

Tab 2	CS/SB 436 by CJ, Leek; Compare to CS/H 00623 Felony Battery				
615332	A	S	ACJ, Leek	Delete L.58:	02/16 02:21 PM
Tab 3	CS/SB 532 by JU, Simon (CO-INTRODUCERS) Wright, Osgood, Rodriguez, Calatayud, Jones, Smith, Bracy Davis, Boyd, Massullo, Rouson, DiCeglie, Garcia; Clerks of the Court				
552484	A	S	ACJ, Garcia	btw L.139 - 140:	02/17 10:31 AM
Tab 4	CS/SB 600 by CJ, Truenow; Similar to CS/CS/H 01017 Bail Bonds				
121426	A	S	ACJ, Truenow	Delete L.178 - 1029:	02/17 10:32 AM
Tab 5	CS/SB 644 by JU, Grall; Similar to CS/CS/H 00413 Attorney Fees, Suit Money, and Costs				
462258	A	S	ACJ, Grall	Delete L.41 - 141:	02/17 11:52 AM
Tab 6	CS/SB 682 by CJ, Calatayud (CO-INTRODUCERS) Berman; Compare to CS/H 00277 Violent Criminal Offenses				
105746	A	S	ACJ, Calatayud	Delete L.123 - 972:	02/17 08:41 AM
Tab 7	CS/SB 928 by CJ, Martin; Similar to CS/CS/H 00445 Mandatory Remand to Custody upon Conviction of Dangerous Crimes				
Tab 8	SB 1072 by Calatayud (CO-INTRODUCERS) Pizzo; Similar to H 00111 Antisemitism Task Force				
Tab 9	SB 1332 by Martin; Similar to CS/CS/H 00931 Career Offender Registration				
Tab 10	CS/SB 1632 by JU, Grall; Similar to CS/H 01471 Ideologies Inconsistent with American Principles				
Tab 11	CS/SB 1634 by JU, Grall; Similar to CS/H 01473 Public Records and Meetings/Chief of Domestic Security				

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

MEETING DATE: Wednesday, February 18, 2026

TIME: 10:30 a.m.—12:00 noon

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	Review and Discussion of Fiscal Year 2026-2027 Budget Issues Relating to: 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 Administration Commission		
2	CS/SB 436 Criminal Justice / Leek (Compare CS/H 623)	Felony Battery; Revising the definition of "prison releasee reoffender" to include a defendant who commits or attempts to commit felony battery that results in bodily injury; providing enhanced criminal penalties for persons who commit a second or subsequent battery after having a prior conviction for resisting an officer with violence, etc. CJ 01/12/2026 Fav/CS ACJ 02/18/2026 RC	
3	CS/SB 532 Judiciary / Simon (Compare S 1322)	Clerks of the Court; Authorizing the cumulative excess of funds to be used in the development of the total combined budgets of the clerks of the court, etc. JU 01/27/2026 Temporarily Postponed JU 02/10/2026 Fav/CS ACJ 02/18/2026 AP	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Wednesday, February 18, 2026, 10:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 600 Criminal Justice / Truenow (Similar CS/CS/H 1017)	<p>Bail Bonds; Decreasing the duration of in-person classroom-instruction basic certification courses required to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school; prohibiting bail bond agents and agencies from soliciting certain persons; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; requiring that, upon a court's entry of an order to revoke pretrial release and order pretrial detention in certain circumstances, the clerk of the court discharge any bond previously posted as a condition of pretrial release without further order of the court, etc.</p> <p>CJ 02/02/2026 Fav/CS ACJ 02/18/2026 RC</p>	
5	CS/SB 644 Judiciary / Grall (Similar CS/CS/H 413)	<p>Attorney Fees, Suit Money, and Costs; Authorizing a court to order attorney fees, suit money, and costs in appellate proceedings; authorizing the inclusion of certain fees, money, and costs in an award of attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under certain circumstances, etc.</p> <p>JU 02/10/2026 Fav/CS ACJ 02/18/2026 RC</p>	
6	CS/SB 682 Criminal Justice / Calatayud (Compare CS/H 277, CS/H 643, H 729, H 1105, S 858, S 1280, S 1644)	<p>Violent Criminal Offenses; Citing this act as the "Domestic Emergency and Batterers Reform and Accountability Act"; requiring the emergency communications state plan to include a system or process to flag specified addresses; requiring that such system correspond between all emergency services; authorizing the enhancement of criminal penalties for certain acts of domestic violence under certain circumstances; authorizing, and in certain circumstances requiring, a court to order electronic monitoring supervision in domestic violence cases; reclassifying a subsequent violation of an injunction for protection against domestic violence as a third degree felony offense, regardless of whether the violation is against the same victim; revising the information contained in a petition for injunction for protection against repeat violence, sexual violence, or dating violence, etc.</p> <p>CJ 01/20/2026 Fav/CS ACJ 02/18/2026 FP</p>	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Wednesday, February 18, 2026, 10:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 928 Criminal Justice / Martin (Similar CS/CS/H 445)	<p>Mandatory Remand to Custody upon Conviction of Dangerous Crimes; Citing this act as “Missy’s Law”; requiring a court to remand a person found guilty of a dangerous crime to custody immediately; requiring such person to remain in custody pending sentencing or further proceedings without the possibility of release on bond, etc.</p> <p>CJ 01/20/2026 Fav/CS ACJ 02/18/2026 RC</p>	
8	SB 1072 Calatayud (Similar H 111)	<p>Antisemitism Task Force; Creating the Antisemitism Task Force adjunct to the Office of Civil Rights within the Department of Legal Affairs for a specified purpose; requiring the department to provide administrative and staff support to the task force; requiring the task force to meet quarterly; requiring the task force to annually submit a report and policy recommendations to the Governor and the Legislature by a specified date, etc.</p> <p>GO 02/02/2026 Favorable ACJ 02/18/2026 FP</p>	
9	SB 1332 Martin (Similar CS/CS/H 931)	<p>Career Offender Registration; Requiring a certain driver license or identification marking for a career offender; requiring a career offender to report to the Department of Highway Safety and Motor Vehicles in a certain month to obtain an updated or renewed driver license or identification card; providing that if a sanction is not imposed upon a career offender, such offender is deemed to have been released upon conviction; requiring certain career offenders to report to the Department of Highway Safety and Motor Vehicles and obtain a driver license or identification card containing a required marking within a certain period of time; authorizing the Department of Highway Safety and Motor Vehicles to release certain images to the Department of Law Enforcement for purposes of public notification, etc.</p> <p>CJ 01/26/2026 Favorable ACJ 02/18/2026 FP</p>	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Wednesday, February 18, 2026, 10:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	CS/SB 1632 Judiciary / Grall (Similar CS/H 1471, Compare CS/H 1473, Linked CS/S 1634)	Ideologies Inconsistent with American Principles; Prohibiting the application of certain law in adjudicatory proceedings in a manner that violates a constitutional right; defining the term “domestic terrorist organization”; providing that a person who knowingly provides or attempts or conspires to provide material support or resources to a domestic terrorist organization commits a specified felony; providing that a person who willfully becomes a member of a domestic terrorist organization and serves under the direction or control of such organization with a specified intent commits a specified felony; authorizing the Chief of Domestic Security to designate an organization a foreign terrorist organization or a domestic terrorist organization if certain criteria are met, etc. JU 02/03/2026 Fav/CS ACJ 02/18/2026 FP	
11	CS/SB 1634 Judiciary / Grall (Similar CS/H 1473, Compare CS/H 1471, Linked CS/S 1632)	Public Records and Meetings/Chief of Domestic Security; Providing an exemption from public records requirements for certain information held by the Chief of Domestic Security and any information in a certain notification which would reveal information critical to state or national security; providing an exemption from public meetings requirements for portions of meetings which would reveal such exempt information; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. JU 02/03/2026 Fav/CS ACJ 02/18/2026 FP	
Other Related Meeting Documents			

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
1		DEPT OF CORRECTIONS								1
2	1100001	Startup (OPERATING)	23,438.00	1,377,146,260	3,641,853,648		3,641,853,648	60,447,002	3,702,300,650	2
3	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			94,471,350		94,471,350		94,471,350	3
4	2300020	Food Service Contract			-	18,300,000	18,300,000		18,300,000	4
5	2300090	Health Services Drug Costs			-	13,000,000	13,000,000		13,000,000	5
6	2401500	Replacement of Motor Vehicles			-	2,000,000	2,000,000		2,000,000	6
7	2503080	Direct Billing for Administrative Hearings			12,813		12,813		12,813	7
8	3000A50	Criminal Justice Estimating Conference Population Increase	291.00	14,644,242	47,142,384	1,582,619	48,725,003		48,725,003	8
9	33N0001	Redirect Recurring Appropriations to Non-Recurring - Deduct			(5,000,000)		(5,000,000)		(5,000,000)	9
10	33N0002	Redirect Recurring Appropriations to Non-Recurring - Add			-	5,000,000	5,000,000		5,000,000	10
11	3400100	Fund Shift from General Revenue to State-Operated Institutions Inmate Welfare Trust Fund - Deduct			(9,000,000)		(9,000,000)		(9,000,000)	11
12	3400110	Fund Shift from General Revenue to State-Operated Institutions Inmate Welfare Trust Fund - Add			-			9,000,000	9,000,000	12
13	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	360,270	360,270		360,270	13
14	36264C0	Technology Restoration Plan - Applications			-	10,214,612	10,214,612		10,214,612	14
15	36280C0	Technology Refresh Plan			-	4,331,666	4,331,666		4,331,666	15
16	36290C0	Cybersecurity			-	3,105,000	3,105,000		3,105,000	16
17	36309C0	Technology Restoration Services Provided to the Florida Commission on Offender Review			-			1,788,500	1,788,500	17
18	4002000	Security Operations Public Safety - Communications			-	3,257,359	3,257,359		3,257,359	18
19	4200080	Increase Contractor-Operated Facilities Inmate Welfare Trust Fund Authority			-			3,500,000	3,500,000	19
20	4700010	Victim Notification Enhancements			6,300,000		6,300,000		6,300,000	20
21	4700380	Search and Analytics Technology to Enhance Public Safety			1,000,000	2,000,000	3,000,000		3,000,000	21
22	4700650	Increase Funding for Community Corrections Residential Substance Abuse Programs			1,226,212		1,226,212		1,226,212	22
23	4800140	Contracted Inmate Health Services			-	60,166,294	60,166,294		60,166,294	23
24	5300080	Inflationary Adjustments for Operations			-	5,801,378	5,801,378		5,801,378	24
25	6P00700	Correctional Programs and Services			-	3,306,375	3,306,375	4,121,975	7,428,350	25
26	080027	Correctional Facilities - Lease Purchase			(11,092,075)		(11,092,075)		(11,092,075)	26
27	088364	New Correctional Housing Units			-	52,000,000	52,000,000		52,000,000	27
28	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-			200,000	200,000	28
29	Total	DEPT OF CORRECTIONS	23,729.00	1,391,790,502	3,766,914,332	184,425,573	3,951,339,905	79,057,477	4,030,397,382	29

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
30										30
31		FL COMMISSION ON OFFENDER REVIEW								31
32	1100001	Startup (OPERATING)	164.00	9,091,942	15,778,817		15,778,817		15,778,817	32
33	2401500	Replacement of Motor Vehicles			-	30,480	30,480		30,480	33
34	2402400	Additional Equipment - Motor Vehicles			-	230,447	230,447		230,447	34
35	36201C0	Information Technology (IT) Services Provided by Department of Corrections			-	1,788,500	1,788,500		1,788,500	35
36	36202C0	Wifi at Central Office - Information Technology Services Provided by Department of Corrections			6,300	63,000	69,300		69,300	36
37	4005A20	Salary Retention for Commission Staff		20,353	24,766		24,766		24,766	37
38	4005A30	Salary Retention for Regional Administrators, Commission Investigator Supervisors and Commission Investigators		237,500	288,990		288,990		288,990	38
39	Total	FL COMMISSION ON OFFENDER REVIEW	164.00	9,349,795	16,098,873	2,112,427	18,211,300	-	18,211,300	39
40										40
41		DEPT OF JUVENILE JUSTICE								41
42	1100001	Startup (OPERATING)	3,229.50	182,989,703	569,152,715		569,152,715	166,956,958	736,109,673	42
43	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			1,498,640		1,498,640		1,498,640	43
44	1600240	Increased Budget Authority for Federal Grants			-			1,697,822	1,697,822	44
45	24010C0	Information Technology Infrastructure Replacement			-	1,000,000	1,000,000		1,000,000	45
46	2503080	Direct Billing for Administrative Hearings			6,406		6,406		6,406	46
47	33H2500	Operational Efficiency			(188,059)		(188,059)	(180,906)	(368,965)	47
48	33H4000	Base Budget Reduction			(1,300,000)		(1,300,000)		(1,300,000)	48
49	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	229,104	229,104		229,104	49
50	36305C0	Information Technology Staff Augmentation			250,000		250,000		250,000	50
51	36308C0	Information Technology Security Hardening Platform Support			538,290		538,290		538,290	51
52	5001190	Increased Funding for Leases			191,356		191,356		191,356	52
53	5103710	Operating Cost Increase for Residential Medical Services			5,350,000		5,350,000		5,350,000	53
54	6P00710	Juvenile Justice Programs and Services			-	6,578,602	6,578,602		6,578,602	54
55	6101440	Detention - Uniforms for Staff and Youth			-	664,902	664,902	664,902	1,329,804	55
56	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-	15,000,000	15,000,000		15,000,000	56
57	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	3,500,000	3,500,000		3,500,000	57
58	Total	DEPT OF JUVENILE JUSTICE	3,229.50	182,989,703	575,499,348	26,972,608	602,471,956	169,138,776	771,610,732	58
59										59

