for future
 12 legislative review and repeal; providing statements of
 13 public necessity; providing a contingent effective
 14 date.

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

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

18 741.465 Public records exemption for the Address
 19 Confidentiality Program for Victims of Domestic and Dating
 20 Violence.-

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

26 (2) (1) The addresses, corresponding telephone numbers, and
 27 social security numbers of program participants in the Address

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

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30 Confidentiality Program for Victims of Domestic and Dating
 31 Violence held by the Office of the Attorney General are exempt
 32 from s. 119.07(1) and s. 24(a), Art. I of the State
 33 Constitution, except the information may be disclosed under the
 34 following circumstances: to a law enforcement agency for
 35 purposes of assisting in the execution of a valid arrest
 36 warrant; if directed by a court order, to a person identified in
 37 the order; or if the certification has been canceled. ~~For~~
 38 ~~purposes of this section, the term "address" means a residential~~
 39 ~~street address, school address, or work address, as specified on~~
 40 ~~the individual's application to be a program participant in the~~
 41 ~~Address Confidentiality Program for Victims of Domestic~~
 42 ~~Violence.~~

43 (3) (2) The names, addresses, and telephone numbers of
 44 participants in the Address Confidentiality Program for Victims
 45 of Domestic and Dating Violence contained in voter registration
 46 and voting records held by the supervisor of elections and the
 47 Department of State are exempt from s. 119.07(1) and s. 24(a),
 48 Art. I of the State Constitution, except the information may be
 49 disclosed under the following circumstances: to a law
 50 enforcement agency for purposes of assisting in the execution of
 51 an arrest warrant or, if directed by a court order, to a person
 52 identified in the order. This exemption applies to information
 53 made exempt by this subsection before, on, or after the
 54 effective date of the exemption.

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

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

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

80 | (2) The Legislature finds that it is a public necessity
 81 | that the names, addresses, and telephone numbers contained in
 82 | voter registration and voting records of victims of dating
 83 | violence who participate in the Address Confidentiality Program
 84 | for Victims of Domestic and Dating Violence held by the
 85 | supervisor of elections and the Department of State be made
 86 | exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 87 | Article I of the State Constitution. Victims of dating violence

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88 | who are participants in the program will have demonstrated to
 89 | the Office of the Attorney General that there exists a risk to
 90 | their physical safety and security. Nonetheless, these program
 91 | participants must be afforded the ability to participate in
 92 | society and cast a vote in elections. However, the supervisor of
 93 | elections must have a verifiable address for a program
 94 | participant in order to place the participant in the proper
 95 | voting district and to maintain accurate records for compliance
 96 | with state and federal requirements. The public record exemption
 97 | for the name of a victim of dating violence who is a participant
 98 | in the program is a public necessity because access to such name
 99 | narrows the location of that participant to his or her voting
 100 | area. In addition, access to such participant's address and
 101 | telephone number provides specific location and contact
 102 | information for the participant. Therefore, access to the
 103 | participant's name, address, and telephone number defeats the
 104 | sole purpose of the Address Confidentiality Program for Victims
 105 | of Domestic and Dating Violence, which is to provide safety and
 106 | security to every participant.

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

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

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 298

INTRODUCER: Criminal Justice Committee and Senator Berman

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

DATE: January 12, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2. <u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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

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

Violation of Public Record Law

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

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

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁹ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁰ public

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

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

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

⁵ Section 119.10(2)(a), F.S.

⁶ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁷ Section 119.10(2)(b), F.S.

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

⁹ Section 119.15, F.S.

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

records or open meetings exemptions, with specified exceptions.¹¹ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹² In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

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

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

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

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

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

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

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

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

¹⁸ See generally s. 119.15, F.S.

¹⁹ Section 119.15(7), F.S.

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.²⁰

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.²¹

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.²² The minutes of a meeting must be promptly recorded and such records are open to the public.²³

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 \$500.²⁴ 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.^{25,26}

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.

²⁰ Section 119.071(2)(j)1., F.S.

²¹ *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.

²² Section 286.011(1), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(3)(a), F.S.

²⁵ 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.

²⁶ 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.

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