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
60		DEPT OF LEGAL AFFAIRS								60
61	1100001	Startup (OPERATING)	1,275.50	98,657,301	97,454,483		97,454,483	241,796,684	339,251,167	61
62	1700110	Inter-Agency Reorganizations - Council on the Social Status of Black Men and Boys - Deduct			(350,000)		(350,000)		(350,000)	62
63	2503080	Direct Billing for Administrative Hearings			3,203		3,203	(15,504)	(12,301)	63
64	34001C0	Transfer Cybersecurity Funding from Trust Funds to General Revenue - Deduct			-			(499,063)	(499,063)	64
65	34002C0	Transfer Cybersecurity Funding from Trust Funds to General Revenue - Add			499,063		499,063		499,063	65
66	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	525,369	525,369		525,369	66
67	36233C0	Office of the Attorney General Recurring Information Technology Costs			3,840,400		3,840,400		3,840,400	67
68	36234C0	Data Protection and Disaster Recovery Recurring Costs			210,000		210,000		210,000	68
69	4000330	Increased Operating Costs			-	678,193	678,193	345,336	1,023,529	69
70	6P00720	Legal Programs and Services			-	3,662,110	3,662,110		3,662,110	70
71	Total	DEPT OF LEGAL AFFAIRS	1,275.50	98,657,301	101,657,149	4,865,672	106,522,821	241,627,453	348,150,274	71
72										72
73		DEPT OF LAW ENFORCEMENT								73
74	1100001	Startup (OPERATING)	2,024.00	151,880,605	252,049,210		252,049,210	173,635,835	425,685,045	74
75	160F390	Transfer Funds Within Investigative Services - Add			45,000		45,000		45,000	75
76	160F400	Transfer Funds Within Investigative Services - Deduct			(45,000)		(45,000)		(45,000)	76
77	2301600	Increased Costs for Forensic Services and Supplies			-	430,000	430,000		430,000	77
78	2503080	Direct Billing for Administrative Hearings			-			(5,792)	(5,792)	78
79	33V0191	Eliminate Funding for Florida Uniform Arrest Affidavit	(2.00)		(879,398)		(879,398)		(879,398)	79
80	3400010	Fund-Shift General Revenue to Operating Trust Fund - Deduct			(2,064,594)		(2,064,594)		(2,064,594)	80
81	3400011	Fund-Shift General Revenue to Operating Trust Fund - Add			-			2,064,594	2,064,594	81
82	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	1,294,140	1,294,140		1,294,140	82
83	36121C0	Criminal Justice Data Transparency			-	850,000	850,000		850,000	83
84	36125C0	Data Exchange and Reporting System Update			-	1,450,000	1,450,000		1,450,000	84
85	36210C0	Alcohol Testing Program Transition to New Breath Test Instrumentation			-			3,305,304	3,305,304	85
86	36220C0	Missing and Endangered Persons Information Clearinghouse Technology Upgrade			-			2,440,000	2,440,000	86
87	36260C0	Critical Information Technology Security Infrastructure			-	1,605,000	1,605,000		1,605,000	87

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
88	4100320	State Assistance for Fentanyl Eradication (S.A.F.E.) In Florida Program			-	5,000,000	5,000,000	10,000,000	15,000,000	88
89	4500720	Office of Wellness Expansion	16.00	1,054,047	4,521,674	516,332	5,038,006		5,038,006	89
90	4500940	Fort Myers Regional Operations Center Facility			2,400,000		2,400,000	2,000,000	4,400,000	90
91	47007C0	Criminal Justice Information Services Systems Support			-			460,951	460,951	91
92	5010125	Online Sting Operation Grant Program			-	300,000	300,000		300,000	92
93	5010126	Drone As First Responder Grant Program			-	2,500,000	2,500,000		2,500,000	93
94	5010774	Florida Deputy Sheriff 's Association Law Enforcement Apprenticeship Program			5,000,000	2,500,000	7,500,000		7,500,000	94
95	6P00730	Law Enforcement Programs and Services			-	11,982,874	11,982,874		11,982,874	95
96	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	40,643,750	40,643,750		40,643,750	96
97	Total	DEPT OF LAW ENFORCEMENT	2,038.00	152,934,652	261,026,892	69,072,096	330,098,988	193,900,892	523,999,880	97
98										98
99		JUSTICE ADMIN COMMISSION (JAC)								99
100	1100001	Startup (OPERATING)	103.50	6,371,631	123,886,725		123,886,725	9,323,913	133,210,638	100
101	2000160	Realign Contracted Due Process Appropriations - Add			3,350,000		3,350,000		3,350,000	101
102	2000170	Realign Contracted Due Process Appropriations - Deduct			(3,350,000)		(3,350,000)		(3,350,000)	102
103	2401500	Replacement of Motor Vehicles			-			5,250,000	5,250,000	103
104	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	1,398,765	1,398,765		1,398,765	104
105	36201C0	Information Technology Critical Needs			-	294,279	294,279		294,279	105
106	4200820	Increase Due Process Funds for Public Defender Office			575,000		575,000		575,000	106
107	4207010	Reimbursement for Statutorily Required Duties			5,485,600		5,485,600		5,485,600	107
108	4304010	Jury Expenditures			-	4,800,000	4,800,000		4,800,000	108
109	5300280	Increased Due Process Costs for State Attorneys			2,500,000		2,500,000		2,500,000	109
110	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	350,000	350,000		350,000	110
111	Total	JUSTICE ADMIN COMMISSION (JAC)	103.50	6,371,631	132,447,325	6,843,044	139,290,369	14,573,913	153,864,282	111
112										112
113		GUARDIAN AD LITEM (GAL)								113
114	1100001	Startup (OPERATING)	812.00	44,324,001	68,243,574		68,243,574	5,738,880	73,982,454	114
115	Total	GUARDIAN AD LITEM (GAL)	812.00	44,324,001	68,243,574	-	68,243,574	5,738,880	73,982,454	115
116										116

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
117		STATE ATTORNEYS								117
118	1100001	Startup (OPERATING)	5,922.50	446,997,613	538,053,782		538,053,782	167,417,997	705,471,779	118
119	160F010	Transfer Funds Between Categories - Add			-			50,000	50,000	119
120	160F020	Transfer Funds Between Categories - Deduct			-			(50,000)	(50,000)	120
121	2000100	Realignment of Administrative Expenditures - Add			3,022		3,022	158,000	161,022	121
122	2000200	Realignment of Administrative Expenditures - Deduct			(3,022)		(3,022)	(158,000)	(161,022)	122
123	2402400	Additional Equipment - Motor Vehicles			-			450,000	450,000	123
124	3008A10	Enhanced Salary Incentive Payments			-			12,000	12,000	124
125	33V1022	Reduce Vacant Positions	(20.00)		-				-	125
126	3402822	Increase Funding Due to Voca Reductions			-	310,106	310,106	499,228	809,334	126
127	3402920	Transfer Grants and Donations Trust Fund Authority to the State Attorneys Revenue Trust Fund - Add			-			722	722	127
128	3402930	Transfer Grants and Donations Trust Fund Authority to the State Attorneys Revenue Trust Fund - Deduct			-			(722)	(722)	128
129	36224C0	County Agreement for Information Technology Personnel Services	11.00	799,239	-			1,226,496	1,226,496	129
130	36230C0	Electronic Case Management			-			750,000	750,000	130
131	4200270	Adjustment to Grant and Donations Trust Fund Authority			-			423,046	423,046	131
132	4200720	Increased Other Personal Services to Support Office Operations			-			241,824	241,824	132
133	4201900	Increased Funding for Office Operations			-			100,000	100,000	133
134	4205A40	Salary and Benefits Adjustment		(142,567)	(148,367)		(148,367)		(148,367)	134
135	4303030	County Agreement for Personnel Services	4.00	280,000	-			1,153,773	1,153,773	135
136	5009950	Investigation and Prosecution of Human Trafficking Crimes	4.00	245,320	724,063	33,652	757,715		757,715	136
137	51R0100	Increase Current Authorized Rate		319,974	-				-	137
138	Total	STATE ATTORNEYS	5,921.50	448,499,579	538,629,478	343,758	538,973,236	172,274,364	711,247,600	138
139										139
140		PUBLIC DEFENDERS								140
141	1100001	Startup (OPERATING)	2,779.50	223,944,937	290,758,094		290,758,094	51,492,035	342,250,129	141
142	2000100	Realignment of Administrative Expenditures - Add			76,435		76,435	141,435	217,870	142
143	2000200	Realignment of Administrative Expenditures - Deduct			(76,435)		(76,435)	(141,435)	(217,870)	143
144	2402400	Additional Equipment - Motor Vehicles			-			35,000	35,000	144
145	33V1022	Reduce Vacant Positions	(9.50)		-				-	145
146	3301510	Reduce Trust Fund Authority			-			(1,080,402)	(1,080,402)	146
147	3402840	Transfer Grants and Donations Trust Fund to Indigent Criminal Defense Trust Fund - Add			-			250,000	250,000	147
148	3402850	Transfer Grants and Donations Trust Fund to Indigent Criminal Defense Trust Fund - Deduct			-			(250,000)	(250,000)	148

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
149	3402980	Transfer Indigent Criminal Defense Trust Fund Authority to Grants and Donations - Add			-			275,000	275,000	149
150	3402990	Transfer Indigent Criminal Defense Trust Fund Authority to Grants and Donations - Deduct			-			(275,000)	(275,000)	150
151	36224C0	County Agreement for Information Technology Personnel Services		435,000	-			435,000	435,000	151
152	4200270	Adjustment to Grant and Donations Trust Fund Authority			-			358,871	358,871	152
153	4300200	Maximize Use of Indigent Criminal Defense Trust Funds for Operating Expenditures			-			265,184	265,184	153
154	51R0100	Increase Current Authorized Rate		406,395	-				-	154
155	Total	PUBLIC DEFENDERS	2,770.00	224,786,332	290,758,094	-	290,758,094	51,505,688	342,263,782	155
156										156
157		APPELLATE PUBLIC DEFENDERS								157
158	1100001	Startup (OPERATING)	166.00	16,577,265	24,635,314		24,635,314	385,247	25,020,561	158
159	51R0100	Increase Current Authorized Rate		2,080	-				-	159
160	Total	APPELLATE PUBLIC DEFENDERS	166.00	16,579,345	24,635,314	-	24,635,314	385,247	25,020,561	160
161										161
162		CAPITAL COLLATERAL REGIONAL COUNSELS)								162
163	1100001	Startup (OPERATING)	94.00	8,466,566	15,000,793		15,000,793	1,339,695	16,340,488	163
164	2301900	Building Rental for Privately Owned Office Space			48,042		48,042		48,042	164
165	2401300	Additional Workstations for New Office Space			-	45,711	45,711		45,711	165
166	3301510	Reduce Trust Fund Authority			-			(300,002)	(300,002)	166
167	5001310	Additional Collateral Caseload Resources Request	3.00	258,000	427,664	16,590	444,254		444,254	167
168	5001830	Additional General Revenue for Capital Collateral Regional Counsel Case Related			255,000		255,000		255,000	168
169	5100200	Capital Post Conviction Litigation		200,000	281,780		281,780		281,780	169
170	Total	CAPITAL COLLATERAL REGIONAL COUNSELS)	97.00	8,924,566	16,013,279	62,301	16,075,580	1,039,693	17,115,273	170
171										171
172		CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL								172
173	1100001	Startup (OPERATING)	581.00	48,065,199	74,848,592		74,848,592	9,458,679	84,307,271	173
174	2301900	Building Rental for Privately Owned Office Space			388,773		388,773		388,773	174
175	2302700	Additional Price Increases for Utilities			30,000		30,000		30,000	175
176	36201C0	Information Technology Critical Needs			34,342		34,342		34,342	176
177	36202C0	Information Technology Needs			19,630		19,630		19,630	177
178	4201900	Increased Funding for Office Operations			19,000		19,000		19,000	178
179	5300250	Increased Due Process Costs for Criminal Conflict and Civil Regional Counsels			150,000		150,000		150,000	179
180	Total	CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL	581.00	48,065,199	75,490,337	-	75,490,337	9,458,679	84,949,016	180

		Agency / Department	Senate Appropriations Committee on Criminal and Civil Justice							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
181										181
182		STATE COURT SYSTEM								182
183	1100001	Startup (OPERATING)	4,702.00	462,878,378	680,459,940		680,459,940	124,505,098	804,965,038	183
184	160F010	5% Approved Budget Amendment Adjustment - Add			5,000		5,000		5,000	184
185	160F020	5% Approved Budget Amendment Adjustment - Deduct			(5,000)		(5,000)		(5,000)	185
186	160F130	Transfer Appropriations Between Budget Entities to Realign Expenditures - Deduct			(59,828)		(59,828)		(59,828)	186
187	160F140	Transfer Appropriations Between Budget Entities to Realign Expenditures - Add			59,828		59,828		59,828	187
188	1604260	Transfer of Salaries and Benefits to Salary Incentive Payments - Add			4,000		4,000		4,000	188
189	1604270	Transfer of Salaries and Benefits to Salary Incentive Payments - Deduct			(4,000)		(4,000)		(4,000)	189
190	3000136	Problem Solving Courts Reporting	1.00	89,238	-			1,093,456	1,093,456	190
191	3001700	Case Processing Support	24.00	1,434,898	2,234,791	80,400	2,315,191		2,315,191	191
192	3009310	Certification of Additional Judgeships	59.00	6,941,206	11,717,424	197,650	11,915,074		11,915,074	192
193	33V0500	Reduce Funding for Problem Solving Courts Due to Reversion History			(1,500,000)		(1,500,000)		(1,500,000)	193
194	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness	3.00	198,552	370,676	1,082,058	1,452,734		1,452,734	194
195	36321C0	Case Management Technology	4.00	309,038	2,651,588	68,030	2,719,618		2,719,618	195
196	5402000	Courthouse Furnishings - Nonpublic Areas			-			273,773	273,773	196
197	6800100	Judicial Security Resources	2.00	132,000	453,168	8,514	461,682		461,682	197
198	082302	<i>Elevator Replacement</i>			-			1,040,000	1,040,000	198
199	088225	<i>Improvements to Security Systems</i>			-			476,058	476,058	199
200	140700	<i>Fixed Capital Outlay - County Courthouse Facilities</i>			-	1,200,000	1,200,000		1,200,000	200
201	Total	STATE COURT SYSTEM	4,795.00	471,983,310	696,387,587	2,636,652	699,024,239	127,388,385	826,412,624	201
202	Grand Total		45,682.00	3,105,255,916	6,563,801,582	297,334,131	6,861,135,713	1,066,089,447	7,927,225,160	202

Senate Appropriations Committee on Criminal and Civil Justice
Fiscal Year 2026-2027 Proposed Project Funding

Row	LFIR #	Project Title	General Revenue	Trust Fund	Agency
1	3571	Hillsborough County Clerk Record Center	350,000		Justice Administrative Commission
2	2053	Judicial Center Expansion	400,000		State Court System
3	1570	Taylor County Courthouse Air Handler & Duct Replacement Project	800,000		State Court System
4	3261	Big Brothers Big Sisters School - Bigs in Blue Project	750,000		Department of Legal Affairs
5	2729	CABA Pro Bono Legal Services	500,000		Department of Legal Affairs
6	1730	Pinellas-Goodwill's Pathways	256,035		Department of Legal Affairs
7	1579	Selah Freedom Anti-Sex Trafficking Awareness, Prevention, Outreach & Victim Restoration	687,000		Department of Legal Affairs
8	1010	Special Needs Legal Assistance Program	150,000		Department of Legal Affairs
9	3723	United Way Pasco - Transitional Housing for Survivors of Human Trafficking	969,075		Department of Legal Affairs
10	3417	Women's Center of Jacksonville: Sexual Assault Forensic Exam Program	350,000		Department of Legal Affairs
11	1192	Children of Inmates, Inc. Family Strengthening & Reunification Project	350,000		Department of Corrections
12	2106	Continuum of Care for Enhanced Offender Rehabilitation		3,651,975	Department of Corrections
13	3728	Davis-Bradley Mental Health Overlay: Integrated Behavioral Health Treatment Services	606,375		Department of Corrections
14	2860	Gateway FDC - Day Reporting Center Pilot Expansion	350,000		Department of Corrections
15	2418	Home Builders Institute (HBI) Building Careers for Inmates & Returning Citizens	500,000		Department of Corrections
16	3434	Inmate Cellular Communication Interdiction Program	350,000		Department of Corrections
17	1015	Palm Beach County RESTORE Reentry Program	350,000		Department of Corrections
18	1002	Persevere - Training, Access, and Careers through Technology Program	350,000		Department of Corrections
19	3452	Re-Entry Alliance Pensacola, Inc. (REAP) - EscaRosa Portal	450,000		Department of Corrections
20	2179	Reimagined Resources for Re-entry		670,000	Department of Corrections
21	2922	Active Hearing Protection for Florida Sheriffs	500,000		Department of Law Enforcement
22	1046	Ballistic Film	200,000		Department of Law Enforcement
23	2632	Belle Isle Police Department Emergency Response Equipment Upgrade	350,000		Department of Law Enforcement
24	2200	Blue 4 Blue	150,000		Department of Law Enforcement
25	3568	Bowling Green Police Department Public Safety Equipment	120,600		Department of Law Enforcement
26	2945	BSO RapidHit ID DNA Systems	348,000		Department of Law Enforcement
27	3675	Charlotte County Sheriff's Warehouse	2,000,000		Department of Law Enforcement
28	3576	City of Bartow Emergency Rescue Command Vehicle	486,635		Department of Law Enforcement
29	2116	City of Bradenton Police Department Computer Aided Dispatch (CAD) upgrades	500,000		Department of Law Enforcement

Senate Appropriations Committee on Criminal and Civil Justice
Fiscal Year 2026-2027 Proposed Project Funding

Row	LFIR #	Project Title	General Revenue	Trust Fund	Agency
30	1665	City of Lighthouse Point - Public Safety Improvement Project	225,000		Department of Law Enforcement
31	1852	City of New Smyrna Beach Vehicle Threat Mitigation	350,000		Department of Law Enforcement
32	2115	City of Palmetto Police Dispatch Software	380,000		Department of Law Enforcement
33	1553	City of Perry Police Department Evidence Management and Security Facility	250,000		Department of Law Enforcement
34	2368	City of Riviera Beach Law Enforcement Training Center	350,000		Department of Law Enforcement
35	1861	City of Sweetwater Police Technology Upgrades	350,000		Department of Law Enforcement
36	3018	Columbia County Jail Improvements Project	750,000		Department of Law Enforcement
37	3014	Columbia County Sheriff's Department Truck Purchase	124,000		Department of Law Enforcement
38	3541	DeSoto County Jail	400,000		Department of Law Enforcement
39	2563	Diamond of Dreams	500,000		Department of Law Enforcement
40	2433	District 21 Medical Examiner Facility	500,000		Department of Law Enforcement
41	2178	Dixie County Sheriff's Office Multipurpose Evidence Building - Phase 3	618,750		Department of Law Enforcement
42	3688	FDLE Intelligence Suite	700,000		Department of Law Enforcement
43	3219	Florida Department of Law Enforcement - Active Shooter Training	350,000		Department of Law Enforcement
44	3369	Florida Law Enforcement Partnership: Miccosukee Police Fleet Enhancement	485,000		Department of Law Enforcement
45	1525	Florida Sheriffs Youth Learning Center (Phase 3)	5,000,000		Department of Law Enforcement
46	1758	Franklin County Sheriff's-Judicial & Rehabilitative Center for Excellence	1,500,000		Department of Law Enforcement
47	1507	Gulf County Sheriff's Office Dispatch and Training Center	750,000		Department of Law Enforcement
48	3558	Hardee County Courthouse Critical Hardening Safety Sally Port	2,500,000		Department of Law Enforcement
49	1452	Hardening and Renovation of the Jefferson County Jail Facility	1,750,000		Department of Law Enforcement
50	2298	Hillsborough County Sheriff's Office Regional Training and Leadership Center	350,000		Department of Law Enforcement
51	1673	Hollywood Police Marine Public Safety Initiative	187,900		Department of Law Enforcement
52	3220	Holmes County Jail and Rehabilitation Expansion	1,000,000		Department of Law Enforcement
53	3791	Internet Crimes Against Children	2,100,000		Department of Law Enforcement
54	2785	Jacksonville Sheriff's Office - Drone First Responder Program	610,000		Department of Law Enforcement
55	2826	K9s United	200,000		Department of Law Enforcement
56	1597	Kissimmee Police Evidence Room Expansion Project	750,000		Department of Law Enforcement

Senate Appropriations Committee on Criminal and Civil Justice
Fiscal Year 2026-2027 Proposed Project Funding

Row	LFIR #	Project Title	General Revenue	Trust Fund	Agency
57	2109	Madison County Sheriff's Office Consolidated Emergency Communications Center Relocation	1,000,000		Department of Law Enforcement
58	2033	Martin County Sheriff's Office PRISM Public Safety-First Mental Health Initiative	350,000		Department of Law Enforcement
59	1226	MDSO Real Estate Fraud Squad	250,000		Department of Law Enforcement
60	2215	Medley Police Department Next Generation Radios	470,739		Department of Law Enforcement
61	2192	Miami Springs Police Department Radio Communications Upgrade	500,000		Department of Law Enforcement
62	2690	Nassau County Sheriff's Office K-9 Regional Training Center – Public Safety Training Complex	500,000		Department of Law Enforcement
63	3101	New Hurricane-Rated Police Department	400,000		Department of Law Enforcement
64	3569	New Police Station/Staff Emergency Shelter/City Hall - Municipal Complex	6,000,000		Department of Law Enforcement
65	2748	North Lauderdale City Hall Security Improvements	500,000		Department of Law Enforcement
66	2969	North Miami Beach Police Department Real Time Crime Center	400,000		Department of Law Enforcement
67	2061	Palm Beach County Sheriff's Office Forensic Genetic Testing Phase 2	625,000		Department of Law Enforcement
68	1708	Pasco Sheriff's Office Trinity Forward Operating Center	8,000,000		Department of Law Enforcement
69	2341	Police Department Evidence Shed	350,000		Department of Law Enforcement
70	2714	Project Cold Case	250,000		Department of Law Enforcement
71	3587	Regional Public Safety Training Center	1,500,000		Department of Law Enforcement
72	1017	Satellite Beach - Law Enforcement In-Car Cameras, Body Worn Cameras, and Electronic Control Devices	750,000		Department of Law Enforcement
73	2295	Tampa Jewish Community Preventative Security Initiative	525,000		Department of Law Enforcement
74	3651	Town of Eatonville Public Safety Building Needs Assessment and Pre-Design Study	350,000		Department of Law Enforcement
75	2574	Volusia County Sheriff's Office Administrative Complex	1,000,000		Department of Law Enforcement
76	3590	Washington County Jail Repairs and Rehabilitation	1,100,000		Department of Law Enforcement
77	3226	Washington County Sheriff's Office Emergency Management Trucks	120,000		Department of Law Enforcement
78	1147	Adolescent and Family Outpatient Program Expansion	250,000		Department of Juvenile Justice
79	2907	Adolescent Crisis Mentoring Transportation Services - Caring and Secure Transport	1,500,000		Department of Juvenile Justice
80	1529	AMIkids Family Centric Services	1,060,000		Department of Juvenile Justice
81	1146	Delinquency Diversion Program for Children and Youth in Foster Care	1,000,000		Department of Juvenile Justice

Senate Appropriations Committee on Criminal and Civil Justice
Fiscal Year 2026-2027 Proposed Project Funding

Row	LFIR #	Project Title	General Revenue	Trust Fund	Agency
82	1712	Integrated Care and Coordination for Youth (ICCY)	678,602		Department of Juvenile Justice
83	1237	Juvenile Drug Court	565,000		Department of Juvenile Justice
84	3339	Nassau County Youth Alternative to Secured Detention (S.W.E.A.T)	125,000		Department of Juvenile Justice
85	3266	Pace Center for Girls Hernando Building	1,000,000		Department of Juvenile Justice
86	2176	Pace Center for Girls Manatee Building	2,500,000		Department of Juvenile Justice
87	2892	Pasco, Pinellas, & Hillsborough County Youth Advocate Program	350,000		Department of Juvenile Justice
88	1256	Stop Now and Plan Pilot for Dually Served Youth	350,000		Department of Juvenile Justice
89	2849	Wayne Provision: Career and Life Skills for Reentering Youth	350,000		Department of Juvenile Justice
90	2740	Youth & Police Initiative (YPI) Train-the-Trainer Model	350,000		Department of Juvenile Justice

By the Committee on Criminal Justice; and Senator Leek

591-01884-26

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A bill to be entitled

An act relating to felony battery; amending s. 775.082, F.S.; revising the definition of "prison releasee reoffender" to include a defendant who commits or attempts to commit felony battery that results in bodily injury; amending s. 784.03, F.S.; providing enhanced criminal penalties for persons who commit a second or subsequent battery after having a prior conviction for resisting an officer with violence; reenacting ss. 775.261(2)(a), (4)(g), (8), and (10), 900.05(2)(bb), 903.011(6), 907.041(5)(c), 944.608(1) and (8), 944.609(1), and 944.705(7)(a) and (b), F.S., relating to the Florida Career Offender Registration Act, the definition of the term "prison release reoffender flag," pretrial release, pretrial detention, notification to the Department of Law Enforcement of information on career offenders, notification upon release of certain career offenders, and inmate release documents, respectively, to incorporate the amendment made to s. 775.082, F.S., in references thereto; reenacting s. 943.0584(2), F.S., relating to criminal history records ineligible for court-ordered expunction or court-ordered sealing, to incorporate the amendment made to s. 784.03, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (a) of subsection (9) of section

Page 1 of 16

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

591-01884-26

2026436c1

775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(9)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;
- h. Arson;
- i. Kidnapping;
- j. Aggravated assault with a deadly weapon;
- k. Aggravated battery;
- l. Aggravated stalking;
- m. Aircraft piracy;
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- o. Any felony that involves the use or threat of physical force or violence against an individual;
- p. Armed burglary;
- q. Burglary of a dwelling or burglary of an occupied structure; ~~or~~
- r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5); or
- s. Felony battery that results in bodily injury;

Page 2 of 16

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591-01884-26

2026436c1

59 within 3 years after being released from a state correctional
60 facility operated by the Department of Corrections or a private
61 vendor, a county detention facility following incarceration for
62 an offense for which the sentence pronounced was a prison
63 sentence, or a correctional institution of another state, the
64 District of Columbia, the United States, any possession or
65 territory of the United States, or any foreign jurisdiction,
66 following incarceration for an offense for which the sentence is
67 punishable by more than 1 year in this state.

69 2. "Prison releasee reoffender" also means any defendant
70 who commits or attempts to commit any offense listed in sub-
71 subparagraphs 1.a.-s. ~~(a)1.a.-r.~~ while the defendant was serving
72 a prison sentence or on escape status from a state correctional
73 facility operated by the Department of Corrections or a private
74 vendor or while the defendant was on escape status from a
75 correctional institution of another state, the District of
76 Columbia, the United States, any possession or territory of the
77 United States, or any foreign jurisdiction, following
78 incarceration for an offense for which the sentence is
79 punishable by more than 1 year in this state.

80 3. If the state attorney determines that a defendant is a
81 prison releasee reoffender as defined in subparagraph 1., the
82 state attorney may seek to have the court sentence the defendant
83 as a prison releasee reoffender. Upon proof from the state
84 attorney that establishes by a preponderance of the evidence
85 that a defendant is a prison releasee reoffender as defined in
86 this section, such defendant is not eligible for sentencing
87 under the sentencing guidelines and must be sentenced as

591-01884-26

2026436c1

88 follows:

89 a. For a felony punishable by life, by a term of
90 imprisonment for life;

91 b. For a felony of the first degree, by a term of
92 imprisonment of 30 years;

93 c. For a felony of the second degree, by a term of
94 imprisonment of 15 years; and

95 d. For a felony of the third degree, by a term of
96 imprisonment of 5 years.

97 Section 2. Subsection (2) of section 784.03, Florida
98 Statutes, is amended to read:

99 784.03 Battery; felony battery.—

100 (2) A person who has one prior conviction for battery,
101 aggravated battery, ~~or~~ felony battery, or resisting an officer
102 with violence under s. 843.01 and who commits any second or
103 subsequent battery commits a felony of the third degree,
104 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
105 For purposes of this subsection, the term "conviction" means a
106 determination of guilt that is the result of a plea or a trial,
107 regardless of whether adjudication is withheld or a plea of nolo
108 contendere is entered.

109 Section 3. For the purpose of incorporating the amendment
110 made by this act to section 775.082, Florida Statutes, in
111 references thereto, paragraph (a) of subsection (2), paragraph
112 (g) of subsection (4), and subsections (8) and (10) of section
113 775.261, Florida Statutes, are reenacted to read:

114 775.261 The Florida Career Offender Registration Act.—

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

116 (a) "Career offender" means any person who is designated as

591-01884-26

2026436c1

a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(4) REGISTRATION.—

(g) A career offender who indicates his or her intent to reside in a state or jurisdiction other than the State of Florida and later decides to remain in this state shall, within 2 working days after the date upon which the career offender indicated he or she would leave this state, report in person to the sheriff or the department, whichever agency is the agency to which the career offender reported the intended change of residence, of his or her intent to remain in this state. If the sheriff is notified by the career offender that he or she intends to remain in this state, the sheriff shall promptly report this information to the department. A career offender who reports his or her intent to reside in a state or jurisdiction other than the State of Florida, but who remains in this state without reporting to the sheriff or the department in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) PENALTIES.—

(a) Except as otherwise specifically provided, a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or identification card; who fails to provide required location information or change-of-name information; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable

591-01884-26

2026436c1

as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who misuses public records information concerning a career offender, as defined in this section, or a career offender, as defined in s. 944.608 or s. 944.609, to secure a payment from such career offender; who knowingly distributes or publishes false information concerning such a career offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section, to:

(a) Withhold information from, or fail to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section and, if known, the whereabouts of the career offender;

(b) Harbor or attempt to harbor, or assist another in

591-01884-26

2026436c1

175 harboring or attempting to harbor, the career offender;

176 (c) Conceal or attempt to conceal, or assist another in
177 concealing or attempting to conceal, the career offender; or

178 (d) Provide information to the law enforcement agency
179 regarding the career offender which the person knows to be
180 false.

181 Section 4. For the purpose of incorporating the amendment
182 made by this act to section 775.082, Florida Statutes, in a
183 reference thereto, paragraph (bb) of subsection (2) of section
184 900.05, Florida Statutes, is reenacted to read:

185 900.05 Criminal justice data collection.—

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

187 (bb) "Prison releasee reoffender flag" means an indication
188 that the defendant is a prison releasee reoffender as defined in
189 s. 775.082 or any other statute.

190 Section 5. For the purpose of incorporating the amendment
191 made by this act to section 775.082, Florida Statutes, in a
192 reference thereto, subsection (6) of section 903.011, Florida
193 Statutes, is reenacted to read:

194 903.011 Pretrial release; general terms; statewide uniform
195 bond schedule.—

196 (6) A person may not be released before his or her first
197 appearance hearing or bail determination and a judge must
198 determine the appropriate bail, if any, based on an
199 individualized consideration of the criteria in s. 903.046(2),
200 if the person meets any of the following criteria:

201 (a) The person was, at the time of arrest for any felony,
202 on pretrial release, probation, or community control in this
203 state or any other state;

591-01884-26

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204 (b) The person was, at the time of arrest, designated as a
205 sexual offender or sexual predator in this state or any other
206 state;

207 (c) The person was arrested for violating a protective
208 injunction;

209 (d) The person was, at the time of arrest, on release from
210 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
211 944.4731;

212 (e) The person has, at any time before the current arrest,
213 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a
214 prison releasee reoffender, habitual violent felony offender,
215 three-time violent felony offender, or violent career criminal;

216 (f) The person has been arrested three or more times in the
217 6 months immediately preceding his or her arrest for the current
218 offense; or

219 (g) The person's current offense of arrest is for one or
220 more of the following crimes:

221 1. A capital felony, life felony, felony of the first
222 degree, or felony of the second degree;

223 2. A homicide under chapter 782; or any attempt,
224 solicitation, or conspiracy to commit a homicide;

225 3. Assault in furtherance of a riot or an aggravated riot;
226 felony battery; domestic battery by strangulation; domestic
227 violence, as defined in s. 741.28; stalking; mob intimidation;
228 assault or battery on a law enforcement officer; assault or
229 battery on juvenile probation officer, or other staff of a
230 detention center or commitment facility, or a staff member of a
231 commitment facility, or health services personnel; assault or
232 battery on a person 65 years of age or older; robbery; burglary;

591-01884-26 2026436c1

233 carjacking; or resisting an officer with violence;
 234 4. Kidnapping, false imprisonment, human trafficking, or
 235 human smuggling;
 236 5. Possession of a firearm or ammunition by a felon,
 237 violent career criminal, or person subject to an injunction
 238 against committing acts of domestic violence, stalking, or
 239 cyberstalking;
 240 6. Sexual battery; indecent, lewd, or lascivious touching;
 241 exposure of sexual organs; incest; luring or enticing a child;
 242 or child pornography;
 243 7. Abuse, neglect, or exploitation of an elderly person or
 244 disabled adult;
 245 8. Child abuse or aggravated child abuse;
 246 9. Arson; riot, aggravated riot, inciting a riot, or
 247 aggravated inciting a riot; or a burglary or theft during a
 248 riot;
 249 10. Escape; tampering or retaliating against a witness,
 250 victim, or informant; destruction of evidence; or tampering with
 251 a jury;
 252 11. Any offense committed for the purpose of benefiting,
 253 promoting, or furthering the interests of a criminal gang;
 254 12. Trafficking in a controlled substance, including
 255 conspiracy to engage in trafficking in a controlled substance;
 256 13. Racketeering; or
 257 14. Failure to appear at required court proceedings while
 258 on bail.
 259 Section 6. For the purpose of incorporating the amendment
 260 made by this act to section 775.082, Florida Statutes, in a
 261 reference thereto, paragraph (c) of subsection (5) of section

591-01884-26 2026436c1

262 907.041, Florida Statutes, is reenacted to read:
 263 907.041 Pretrial detention and release.—
 264 (5) PRETRIAL DETENTION.—
 265 (c) Upon motion by the state attorney, the court may order
 266 pretrial detention if it finds a substantial probability, based
 267 on a defendant's past and present patterns of behavior, the
 268 criteria in s. 903.046, and any other relevant facts, that any
 269 of the following circumstances exist:
 270 1. The defendant has previously violated conditions of
 271 release and that no further conditions of release are reasonably
 272 likely to assure the defendant's appearance at subsequent
 273 proceedings;
 274 2. The defendant, with the intent to obstruct the judicial
 275 process, has threatened, intimidated, or injured any victim,
 276 potential witness, juror, or judicial officer, or has attempted
 277 or conspired to do so, and that no condition of release will
 278 reasonably prevent the obstruction of the judicial process;
 279 3. The defendant is charged with trafficking in controlled
 280 substances as defined by s. 893.135, that there is a substantial
 281 probability that the defendant has committed the offense, and
 282 that no conditions of release will reasonably assure the
 283 defendant's appearance at subsequent criminal proceedings;
 284 4. The defendant is charged with DUI manslaughter, as
 285 defined by s. 316.193, and that there is a substantial
 286 probability that the defendant committed the crime and that the
 287 defendant poses a threat of harm to the community; conditions
 288 that would support a finding by the court pursuant to this
 289 subparagraph that the defendant poses a threat of harm to the
 290 community include, but are not limited to, any of the following:

591-01884-26

2026436c1

291 a. The defendant has previously been convicted of any crime
 292 under s. 316.193, or of any crime in any other state or
 293 territory of the United States that is substantially similar to
 294 any crime under s. 316.193;

295 b. The defendant was driving with a suspended driver
 296 license when the charged crime was committed; or

297 c. The defendant has previously been found guilty of, or
 298 has had adjudication of guilt withheld for, driving while the
 299 defendant's driver license was suspended or revoked in violation
 300 of s. 322.34;

301 5. The defendant poses the threat of harm to the community.
 302 The court may so conclude, if it finds that the defendant is
 303 presently charged with a dangerous crime, that there is a
 304 substantial probability that the defendant committed such crime,
 305 that the factual circumstances of the crime indicate a disregard
 306 for the safety of the community, and that there are no
 307 conditions of release reasonably sufficient to protect the
 308 community from the risk of physical harm to persons;

309 6. The defendant was on probation, parole, or other release
 310 pending completion of sentence or on pretrial release for a
 311 dangerous crime at the time the current offense was committed;

312 7. The defendant has violated one or more conditions of
 313 pretrial release or bond for the offense currently before the
 314 court and the violation, in the discretion of the court,
 315 supports a finding that no conditions of release can reasonably
 316 protect the community from risk of physical harm to persons or
 317 assure the presence of the accused at trial; or

318 8.a. The defendant has ever been sentenced pursuant to s.
 319 775.082(9) or s. 775.084 as a prison releasee reoffender,

Page 11 of 16

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591-01884-26

2026436c1

320 habitual violent felony offender, three-time violent felony
 321 offender, or violent career criminal, or the state attorney
 322 files a notice seeking that the defendant be sentenced pursuant
 323 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
 324 habitual violent felony offender, three-time violent felony
 325 offender, or violent career criminal;

326 b. There is a substantial probability that the defendant
 327 committed the offense; and

328 c. There are no conditions of release that can reasonably
 329 protect the community from risk of physical harm or ensure the
 330 presence of the accused at trial.

331 Section 7. For the purpose of incorporating the amendment
 332 made by this act to section 775.082, Florida Statutes, in
 333 references thereto, subsections (1) and (8) of section 944.608,
 334 Florida Statutes, are reenacted to read:

335 944.608 Notification to Department of Law Enforcement of
 336 information on career offenders.—

337 (1) As used in this section, the term "career offender"
 338 means a person who is in the custody or control of, or under the
 339 supervision of, the department or is in the custody or control
 340 of, or under the supervision of, a contractor-operated
 341 correctional facility, and who is designated as a habitual
 342 violent felony offender, a violent career criminal, or a three-
 343 time violent felony offender under s. 775.084 or as a prison
 344 releasee reoffender under s. 775.082(9).

345 (8) The failure of a career offender to submit to the
 346 taking of a digitized photograph, or to otherwise comply with
 347 the requirements of this section, is a felony of the third
 348 degree, punishable as provided in s. 775.082, s. 775.083, or s.

Page 12 of 16

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591-01884-26

2026436c1

775.084.

Section 8. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, subsection (1) of section 944.609, Florida Statutes, is reenacted to read:

944.609 Career offenders; notification upon release.—

(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of a contractor-operated correctional facility, who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

Section 9. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraphs (a) and (b) of subsection (7) of section 944.705, Florida Statutes, are reenacted to read:

944.705 Release orientation program.—

(7)(a) The department shall notify every inmate in the inmate's release documents:

1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department; and

2. In not less than 18-point type, that the inmate may be

591-01884-26

2026436c1

sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) This section does not preclude the sentencing of a person pursuant to s. 775.082(9), and evidence that the department failed to provide this notice does not prohibit a person from being sentenced pursuant to s. 775.082(9). The state is not required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

Section 10. For the purpose of incorporating the amendment made by this act to section 784.03, Florida Statutes, in a reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:

(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

591-01884-26 2026436c1

407 (e) Manslaughter or homicide, as defined in s. 782.07, s.
 408 782.071, or s. 782.072;
 409 (f) Assault or battery, as defined in ss. 784.011 and
 410 784.03, respectively, of one family or household member by
 411 another family or household member, as defined in s. 741.28(3);
 412 (g) Aggravated assault, as defined in s. 784.021;
 413 (h) Felony battery, domestic battery by strangulation, or
 414 aggravated battery, as defined in ss. 784.03, 784.041, and
 415 784.045, respectively;
 416 (i) Stalking or aggravated stalking, as defined in s.
 417 784.048;
 418 (j) Luring or enticing a child, as defined in s. 787.025;
 419 (k) Human trafficking, as defined in s. 787.06;
 420 (l) Kidnapping or false imprisonment, as defined in s.
 421 787.01 or s. 787.02;
 422 (m) Any offense defined in chapter 794;
 423 (n) Procuring a person less than 18 years of age for
 424 prostitution, as defined in former s. 796.03;
 425 (o) Lewd or lascivious offenses committed upon or in the
 426 presence of persons less than 16 years of age, as defined in s.
 427 800.04;
 428 (p) Arson, as defined in s. 806.01;
 429 (q) Burglary of a dwelling, as defined in s. 810.02;
 430 (r) Voyeurism or digital voyeurism, as defined in ss.
 431 810.14 and 810.145, respectively;
 432 (s) Robbery or robbery by sudden snatching, as defined in
 433 ss. 812.13 and 812.131, respectively;
 434 (t) Carjacking, as defined in s. 812.133;
 435 (u) Home-invasion robbery, as defined in s. 812.135;

591-01884-26 2026436c1

436 (v) A violation of the Florida Communications Fraud Act, as
 437 provided in s. 817.034;
 438 (w) Abuse of an elderly person or disabled adult, or
 439 aggravated abuse of an elderly person or disabled adult, as
 440 defined in s. 825.102;
 441 (x) Lewd or lascivious offenses committed upon or in the
 442 presence of an elderly person or disabled person, as defined in
 443 s. 825.1025;
 444 (y) Child abuse or aggravated child abuse, as defined in s.
 445 827.03;
 446 (z) Sexual performance by a child, as defined in s.
 447 827.071;
 448 (aa) Any offense defined in chapter 839;
 449 (bb) Certain acts in connection with obscenity, as defined
 450 in s. 847.0133;
 451 (cc) Any offense defined in s. 847.0135;
 452 (dd) Selling or buying of minors, as defined in s.
 453 847.0145;
 454 (ee) Aircraft piracy, as defined in s. 860.16;
 455 (ff) Manufacturing a controlled substance in violation of
 456 chapter 893;
 457 (gg) Drug trafficking, as defined in s. 893.135; or
 458 (hh) Any violation specified as a predicate offense for
 459 registration as a sexual predator pursuant to s. 775.21, or
 460 sexual offender pursuant to s. 943.0435, without regard to
 461 whether that offense alone is sufficient to require such
 462 registration.
 463 Section 11. This act shall take effect July 1, 2026.



615332

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete line 58
and insert:
s. battery on a law enforcement officer that results in
bodily injury;

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

And the title is amended as follows:

Delete line 5



615332

11 and insert:
12 commits or attempts to commit battery on a law
13 enforcement officer that

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 436

INTRODUCER: Criminal Justice Committee and Senator Leek

SUBJECT: Felony Battery

DATE: February 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</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> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 436 amends s. 784.03, F.S., to expand the list of qualifying prior offenses that allow for the reclassification of misdemeanor battery to a third degree felony. Specifically, the bill adds “*resisting an officer with violence*” under s. 843.01, F.S., to the list of prior convictions that may trigger felony reclassification.

The bill amends s. 775.082, F.S., to add felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

The bill may have a positive significant impact (an increase of more than 25 prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Battery

The offense of battery occurs when a person:

- Actually and intentionally touches or strikes another person against the will of the other; or

- Intentionally causes bodily harm to another person.¹

Battery is generally classified as a first degree misdemeanor.² However, if an individual has a prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery offense, they can be charged with a third degree felony.³

The intent required for battery under Florida law is established when a defendant either purposefully touches or strikes another person or engages in conduct knowing that such contact is substantially certain to occur. Courts have clarified that this intent may be inferred from the circumstances surrounding the act rather than requiring direct evidence of purpose. For example, in *Clark v. State*, the court held that battery may occur through the intentional touching or striking of an object so intimately connected to the person that it is regarded as an extension of the person, such as clothing or items held in hand.⁴ Later, in *Fey v. State*, the court expanded the definition of intentional touching or striking to include situations where the defendant knows that contact is substantially certain to result from their actions.⁵ Finally, *S.D. v. State* emphasized that intent to commit battery must be determined by circumstances surrounding the touching or striking of the victim.⁶

The Florida Bar's Florida Standard Criminal Jury Instructions for Battery, provides an instruction that to prove the crime of Battery, the State must prove the following beyond a reasonable doubt that:

- the Defendant actually and intentionally touched or struck the victim against his or her will; or
- the Defendant intentionally caused bodily harm to the victim.⁷

Assault or Battery on a Law Enforcement Officers or Other Specified Professional

An offense for assault, aggravated assault, battery, and aggravated battery is reclassified when a person is charged with intentionally committing any of these offenses against an officer or employee who is engaged in engaged in the lawful performance of his or her duties.⁸

Law enforcement officers and specified personnel are currently identified as any of the following:

- A law enforcement officer.
- A firefighter.
- An emergency medical care provider.
- A railroad special officer.
- A traffic accident investigation officer.

¹ Section 784.03, F.S.

² A first degree misdemeanor is punishable by not more than a year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

³ Section 784.03(2), F.S.

⁴ *Clark v. State*, 783 So. 2d 967 (Fla. 2001)

⁵ *Fey v. State*, 125 So. 3d 828 (Fla. 4th DCA 2013)

⁶ *S.D. v. State*, 882 So.2d 447 (Fla. 4th DCA 2004)

⁷ Florida Standard Jury Instruction 8.3

⁸ Section 784.07(2), F.S.

- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI.
- A law enforcement explorer.
- A traffic infraction enforcement officer.
- A parking enforcement specialist.
- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer.
- A security officer employed by the board of trustees of a community college.
- A public transit employee or agent.
- A utility worker is engaged in the lawful performance of his or her duties.⁹

The reclassification of the degree of the offense is as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor.
- In the case of battery, from a first degree misdemeanor to a third degree felony.
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment.
- In the case of aggravated battery, from a second degree felony to a first degree felony,¹⁰ and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.¹¹

Additionally, if an individual, during the commission of a battery of an officer, possessed:

- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.¹²

Resisting Arrest

A person who knowingly and willfully resists, obstructs, or opposes specified officers by offering or doing violence to the officer, commits a third degree felony.¹³

Officers specified in s. 843.01, F.S., include any of the following:

⁹ Section 784.07, F.S.

¹⁰ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

¹¹ Section 784.07(2)(a)-(d), F.S.

¹² Section 784.07(3)(a) and (b), F.S. Additionally, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release, prior to serving the minimum sentence. Section 784.07(3), F.S.

¹³ Section 843.01, F.S.

- Law enforcement officer, correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer or auxiliary law enforcement officer.¹⁴
- 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.
- Personnel or representatives of the Department of Law Enforcement.
- Other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty.

The Florida Bar's Florida Standard Criminal Jury Instructions for Obstruction of Justice, resisting an officer with violence provides an instruction that to prove the crime of Resisting Officer with Violence, the State must prove all of the following elements beyond a reasonable doubt:

- The defendant knowingly and willfully resisted, obstructed or opposed the victim by offering to do violence or doing violence to the victim.
- At the time, the victim was engaged in the execution of legal process or lawful execution of a legal duty.
- At the time, the victim was an officer or a person legally authorized to execute process.
- At the time, the defendant knew the victim was an officer or a person legally authorized to execute process.¹⁵

"Offering" to do violence means threatening to do violence.

Florida courts have clarified the scope of intent in resisting and battery-related offenses through several decisions. In *Kirkland v. State*,¹⁶ the court held that verbal threats alone do not constitute "resisting with violence" when the defendant lacks the ability to carry out those threats, as in the case where the defendant was hogtied and physically incapable of acting on them. This illustrates that intent requires more than words, it must be coupled with the capacity to act. In *Frey v. State*,¹⁷ the Florida Supreme Court determined that resisting arrest with violence is not a specific intent crime, meaning the defense of voluntary intoxication does not apply; the offense only requires a general intent to resist, not a heightened mental state. Similarly, in *Wright v. State*¹⁸ (1998), the court recognized that a defendant charged with attempted battery on a law enforcement officer was entitled to a jury instruction on the justifiable use of non-deadly force, reinforcing that intent must be evaluated in light of the circumstances and available defenses. Together, these cases underscore that intent in these circumstances is determined by both the defendant's ability to act and the surrounding circumstances, rather than requiring proof of a specific purpose.

¹⁴ Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

¹⁵ Florida Standard Jury Instruction 21.1

¹⁶ *Kirkland v State*, 647 So. 2d.142 (Fla. 1994)

¹⁷ *Frey v State*, 708 So.2d 918 (Fla. 1998)

¹⁸ *Wright v State*, 705 So.2d 102 (Fla. 1998)

Sentencing

The Criminal Punishment Code¹⁹ (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).²⁰

The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony as follows:

- Sixty days in a county jail for a second degree misdemeanor.
- One year in a county jail for a first degree misdemeanor.
- Five years in state prison for a third degree felony.
- Fifteen years in state prison for a second degree felony.
- Generally, 30 years in state prison for a first degree felony.²¹

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level defaults to the following parameters:

- A third degree felony is within offense level 1.
- A second degree felony is within offense level 4.
- A first degree felony is within offense level 7.
- A first degree punishable by life felony is within offense level 9.
- A life felony is within offense level 10.

A person who commits battery on a law enforcement officer is guilty of a third-degree felony. The offense is ranked as a Level 4 offense on the Criminal Punishment Code Offense Severity Ranking Chart. A third degree felony is punishable by up to five years in state prison, five years of probation, and a \$5,000 fine.²²

Resisting an officer with violence is classified as a third-degree felony and is ranked as a Level 5 offense on the Criminal Punishment Code Offense Severity Ranking Chart. A third degree felony is punishable by up to five years in state prison, five years of probation, and a \$5,000 fine.²³

¹⁹ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

²⁰ Offenses are either ranked in the offense severity level ranking chart in section 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in section 921.0023, F.S.

²¹ Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. section 775.083, F.S., provides the following maximum fines; \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

²² Section 784.07, F.S.

²³ Section 843.01, F.S.

Enhancement

Florida law authorizes several sentence enhancement provisions for qualifying offenders, including Prison Releasee Reoffender, Habitual Felony Offender, and Violent Career Criminal designations.

Prison Releasee Reoffender

If the state attorney determines that a defendant is a prison releasee reoffender, the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- For a felony punishable by life,²⁴ by a term of imprisonment for life.
- For a first degree felony,²⁵ by a term of imprisonment of 30 years.
- For a second degree felony²⁶, by a term of imprisonment of 15 years.
- For a third degree felony,²⁷ by a term of imprisonment of 5 years.²⁸

A person sentenced as a prison releasee reoffender can be released only by expiration of sentence and is not be eligible for parole, control release, or any form of early release. A prison releasee reoffender must also serve 100 percent of the court-imposed sentence.²⁹

A “prison releasee reoffender” is a person who has committed or attempted to commit any of the following enumerated offenses within 3 years after being released from a prison sentence:³⁰

- Treason.
- Murder.
- Manslaughter.
- Sexual battery.
- Carjacking.
- Home-invasion robbery.
- Robbery.
- Arson.
- Kidnapping.
- Aggravated assault with deadly weapon.
- Aggravated battery.

²⁴ For example, a capital felony is generally punishable by death or life imprisonment, a life felony is generally punishable by life imprisonment or by a term of imprisonment not exceeding 40 years, and a first degree felony may be punishable by a term of years not exceeding life imprisonment when specifically provided by statute. Section 775.082, F.S.

²⁵ The maximum term of imprisonment for a first degree felony is generally 30 years imprisonment. Section 775.082, F.S.

²⁶ The maximum term of imprisonment for a second degree felony is 15 years imprisonment. Section 775.082, F.S.

²⁷ The maximum term of imprisonment for a third degree felony is 5 years imprisonment. Section 775.082, F.S.

²⁸ Section 775.082(9)(a)3., F.S.

²⁹ Section 775.082(9)(b), F.S. Section 775.082(9), F.S., does not prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084, F.S., or any other provision of law. Section 775.082(9)(c), F.S.

³⁰ Section 775.082, F.S., states that Florida state or private correctional facility, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year.

- Aggravated stalking.
- Aircraft piracy.
- Unlawful throwing, placing, or discharging of a destructive device or bomb.
- Any felony that involves the use or threat of physical force or violence against an individual.
- Armed burglary.
- Burglary of a dwelling or an occupied structure.
- Any violation of s. 790.07, F.S. (felons in possession of firearms).
- Any violation of s. 800.04, F.S. (lewd or lascivious act in the presence of a child).
- Any violation of s. 827.03, F.S. (abuse, aggravated abuse and neglect of a child).
- Any violation of s. 827.071, F.S. (sexual performance by a child).
- Any violation of s. 847.013(5), F.S. (prohibited computer transmissions constituting lewd exhibition).³¹

Habitual Felony Offender

The Habitual Felony Offender (HFO) statute targets repeat felony offenders who demonstrate a pattern of recidivism, allowing courts to impose longer sentences to protect public safety while preserving judicial discretion. Under current law, an HFO is a defendant for whom the court may impose an extended term of imprisonment. The court may classify a person as a Habitual Felony Offender if it finds that:

- The defendant has two or more felony convictions (or other qualified offenses) in this state.³²
- The felony for which the defendant is to be sentenced was committed:
 - While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or
 - Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13, F.S., relating to the purchase or the possession of a controlled substance.

The defendant has not received a pardon for any felony or other qualified offense that is necessary for habitual felony offender designation.³³

If the State pursues the HFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment and may sentence the habitual felony offender as follows:

- A life felony or a felony of the first degree, for life.

³¹ Section 775.082, F.S.

³² Section 775.084(1)(a), F.S., provides that any felony offense qualifies except violations of s. 893.13, F.S., relating to the purchase or possession of a controlled substance, which are expressly excluded.

³³ Section 775.084, F.S.

- A felony of the second degree, for a term of years not exceeding 30 years.
- A felony of the third degree, for a term of years not exceeding 10 years.

The court retains discretion to decline enhanced sentencing if it determines such punishment is not necessary for the protection of the public but must provide written reasons for doing so.

Violent Career Criminal

Violent career criminal (VCC) designation targets offenders with a demonstrated pattern of violent criminal behavior and prior incarceration, aiming to incapacitate individuals deemed high-risk for recidivism. A violent career criminal designation applies to defendants who meet all of the following criteria:

- The defendant has three or more prior adult convictions for qualifying offenses, which include:
 - Any forcible felony.³⁴
 - Aggravated stalking.³⁵
 - Aggravated child abuse.³⁶
 - Aggravated abuse of an elderly person or disabled adult.³⁷
 - Lewd or lascivious battery, molestation, conduct, or exhibition.³⁸
 - Escape.³⁹
 - Any felony violation of ch. 790, F.S., involving the use or possession of a firearm.
- The defendant has been incarcerated in a state or federal prison.
- The current felony offense must be one of the enumerated crimes and committed:
 - While serving a sentence or supervision for a prior enumerated felony, or
 - Within 5 years of the last prior conviction or release from incarceration/supervision for an enumerated felony.

In 2007, *State v. Hearn*, the Supreme Court, held that battery on law enforcement officer was not a “forcible felony” that could be used to enhance subsequent felony as violent career criminal.⁴⁰ “Forcible felony” is used in several sentence enhancement statutes, including the Prison Releasee Reoffender, Habitual Felony Offender, and the Violent Career Criminal designation. By excluding battery on a law enforcement officer from this category, the Court limited its use as a qualifying offense for these enhanced sentencing schemes.

³⁴ Section 776.08, F.S., “Forcible felony” means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

³⁵ Section 784.048(3) and (4), F.S.

³⁶ Section 827.03(2)(a), F.S.

³⁷ Section 825.102(2), F.S.

³⁸ Section 800.04 or s. 847.0135(5), F.S.

³⁹ Section 944.40, F.S.

⁴⁰ *State v. Hearn*, 961 So.2d 211 (Fla. 2007)

Reclassification

Reclassifying an offense increases the degree of the offense. Typically, the maximum sentence for a criminal offense is determined by the degree of the misdemeanor or felony. The following are the maximum sentences associated with each degree:

- Sixty days in a county jail for a second degree misdemeanor.
- One year in a county jail for a first degree misdemeanor.
- Five years in state prison for a third degree felony.
- Fifteen years in state prison for a second degree felony.
- Generally, thirty years in state prison for a first degree felony.⁴¹

III. Effect of Proposed Changes:

The bill amends s. 784.03, F.S., to expand the list of qualifying prior offenses that allow for the reclassification of misdemeanor battery to a third degree felony. Specifically, the bill adds “*resisting an officer with violence*” under s. 843.01, F.S., to the list of prior convictions that may trigger felony reclassification.

The bill amends s. 775.082, F.S., to add felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

The bill takes effect July 1, 2026.

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. 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.

⁴¹ Section 775.082, F.S. (maximum penalties). Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.082, F.S., provides the following maximum fines: \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

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 significant prison bed impact (an increase of more than 25 prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per FDLE, in FY 24-25, there were 1,138 arrests for the 1st degree misdemeanor under s. 784.03, F.S., with 405 guilty/convicted charges and 70 adjudication withheld charges for those with a prior conviction or adjudication withheld under s. 843.01, F.S.
- Per DOC, the incarceration rate for this felony was between 11 percent and 15 percent over the last three fiscal years. This is higher than the incarceration rate for Level 1, 3rd degree felonies in general (9.7 percent in FY 24-25). However, even with the lowest incarceration rate, the number of offenders that would be incarcerated would be above the threshold for significance (25 offenders in a fiscal year).⁴²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 775.082 and 784.03 of the Florida Statutes.

This bill reenacts the following sections of Florida Statutes: 775.261, 900.05, 903.011, 907.041, 943.0584, 944.608, 944.609, and 944.705, F.S.

⁴² Office of Economic and Demographic Research, *SB 436- Felony Battery*, (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

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

CS by Criminal Justice on January 12, 2026:

The committee substitute adds felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

- B. **Amendments:**

None.

By the Committee on Judiciary; and Senators Simon, Wright, Osgood, Rodriguez, Calatayud, Jones, Smith, Bracy Davis, Boyd, Massullo, Rouson, and DiCeglie

590-02693-26

2026532c1

1 A bill to be entitled
 2 An act relating to clerks of the court; amending s.
 3 28.37, F.S.; authorizing the cumulative excess of
 4 funds to be used in the development of the total
 5 combined budgets of the clerks of the court; amending
 6 ss. 28.35 and 28.36, F.S.; conforming provisions to
 7 changes made by the act; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (b) of subsection (4) of section
 12 28.37, Florida Statutes, is amended to read:
 13 28.37 Fines, fees, service charges, and costs remitted to
 14 the state.—
 15 (4)
 16 (b) ~~No later than February 1, 2022, and each February 1~~
 17 ~~thereafter, the Department of Revenue shall transfer 50 percent~~
 18 ~~of the cumulative excess of the original revenue projection from~~
 19 ~~the Clerks of the Court Trust Fund to the General Revenue Fund.~~
 20 ~~The remaining 50 percent in the Clerks of the Court Trust Fund~~
 21 may be used in the development of the total combined budgets of
 22 the clerks of the court as provided in s. 28.35(2)(f)6. However,
 23 a minimum of 10 percent of ~~the clerk-retained portion of the~~
 24 cumulative excess ~~amount~~ must be held in reserve until such
 25 funds reach an amount equal to at least 16 percent of the total
 26 budget authority from the current county fiscal year, as
 27 provided in s. 28.36(3)(a).
 28 Section 2. Paragraph (f) of subsection (2) of section
 29 28.35, Florida Statutes, is amended to read:

Page 1 of 5

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590-02693-26

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30 28.35 Florida Clerks of Court Operations Corporation.—
 31 (2) The duties of the corporation shall include the
 32 following:
 33 (f) Approving the proposed budgets submitted by clerks of
 34 the court pursuant to s. 28.36. The corporation must ensure that
 35 the total combined budgets of the clerks of the court do not
 36 exceed the total estimated revenues from fees, service charges,
 37 court costs, and fines for court-related functions available for
 38 court-related expenditures as determined by the most recent
 39 Revenue Estimating Conference, plus the total of unspent
 40 budgeted funds for court-related functions carried forward by
 41 the clerks of the court from the previous county fiscal year,
 42 plus the cumulative excess as provided in balance of funds
 43 ~~remaining in the Clerks of the Court Trust Fund after the~~
 44 ~~transfer of funds to the General Revenue Fund required pursuant~~
 45 ~~to s. 28.37(4)(b), and plus any appropriations for court-related~~
 46 functions. The corporation may amend any individual clerk of the
 47 court budget to ensure compliance with this paragraph and must
 48 consider performance measures, workload performance standards,
 49 workload measures, and expense data before modifying the budget.
 50 As part of this process, the corporation shall:
 51 1. Calculate the minimum amount of revenue necessary for
 52 each clerk of the court to efficiently perform the list of
 53 court-related functions specified in paragraph (3)(a). The
 54 corporation shall apply the workload measures appropriate for
 55 determining the individual level of review required to fund the
 56 clerk's budget.
 57 2. Prepare a cost comparison of similarly situated clerks
 58 of the court, based on county population and numbers of filings,

Page 2 of 5

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590-02693-26

2026532c1

59 using the standard list of court-related functions specified in
60 paragraph (3) (a).

61 3. Conduct an annual base budget review and an annual
62 budget exercise examining the total budget of each clerk of the
63 court. The review shall examine revenues from all sources,
64 expenses of court-related functions, and expenses of noncourt-
65 related functions as necessary to determine that court-related
66 revenues are not being used for noncourt-related purposes. The
67 review and exercise shall identify potential targeted budget
68 reductions in the percentage amount provided in Schedule VIII-B
69 of the state's previous year's legislative budget instructions,
70 as referenced in s. 216.023(3), or an equivalent schedule or
71 instruction as may be adopted by the Legislature.

72 4. Identify those proposed budgets containing funding for
73 items not included on the standard list of court-related
74 functions specified in paragraph (3) (a).

75 5. Identify those clerks projected to have court-related
76 revenues insufficient to fund their anticipated court-related
77 expenditures.

78 6. Use revenue estimates based on the official estimate for
79 funds from fees, service charges, court costs, and fines for
80 court-related functions accruing to the clerks of the court made
81 by the Revenue Estimating Conference, as well as any unspent
82 budgeted funds for court-related functions carried forward by
83 the clerks of the court from the previous county fiscal year and
84 the cumulative excess as provided in balance of funds remaining
85 ~~in the Clerks of the Court Trust Fund after the transfer of~~
86 ~~funds to the General Revenue Fund required pursuant to s.~~
87 28.37(4) (b), plus any appropriations for the purpose of funding

590-02693-26

2026532c1

88 court-related functions.

89 7. Identify pay and benefit increases in any proposed clerk
90 budget, including, but not limited to, cost of living increases,
91 merit increases, and bonuses.

92 8. Identify increases in anticipated expenditures in any
93 clerk budget that exceeds the current year budget by more than 3
94 percent.

95 9. Identify the budget of any clerk which exceeds the
96 average budget of similarly situated clerks by more than 10
97 percent.

98
99 For the purposes of this paragraph, the term "unspent budgeted
100 funds for court-related functions" means undisbursed funds
101 included in the clerks of the courts budgets for court-related
102 functions established pursuant to this section and s. 28.36.

103 Section 3. Paragraph (b) of subsection (2) and paragraph
104 (a) of subsection (3) of section 28.36, Florida Statutes, are
105 amended to read:

106 28.36 Budget procedure.—There is established a budget
107 procedure for the court-related functions of the clerks of the
108 court.

109 (2) Each proposed budget shall further conform to the
110 following requirements:

111 (b) The proposed budget must be balanced such that the
112 total of the estimated revenues available equals or exceeds the
113 total of the anticipated expenditures. Such revenues include
114 revenue projected to be received from fees, service charges,
115 court costs, and fines for court-related functions during the
116 fiscal period covered by the budget, plus the total of unspent

590-02693-26

2026532c1

117 budgeted funds for court-related functions carried forward by
118 the clerk of the court from the previous county fiscal year and
119 ~~the cumulative excess as provided in plus the portion of the~~
120 ~~balance of funds remaining in the Clerks of the Court Trust Fund~~
121 ~~after the transfer of funds to the General Revenue Fund required~~
122 ~~pursuant to~~ s. 28.37(4)(b) which has been allocated to each
123 respective clerk of the court by the Florida Clerks of Court
124 Operations Corporation. For the purposes of this paragraph, the
125 term "unspent budgeted funds for court-related functions" means
126 undisbursed funds included in the clerk of the courts' budget
127 for court related functions established pursuant to s. 28.35 and
128 this section. The anticipated expenditures must be itemized as
129 required by the corporation.

130 (3)(a) The Florida Clerks of Court Operations Corporation
131 shall establish and manage a reserve for contingencies within
132 the Clerks of the Court Trust Fund which must consist of an
133 amount not to exceed 16 percent of the total budget authority
134 for the clerks of court during the current county fiscal year,
135 to be carried forward at the end of the fiscal year. Funds to be
136 held in reserve include the transfers of cumulative excess, as
137 provided in s. 28.37(4)(b), ~~from the Clerks of the Court Trust~~
138 ~~Fund~~ and may also include revenues provided by law or moneys
139 appropriated by the Legislature.

140 Section 4. This act shall take effect July 1, 2026.



552484

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Between lines 139 and 140
insert:

Section 4. Section 45.031, Florida Statutes, is amended to
read:

45.031 Judicial sales procedure.—In any sale of real or
personal property under an order or judgment, the procedures
provided in this section and ss. 45.0315-45.035 must ~~may~~ be
~~followed as an alternative to any other sale procedure if so~~



552484

~~ordered by the court.~~

Section 5. Section 56.35, Florida Statutes, is created to read:

56.35 Judicial Sales.—A sale of real property under an order or judgment of a court must be conducted by the clerk of court.

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

And the title is amended as follows:

Delete line 7

and insert:

changes made by the act; amending s. 42.031, F.S.;
45.031, F.S.; requiring rather than allowing certain
procedures be used in a judicial foreclosure sale;
creating s. 56.35, F.S.; providing that only a clerk
of court may conduct a judicial sale of real property
in a civil action; providing an effective date.

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 532

INTRODUCER: Judiciary Committee and Senator Simon and others

SUBJECT: Clerks of the Court

DATE: February 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 532 allows the clerks of court to retain all the funds they collect above the Article V Revenue Estimating Conference's original revenue projection. This cumulative excess is derived from fines, fees, service charges, and court costs.

The bill also provides conforming changes to related statutes.

The bill is estimated to provide the clerks with an additional \$13.3 million in revenue for FY 2026-2027. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

The clerk of the circuit court is a constitutional officer elected at the county level.¹ Historically, the clerk not only managed the court system (keeping court files, staffing the courtroom, and collecting criminal court fines and court-related filing fees and service charges), but also acted as the clerk to the county commission, auditor, recorder, and custodian of county funds. Most counties still follow this model, although some historical county-level functions of individual clerks are now assigned to other offices or officials.

¹ FLA. CONST. art. V, s. 16.

Before 2004, all monies collected by the clerk went first to any fund or funds, if any, that the authorizing statute required.² The remaining monies collected by a clerk were deposited into either the county general fund or the county's fine and forfeiture fund. The clerk's budget was adopted by the county commission, which used the fine and forfeiture fund together with county general funds to pay for the services of the clerk. The county has always been responsible for providing a clerk appropriate office space and utilities, and thus, most of a clerk's budget today is for staff (wages and benefits).

A constitutional amendment, which was approved by the voters in 1998 and took effect in 2004, requires a clerk to internally split the office budget into court-related functions and county-related functions.³ The amendment required that a county fund the clerk's county-related functions. The amendment also required the state to fund court-related functions of a clerk by authorizing the clerk to retain filing fees, service charges, and other monies collected. The state is required to implement sufficient filing fees and service charges to cover a clerk's expenses and may be required to provide supplemental appropriations.

Current law provides that the Department of Revenue shall transfer 50 percent of the cumulative excess⁴ of the original revenue⁵ projection from the Clerks of the Court Trust Fund to the General Revenue Fund. The remaining 50 percent in the Clerks of the Court Trust Fund may be used in the development of the total combined budgets of the clerks of the court. However, a minimum of 10 percent of the clerk-retained portion of the cumulative excess amount must be held in reserve until such funds reach an amount equal to at least 16 percent of the total budget authority from the current county fiscal year.⁶

III. Effect of Proposed Changes:

CS/SB 532 amends s. 28.37, F.S., to repeal the requirement that the Department of Revenue transfer 50 percent of the cumulative excess of the original revenue projection from the Clerks of the Court Trust Fund to the General Revenue Fund. This change allows the clerks of court to retain all the funds they collect above the Article V. Revenue Estimating Conference's original revenue projection.

The bill is effective July 1, 2026.

² For an example of the distribution requirements, a payment for a traffic ticket may be spread among as many as 20 funds, the clerk keeping the remainder. See s. 318.21, F.S. To see the current complexity of the system, there is a 125-page manual. See Florida Association of Court Clerks & Comptrollers, *2025 Distribution Schedule*, at https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-_pdf.

³ Revision 7, 1998 general election. See FLA. CONST. art. V, s. 14(b)-(c).

⁴ Section 28.37(2)(a), F.S., provides "Cumulative excess" means revenues derived from fines, fees, service charges, and court costs collected by the clerks of the court which are greater than the original revenue projection.

⁵ Section 28.37(2)(b), F.S., provides "Original revenue projection" means the official estimate, as determined by the Revenue Estimating Conference, of revenues from fines, fees, service charges, and court costs available for court-related functions for the county fiscal year covered by the projection.

⁶ Section 28.37, F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Revenue Estimating Conference (REC) reviewed SB 1322, relating to the Clerks of the Court, on January 16, 2026. Although the bill is substantially different than CS/SB 532, it includes the amendment made to s. 28.37, F.S. The REC determined that this change would result in a \$13.3 million increase to the Clerks of the Court Trust Fund for Fiscal Year 2026-2027. Subsequently, there will be a corresponding \$13.3 million decrease to the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.35, 28.36, and 28.37.

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

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

None.

B. Amendments:**CS by Judiciary on February 10, 2026:**

The committee substitute does not include the provisions in the original bill which would have increased fees and service charges collected by the clerks of court or the provisions directing the Office of Economic and Demographic Research to recommend further increases. The committee substitute, however, provides increased funding for clerk of court by repealing a requirement that certain cumulative excess revenues be transferred to the General Revenue Fund.

By the Committee on Criminal Justice; and Senator Truenow

591-02413-26

2026600c1

1 A bill to be entitled
 2 An act relating to bail bonds; amending s. 648.25,
 3 F.S.; defining the term "virtual office"; amending s.
 4 648.386, F.S.; defining the term "in-person classroom
 5 instruction"; decreasing the duration of in-person
 6 classroom-instruction basic certification courses
 7 required to be considered for approval and
 8 certification as an approved limited surety agent and
 9 professional bail bond agent prelicensing school;
 10 amending s. 648.44, F.S.; prohibiting bail bond agents
 11 and agencies from soliciting certain persons;
 12 providing exceptions; authorizing bail bond agents and
 13 agencies to accept certain fees or charges;
 14 prohibiting virtual offices; amending s. 903.011,
 15 F.S.; requiring, rather than authorizing, that any
 16 monetary or cash component of any form of pretrial
 17 release be met by specified means; amending s.
 18 903.046, F.S.; revising the criteria that a court must
 19 consider in making specified determinations;
 20 prohibiting a surety bond that has been revoked from
 21 being reinstated without written authorization;
 22 amending s. 903.0471, F.S.; requiring that, upon a
 23 court's entry of an order to revoke pretrial release
 24 and order pretrial detention in certain circumstances,
 25 the clerk of the court discharge any bond previously
 26 posted as a condition of pretrial release without
 27 further order of the court; amending s. 903.05, F.S.;
 28 deleting the requirement that a surety own certain
 29 real estate as a qualification for the release of a

Page 1 of 39

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591-02413-26

2026600c1

30 person on bail; repealing s. 903.08, F.S., relating to
 31 sufficiency of sureties; amending s. 903.09, F.S.;
 32 requiring sureties, other than bail bond agents, to
 33 justify their suretyship by attaching to the bond
 34 United States currency, a United States postal money
 35 order, or a cashier's check in the amount of the bond;
 36 providing that such currency, money order, or
 37 cashier's check may not be used to secure more than
 38 one bond; deleting the requirement that a surety
 39 execute an affidavit providing certain information;
 40 amending s. 903.101, F.S.; revising the requirements
 41 that sureties must meet to have equal access to jails
 42 for making bonds; amending s. 903.16, F.S.;
 43 authorizing a defendant who has been admitted to bail,
 44 or another person on the defendant's behalf, to
 45 deposit with the official authorized to take bail
 46 money an amount equal to the bail amount set in the
 47 court order; requiring that such deposit be receipted
 48 in the name of the defendant; requiring, rather than
 49 authorizing, the sheriff or other officials to remit
 50 to the clerk money or bonds received which are to be
 51 held by the clerk pending court action; deleting a
 52 provision stating that consent is conclusively
 53 presumed for the clerk of the circuit court to sell
 54 bonds deposited as bail after forfeiture of the bond;
 55 repealing s. 903.17, F.S., relating to substitution of
 56 cash bail for other bail; amending s. 903.21, F.S.;
 57 specifying that the surety is exonerated of liability
 58 on a bond if a specified determination is made before

Page 2 of 39

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591-02413-26

2026600c1

59 forfeiture of the bond; revising the definition of the
60 term "costs and expenses"; amending s. 903.26, F.S.;
61 providing that a certain signed certificate that
62 certifies a specified required notice constitutes
63 sufficient proof of the mailing or electronic
64 transmission of such notice; deleting a requirement
65 that municipal officials having custody of forfeited
66 money deposit such money in a designated municipal
67 fund within 60 days after the forfeiture notice has
68 been mailed or electronically transmitted; deleting
69 certain requirements that must be met when bonds are
70 forfeited; revising the circumstances under which the
71 court is required to discharge a forfeiture within a
72 specified timeframe; requiring the state to enter the
73 information of a defendant in the National Crime
74 Information Center database for each felony warrant
75 that a court issues for failure to appear; specifying
76 circumstances under which the clerk must discharge a
77 forfeiture and issue a certain notice to the surety
78 without further order of the court; specifying
79 circumstances under which the clerk does not have
80 standing to object to specified motions; amending s.
81 903.27, F.S.; requiring the clerk of the circuit court
82 to enter a certain judgment if the forfeiture is not
83 paid or discharged by order of a court of competent
84 jurisdiction within 60 days after the forfeiture
85 notice has been mailed or electronically transmitted;
86 reducing the number of days within which the clerk
87 must furnish specified information to the Department

Page 3 of 39

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591-02413-26

2026600c1

88 of Financial Services, the Office of Insurance
89 Regulation of the Financial Services Commission, and
90 the surety company at its home office; amending s.
91 903.28, F.S.; increasing the amount of time within
92 which a court must order remission of a forfeiture if
93 it determines that there was no breach of the bond;
94 requiring a court, in certain circumstances and upon a
95 certain motion, to direct remission in accordance with
96 specified provisions if a defendant surrenders, is
97 deceased, or is apprehended within a certain time
98 after forfeiture; deleting provisions relating to the
99 ordering of remission under specified circumstances;
100 decreasing the amount of time for which the clerk of
101 the circuit court and the state attorney must be given
102 notice before a certain hearing and be furnished with
103 copies of certain documents; requiring the clerk of
104 the circuit court to issue a remission within a
105 certain timeframe after the entry of a court order
106 directing remission; providing for accrual of interest
107 if remission is not issued within such timeframe;
108 providing that the court may order remission of the
109 forfeiture in certain circumstances; amending s.
110 903.29, F.S.; increasing the length of time from the
111 date of forfeiture of a bond within which a surety may
112 arrest the principal; amending s. 903.31, F.S.;
113 revising provisions relating to the ordering of a bond
114 cancellation; revising applicability; defining the
115 term "revoked"; specifying that the original
116 appearance bond does not guarantee a sentencing

Page 4 of 39

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

591-02413-26

2026600c1

117 deferral, a delayed sentencing, or an appearance after
 118 entering a plea agreement; repealing s. 903.36, F.S.,
 119 relating to guaranteed arrest bond certificates as
 120 cash bail; reenacting and amending s. 907.041, F.S.;
 121 requiring that a certain pretrial release service
 122 certification be made in writing before the defendant
 123 is released from custody; revising the definition of
 124 the term "dangerous crime"; authorizing, rather than
 125 requiring, the state attorney or the court on its own
 126 motion, to move for pretrial detention if a defendant
 127 is arrested for certain dangerous crimes and the court
 128 makes a certain determination; amending s. 648.45,
 129 F.S.; conforming cross-references; making technical
 130 changes; reenacting s. 626.2816(2) and (3), F.S.,
 131 relating to regulation of continuing education for
 132 licensees, course providers, instructors, school
 133 officials, and monitor groups, to incorporate the
 134 amendment made to s. 648.386, F.S., in references
 135 thereto; reenacting s. 903.047(1)(c), F.S., relating
 136 to conditions of pretrial release, to incorporate the
 137 amendment made to s. 903.046, F.S., in a reference
 138 thereto; reenacting s. 903.286(2), F.S., relating to
 139 cash bond forms, to incorporate the amendment made to
 140 s. 903.09, F.S., in a reference thereto; providing an
 141 effective date.

142
 143 Be It Enacted by the Legislature of the State of Florida:

144
 145 Section 1. Subsection (12) is added to section 648.25,

591-02413-26

2026600c1

146 Florida Statutes, to read:

147 648.25 Definitions.—As used in this chapter, the term:
 148 (12) "Virtual office" means an office that does not provide
 149 a continuous physical office space and provides professional
 150 address and mail handling services and which may, upon request,
 151 provide communications and telephone services or a dedicated
 152 office space.

153 Section 2. Subsection (1) and paragraph (a) of subsection
 154 (2) of section 648.386, Florida Statutes, are amended to read:

155 648.386 Qualifications for prelicensing and continuing
 156 education schools and instructors.—

157 (1) ~~DEFINITIONS~~ DEFINITION OF "CLASSROOM INSTRUCTION".—As
 158 used in this section, the term:

159 (a) "Classroom instruction" means a course designed to be
 160 presented to a group of students by a live instructor using
 161 lecture, video, webcast, or virtual or other audio-video
 162 presentation.

163 (b) "In-person classroom instruction" means a course
 164 designed to be presented to a group of students by a live
 165 instructor using lectures, with the instructor and students in
 166 the same physical classroom at the same time.

167 (2) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In
 168 order to be considered for approval and certification as an
 169 approved limited surety agent and professional bail bond agent
 170 prelicensing school, such entity must:

171 (a)1. Offer a minimum of two 80-hour in-person ~~120-hour~~
 172 classroom-instruction basic certification courses in the
 173 criminal justice system per calendar year unless a reduced
 174 number of course offerings per calendar year is warranted in

591-02413-26

2026600c1

accordance with rules ~~adopted promulgated~~ by the department; or
 2. Offer a department-approved correspondence course pursuant to department rules.

Section 3. Present paragraphs (d) through (p) of subsection (1) of section 648.44, Florida Statutes, are redesignated as paragraphs (e) through (q), respectively, a new paragraph (d) is added to that subsection, and present paragraph (j) of that subsection and subsections (4) and (9) of that section are amended, to read

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(d) Solicit bail from a detainee, the detainee's attorney, an adult member of the detainee's immediate family, or any other person unless the detainee specifically authorizes such solicitation in writing. The detainee must sign this designation before the solicitation unless prohibited by the rules, regulations, or ordinances governing the place of imprisonment. If such a prohibition exists, the designation may be signed after the detainee's release to ratify a previous oral designation made by him or her. A solicitation to a detainee may occur only after a legitimate request for bail services has been received from the detainee or an individual specified in this paragraph. The solicitation of a person specified in this paragraph may only occur between 8 a.m. and 9 p.m., unless the bail bond agent or bail bond agency has received direct and specific written authorization from the detainee or the detainee's attorney to solicit at another time.

(k) (j) Accept anything of value from a principal for providing a bail bond aside from except the premium, a credit

591-02413-26

2026600c1

card merchant processing fee, a mobile payment services fee or similar charge which must be separate from and not considered premium, and a transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with s. 648.442, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. Upon written agreement with another party, a bail bond agent or bail bond agency may, upon written agreement with another party, receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(4) A place of business, including a branch office, may not be established, opened, or maintained unless it is under the active full-time charge of a licensed and appointed bail bond agent. A virtual office is prohibited.

(9) (a) A Any person who violates paragraph (1) (f), paragraph (1) (g), paragraph (1) (h), paragraph (1) (k), paragraph (1) (o), any provisions of paragraph (1) (e), paragraph (1) (f), paragraph (1) (g), paragraph (1) (j), or paragraph (1) (n), or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A Any person who violates the provisions of paragraph (1) (a), paragraph (1) (b), paragraph (1) (c), paragraph (1) (i), paragraph (1) (l), paragraph (1) (n), paragraph (1) (p), paragraph (1) (q), paragraph (1) (h), paragraph (1) (k), paragraph (1) (m),

591-02413-26

2026600c1

paragraph (1)(e), paragraph (1)(p), subsection (3), subsection (4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (2) of section 903.011, Florida Statutes, is amended to read:

903.011 Pretrial release; general terms; statewide uniform bond schedule.—

(2) Any monetary or cash component of any form of pretrial release must ~~may~~ be met by a surety bond or by United States currency, a United States postal money order, or a cashier's check in the amount of the bond.

Section 5. Paragraph (d) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(d) The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. However, any defendant who ~~had~~ failed to appear on the day of any required court proceeding in the case at issue, but who ~~had~~ later voluntarily appeared or surrendered, is not shall not be eligible for a recognizance bond; and any defendant who failed to appear on the day of any required court proceeding ~~in the case at issue~~ and who was later arrested is not shall not be eligible for a recognizance bond or for any form of bond which does not require the greater of a monetary undertaking ~~or commitment~~ equal to or greater than \$2,000 or twice the value of the monetary

591-02413-26

2026600c1

~~commitment or~~ undertaking of the original bond, ~~whichever is greater.~~ Notwithstanding anything in this section, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear. A surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety. This section may not be construed as imposing additional duties or obligations on a governmental entity related to monetary bonds.

Section 6. Section 903.0471, Florida Statutes, is amended to read:

903.0471 Violation of condition of pretrial release.—

Notwithstanding s. 907.041, a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect. Upon entry of such an order to revoke pretrial release and order pretrial detention, other than for a failure to appear, the clerk of the court must discharge any bond previously posted as a condition of pretrial release without further order of the court.

Section 7. Section 903.05, Florida Statutes, is amended to read:

903.05 Qualification of sureties.—A surety for the release of a person on bail, other than a company authorized by law to act as a surety, shall be a resident of the state ~~or own real estate within the state.~~

Section 8. Section 903.08, Florida Statutes, is repealed.

591-02413-26

2026600c1

Section 9. Subsection (1) of section 903.09, Florida Statutes, is amended to read:

903.09 Justification of sureties.—

(1) A surety, other than a bail bond agent as defined in s. 648.25, shall justify his or her suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; however, the United States currency, United States postal money order, or cashier's check may not be used to secure more than one bond execute an affidavit stating that she or he possesses the qualifications and net worth required to become a surety. The affidavit shall describe the surety's property and any encumbrances and shall state the number and amount of any bonds entered into by the surety at any court that remain undischarged.

Section 10. Section 903.101, Florida Statutes, is amended to read:

903.101 Sureties; licensed persons; to have equal access.— Subject to rules adopted by the Department of Financial Services and by the Financial Services Commission, every surety who meets the requirements of s. 903.09 ss. 903.05, 903.06, 903.08, and 903.09, and every person who is currently licensed by the Department of Financial Services and registered as required by s. 648.42 must ~~shall~~ have equal access to the jails of this state for the purpose of making bonds.

Section 11. Section 903.16, Florida Statutes, is amended to read:

903.16 Deposit of money or bonds as bail.—

~~(1)~~ A defendant who has been admitted to bail, or another

591-02413-26

2026600c1

person in the defendant's behalf, may deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order. Such deposit must be receipted in the name of the defendant ~~or nonregistered bonds of the United States, the state, or a city, town, or county in the state, equal in market value to the amount set in the order and the personal bond of the defendant and an undertaking by the depositor if the money or bonds are deposited by another.~~ The sheriff or other officials shall ~~may~~ remit money or bonds received to the clerk to be held by the clerk pending court action ~~or return to the defendant or depositor.~~ The clerk shall accept money or bonds remitted by the sheriff.

~~(2) Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.~~

Section 12. Section 903.17, Florida Statutes, is repealed.

Section 13. Subsection (3) of section 903.21, Florida Statutes, is amended to read:

903.21 Method of surrender; exoneration of obligors.—

(3) (a) The surety shall be exonerated of liability on the bond if it is determined before forfeiture breach of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only responsible for the itemized costs and expenses incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.

(b) As used in ~~For purposes of~~ this subsection, the term:

591-02413-26

2026600c1

1. "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, ~~vehicle expenses~~, meals, and, if necessary, overnight lodging for any law enforcement officer or employee of a contracted transportation company and the defendant.

2. "Jurisdiction" means the county from which the defendant was released on bail.

Section 14. Section 903.26, Florida Statutes, is amended to read:

903.26 Forfeiture of the bond; when and how directed; discharge; how and when made; effect of payment.—

(1) A bail bond ~~may~~ shall not be forfeited unless:

(a) The information, indictment, or affidavit was filed within 6 months after ~~from~~ the date of arrest, and

(b) The clerk of the court gave the surety at least 72 hours' notice, exclusive of Saturdays, Sundays, and holidays, before the time of the required appearance of the defendant. Notice ~~is~~ shall not be necessary if the time for appearance is within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~ stated on the bond. Such notice may be mailed or electronically transmitted. A certificate signed by the clerk of the court or the clerk's designee which certifies that the notice required under this paragraph was mailed or electronically transmitted on a specified date and time and which is accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic transmission was properly accomplished as required in this paragraph.

591-02413-26

2026600c1

(2)(a) If there is a failure of the defendant to appear as required, the court must ~~shall~~ declare the bond and any bonds or money deposited as bail forfeited. The clerk of the court shall mail or electronically transmit a notice to the surety agent, bail bond agency, and surety company within 5 days after the forfeiture. A certificate signed by the clerk of the court or the clerk's designee which certifies, ~~certifying~~ that the notice required under this section ~~herein~~ was mailed or electronically transmitted on a specified date and which is accompanied by a copy of the required notice constitutes, ~~shall constitute~~ sufficient proof that such mailing or electronic transmission was properly accomplished as required in this paragraph indicated therein. If such mailing or electronic transmission was properly accomplished as evidenced by such certificate, the failure of the surety agent, a bail bond agency, ~~of~~ a company, or ~~of~~ a defendant to receive such notice does ~~shall~~ not constitute a defense to such forfeiture and may ~~shall~~ not be grounds for discharge, remission, reduction, set aside, or continuance of such forfeiture. The forfeiture must ~~shall~~ be paid within 60 days after the date the notice was mailed or electronically transmitted.

(b) ~~If Failure of~~ the defendant fails to appear at the time, date, and place of required appearance, ~~shall result in forfeiture of~~ the bond is forfeited. Such forfeiture must ~~shall~~ be automatically entered by the clerk upon such failure to appear, and the clerk shall follow the procedures in paragraph (a). However, the court may determine, in its discretion and, ~~in~~ the interest of justice, that an appearance by the defendant on the ~~same day as~~ required day does not warrant forfeiture of the

591-02413-26

2026600c1

407 bond~~s~~, and ~~the court~~ may direct the clerk to set aside any such
 408 forfeiture ~~which may have been entered~~. Any appearance by the
 409 defendant later than the required day constitutes forfeiture of
 410 the bond, and the court may ~~shall~~ not preclude entry of such
 411 forfeiture by the clerk.

412 (c) If there is a forfeiture of the bond, the clerk must
 413 ~~shall~~ provide, upon request, a certified copy of the warrant or
 414 capias to the bail bond agent or surety company.

415 (3) Sixty days after the forfeiture notice has been mailed
 416 or electronically transmitted:

417 (a) State and county officials having custody of forfeited
 418 money shall deposit the money in the fine and forfeiture fund
 419 established pursuant to s. 142.01.

420 (b) ~~Municipal officials having custody of forfeited money~~
 421 ~~shall deposit the money in a designated municipal fund.~~

422 ~~(e)~~ Officials having custody of bonds as authorized by s.
 423 903.16 shall transmit the bonds to the clerk of the circuit
 424 court who shall ~~sell them at market value and~~ disburse the
 425 proceeds as provided in paragraph (a) ~~paragraphs (a) and (b)~~.

426 ~~(4)(a) When a bond is forfeited, the clerk shall transmit~~
 427 ~~the bond and any affidavits to the clerk of the circuit court in~~
 428 ~~which the bond and affidavits are filed. The clerk of the~~
 429 ~~circuit court shall record the forfeiture in the deed or~~
 430 ~~official records book. If the undertakings and affidavits~~
 431 ~~describe real property in another county, the clerk shall~~
 432 ~~transmit the bond and affidavits to the clerk of the circuit~~
 433 ~~court of the county where the property is located who shall~~
 434 ~~record and return them.~~

435 ~~(b) The bond and affidavits shall be a lien on the real~~

591-02413-26

2026600c1

436 ~~property they describe from the time of recording in the county~~
 437 ~~where the property is located for 2 years or until the final~~
 438 ~~determination of an action instituted thereon within a 2-year~~
 439 ~~period. If an action is not instituted within 2 years from the~~
 440 ~~date of recording, the lien shall be discharged. The lien will~~
 441 ~~be discharged 2 years after the recording even if an action was~~
 442 ~~instituted within 2 years unless a lis pendens notice is~~
 443 ~~recorded in the action.~~

444 (4)(5) The court shall discharge a forfeiture within 60
 445 days after the forfeiture notice was mailed or electronically
 446 transmitted upon any of the following:

447 (a) A determination that, due to circumstances beyond the
 448 defendant's control, it was impossible for the defendant to
 449 appear as required ~~or within 60 days after the date of the~~
 450 ~~required appearance due to circumstances beyond the defendant's~~
 451 ~~control~~. The potential adverse economic consequences of
 452 appearing as required may not be considered as constituting a
 453 ground for such a determination.~~;~~

454 (b) A determination that, at the time of the required
 455 appearance ~~or within 60 days after the date of the required~~
 456 ~~appearance~~, the defendant was confined in an institution or
 457 hospital; was confined in any county, state, federal, or
 458 immigration detention facility; was deported; or is deceased.~~;~~

459 (c) Surrender or arrest of the defendant at the time of the
 460 required appearance ~~or within 60 days after the date of the~~
 461 ~~required appearance~~ in any county, state, or federal jail or
 462 prison ~~and upon a hold being placed to return the defendant to~~
 463 ~~the jurisdiction of the court~~. The court shall condition a
 464 discharge or remission on the payment of costs and ~~the~~ expenses

591-02413-26

2026600c1

as provided in s. 903.21(3), incurred by an official in returning the defendant to the jurisdiction of the court, ~~or~~

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 10 ~~30~~ days after a written request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and ~~the~~ expenses incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3), up to the penal amount of the bond.

(5) For each felony warrant that a court issues for a failure to appear in court, the state shall enter the information of the defendant in the National Crime Information Center database with no restrictions until the defendant is returned to the jurisdiction of the court.

(6) The discharge of a forfeiture may ~~shall~~ not be ordered for any reason other than as specified herein.

(7) The payment by a surety of a forfeiture under this law has ~~shall have~~ the same effect on the bond as payment of a judgment.

(8) If the defendant is arrested and returned to the county of jurisdiction of the court or has posted a new bond for the case at issue before judgment, the clerk must, upon affirmation by the sheriff or the chief correctional officer and, shall, without further hearing or order of the court, discharge the forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk may ~~shall~~ not discharge the forfeiture of the bond. If the surety agent and the sheriff fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court,

591-02413-26

2026600c1

after notice to the sheriff and the state attorney, must ~~shall~~ determine the amount of the costs.

(9) If, after forfeiture of a bond, the criminal charges for which the bond guaranteed appearance are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture or judgment, remission must be granted upon proper motion and as specified under s. 903.28.

(10) Unless the time for payment or discharge of the forfeiture set forth in s. 903.27(1) has passed, or unless payment of the forfeiture has already been made, the clerk does not have standing to object to a motion to set aside a forfeiture under paragraph (2)(b), a motion to discharge a forfeiture under subsection (4), or a motion to reinstate a bond under s. 903.31(2).

Section 15. Section 903.27, Florida Statutes, is amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted and the bond is secured other than by money and bonds authorized in s. 903.16, the clerk of the circuit court for the county where the order was made must ~~shall~~ enter a judgment against the surety for the amount of the penalty and issue execution. However, in any case in which the bond forfeiture has been discharged by the court of competent jurisdiction conditioned

591-02413-26

2026600c1

523 upon the payment by the surety of certain costs or fees as
 524 allowed by statute, the amount for which judgment may be entered
 525 may not exceed the amount of the unpaid fees or costs upon which
 526 the discharge had been conditioned. Judgment for the full amount
 527 of the forfeiture ~~may shall~~ not be entered if payment of a
 528 lesser amount will satisfy the conditions to discharge the
 529 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
 530 Department of Financial Services and the Office of Insurance
 531 Regulation of the Financial Services Commission with a certified
 532 copy of the judgment docket and shall furnish the surety company
 533 at its home office a copy of the judgment, which shall include
 534 the power of attorney number of the bond and the name of the
 535 executing agent. If the judgment is not paid within 35 days, the
 536 clerk must ~~shall~~ furnish the Department of Financial Services,
 537 the Office of Insurance Regulation, and the sheriff of the
 538 county in which the bond was executed, or the official
 539 responsible for operation of the county jail, if that official
 540 is not other than the sheriff, two copies of the judgment and a
 541 certificate stating that the judgment remains unsatisfied. When
 542 ~~and if~~ the judgment is properly paid or an order to vacate the
 543 judgment has been entered by a court of competent jurisdiction,
 544 the clerk shall immediately notify the sheriff, or other such
 545 ~~the~~ official responsible for the operation of the county jail,
 546 ~~if other than the sheriff,~~ and, if they have been previously
 547 notified of nonpayment, the Department of Financial Services and
 548 the Office of Insurance Regulation, ~~if the department and office~~
 549 ~~had been previously notified of nonpayment,~~ of such payment or
 550 order to vacate the judgment. The clerk may furnish documents or
 551 give notice as required in this subsection by mail or electronic

591-02413-26

2026600c1

552 means. The clerk shall also immediately prepare and record in
 553 the public records a satisfaction of the judgment or record the
 554 order to vacate judgment. If the defendant is returned to the
 555 county of jurisdiction of the court, whenever a motion to set
 556 aside the judgment is filed, the operation of this section is
 557 tolled until the court makes a disposition of the motion.

558 (2) A certificate signed by the clerk of the court or her
 559 or his designee which certifies, ~~certifying~~ that the notice
 560 required in subsection (1) was mailed or electronically
 561 delivered on a specified date, and is accompanied by a copy of
 562 the required notice constitutes sufficient proof that such
 563 mailing or electronic delivery was properly accomplished as
 564 required in this subsection ~~indicated therein~~. If such mailing
 565 or electronic delivery was properly accomplished as evidenced by
 566 such certificate, the failure of a company to receive a copy of
 567 the judgment as prescribed in subsection (1) does not constitute
 568 a defense to the forfeiture and is not a ground for the
 569 discharge, remission, reduction, set aside, or continuance of
 570 such forfeiture.

571 (3) Surety bail bonds may not be executed by a bail bond
 572 agent or a bail bond agency against whom a judgment has been
 573 entered which has remained unpaid for 35 days and may not be
 574 executed for a company against whom a judgment has been entered
 575 which has remained unpaid for 50 days. A ~~No~~ sheriff or other
 576 official who is empowered to accept or approve surety bail bonds
 577 may not shall accept or approve such a bond executed by such a
 578 bail bond agent or bail bond agency or executed for such a
 579 company until such judgment has been paid.

580 (4) After notice of judgment against the surety given by

591-02413-26

2026600c1

the clerk of the circuit court, the surety, a bail bond agency,
 or a bail bond agent shall, within 35 days ~~after~~ of the entry of
 judgment, submit to the clerk of the circuit court an amount
 equal to the judgment, unless the judgment has been set aside by
 the court within 35 days ~~after~~ of the entry of the judgment. If
 a motion to set aside the judgment has been filed pursuant to
 subsection (5), the amount submitted ~~must~~ shall be held in
 escrow until such time as the court has disposed of the motion.
 The failure to comply with ~~the provisions of~~ this subsection
 constitutes a failure to pay the judgment.

(5) After notice of judgment against the surety given by
 the clerk of the circuit court, the surety, bail bond agency, or
 bail bond agent may within 35 days file a motion to set aside
~~the judgment or to stay the judgment. It shall be a condition of~~
 Any such motion or and of any order to stay the judgment must be
conditioned on payment by that the surety of pay the amount of
 the judgment to the clerk, which amount ~~must~~ shall be held in
 escrow until such time as the court has disposed of the motion
 to set aside the judgment. The filing of such a motion, when
 accompanied by the required escrow deposit, acts shall act as an
 automatic stay of further proceedings, including execution,
 until the motion has been heard and a decision rendered by the
 court.

(6) The failure of a state attorney to file, or of the
 clerk of the circuit court to make, a certified copy of the
 order of forfeiture as required by law applicable before ~~prior~~
~~to~~ July 1, 1982, ~~does~~ shall not invalidate any judgment entered
 by the clerk before ~~prior to~~ June 12, 1981.

Section 16. Section 903.28, Florida Statutes, is amended to

591-02413-26

2026600c1

read:

903.28 Remission of forfeiture; conditions.—

(1) On application within 36 months ~~after 2 years from~~
 forfeiture, the court ~~must~~ shall order remission of the
 forfeiture in accordance with subsection (2) if it determines
 that there was no breach of the bond.

(2) If the defendant surrenders or is apprehended and the
surety has paid all costs of returning the defendant to the
jurisdiction of the court, if the defendant is deceased, or if
the state attorney is unwilling to seek extradition of the
defendant from any jail or prison after a request by the surety
agent, bail bond agency, or surety company consenting to pay all
costs incurred by an official in returning the defendant to the
jurisdiction of the court, as provided in s. 903.21(3)(a), up to
the penal amount of the bond, within 36 months ~~90 days~~ after
 forfeiture, the court, on motion at a hearing upon notice having
 been given to the clerk of the circuit court and the state
 attorney as required in subsection (4), must ~~subsection (8),~~
~~shall~~ direct remission in accordance with the following:

(a) One hundred percent of the forfeiture if the defendant
surrenders or is apprehended within 90 days after forfeiture and
the delay has not thwarted proper prosecution of the defendant
or if the defendant is deceased or the state is unwilling to
seek extradition of the defendant within 90 days after
forfeiture.

(b) Ninety-five percent of the forfeiture if the defendant
surrenders or is apprehended within 180 days after forfeiture
and the delay has not thwarted proper prosecution of the
defendant or if the defendant is deceased or the state is

591-02413-26 2026600c1

639 unwilling to seek extradition of the defendant within 180 days
 640 after forfeiture.

641 (c) Ninety percent of the forfeiture if the defendant
 642 surrenders or is apprehended within 270 days after forfeiture
 643 and the delay has not thwarted proper prosecution of the
 644 defendant or if the defendant is deceased or the state is
 645 unwilling to seek extradition of the defendant within 270 days
 646 after forfeiture.

647 (d) Eighty-five percent of the forfeiture if the defendant
 648 surrenders or is apprehended within 360 days after forfeiture
 649 and the delay has not thwarted proper prosecution of the
 650 defendant or if the defendant is deceased or the state is
 651 unwilling to seek extradition of the defendant within 360 days
 652 after forfeiture.

653 (e) Eighty percent of the forfeiture if the defendant
 654 surrenders or is apprehended within 450 days after forfeiture
 655 and the delay has not thwarted proper prosecution of the
 656 defendant or if the defendant is deceased or the state is
 657 unwilling to seek extradition of the defendant within 450 days
 658 after forfeiture.

659 (f) Seventy-five percent of the forfeiture if the defendant
 660 surrenders or is apprehended within 540 days after forfeiture
 661 and the delay has not thwarted proper prosecution of the
 662 defendant or if the defendant is deceased or the state is
 663 unwilling to seek extradition of the defendant within 540 days
 664 after forfeiture.

665 (g) Seventy percent of the forfeiture if the defendant
 666 surrenders or is apprehended within 630 days after forfeiture
 667 and the delay has not thwarted proper prosecution of the

591-02413-26 2026600c1

668 defendant or if the defendant is deceased or the state is
 669 unwilling to seek extradition of the defendant within 630 days
 670 after forfeiture.

671 (h) Sixty-five percent of the forfeiture if the defendant
 672 surrenders or is apprehended within 720 days after forfeiture
 673 and the delay has not thwarted proper prosecution of the
 674 defendant or if the defendant is deceased or the state is
 675 unwilling to seek extradition of the defendant within 720 days
 676 after forfeiture.

677 (i) Sixty percent of the forfeiture if the defendant
 678 surrenders or is apprehended within 810 days after forfeiture
 679 and the delay has not thwarted proper prosecution of the
 680 defendant or if the defendant is deceased or the state is
 681 unwilling to seek extradition of the defendant within 810 days
 682 after forfeiture.

683 (j) Fifty-five percent of the forfeiture if the defendant
 684 surrenders or is apprehended within 900 days after forfeiture
 685 and the delay has not thwarted proper prosecution of the
 686 defendant or if the defendant is deceased or the state is
 687 unwilling to seek extradition of the defendant within 900 days
 688 after forfeiture.

689 (k) Fifty percent of the forfeiture if the defendant
 690 surrenders or is apprehended within 990 days after forfeiture
 691 and the delay has not thwarted proper prosecution of the
 692 defendant or if the defendant is deceased or the state is
 693 unwilling to seek extradition of the defendant within 990 days
 694 after forfeiture.

695 (l) Forty-five percent of the forfeiture if the defendant
 696 surrenders or is apprehended within 36 months after forfeiture

591-02413-26

2026600c1

697 ~~and the delay has not thwarted proper prosecution of the~~
 698 ~~defendant or if the defendant is deceased or the state is~~
 699 ~~unwilling to seek extradition of the defendant within 36 months~~
 700 ~~after forfeiture of up to, but not more than, 100 percent of a~~
 701 ~~forfeiture if the surety apprehended and surrendered the~~
 702 ~~defendant or if the apprehension or surrender of the defendant~~
 703 ~~was substantially procured or caused by the surety, or the~~
 704 ~~surety has substantially attempted to procure or cause the~~
 705 ~~apprehension or surrender of the defendant, and the delay has~~
 706 ~~not thwarted the proper prosecution of the defendant. In~~
 707 ~~addition, remission shall be granted when the surety did not~~
 708 ~~substantially participate or attempt to participate in the~~
 709 ~~apprehension or surrender of the defendant when the costs of~~
 710 ~~returning the defendant to the jurisdiction of the court have~~
 711 ~~been deducted from the remission and when the delay has not~~
 712 ~~thwarted the proper prosecution of the defendant.~~

713 ~~(3) If the defendant surrenders or is apprehended within~~
 714 ~~180 days after forfeiture, the court, on motion at a hearing~~
 715 ~~upon notice having been given to the clerk of the circuit court~~
 716 ~~and the state attorney as required in subsection (8), shall~~
 717 ~~direct remission of up to, but not more than, 95 percent of a~~
 718 ~~forfeiture if the surety apprehended and surrendered the~~
 719 ~~defendant or if the apprehension or surrender of the defendant~~
 720 ~~was substantially procured or caused by the surety, or the~~
 721 ~~surety has substantially attempted to procure or cause the~~
 722 ~~apprehension or surrender of the defendant, and the delay has~~
 723 ~~not thwarted the proper prosecution of the defendant. In~~
 724 ~~addition, remission shall be granted when the surety did not~~
 725 ~~substantially participate or attempt to participate in the~~

591-02413-26

2026600c1

726 ~~apprehension or surrender of the defendant when the costs of~~
 727 ~~returning the defendant to the jurisdiction of the court have~~
 728 ~~been deducted from the remission and when the delay has not~~
 729 ~~thwarted the proper prosecution of the defendant.~~

730 ~~(4) If the defendant surrenders or is apprehended within~~
 731 ~~270 days after forfeiture, the court, on motion at a hearing~~
 732 ~~upon notice having been given to the clerk of the circuit court~~
 733 ~~and the state attorney as required in subsection (8), shall~~
 734 ~~direct remission of up to, but not more than, 90 percent of a~~
 735 ~~forfeiture if the surety apprehended and surrendered the~~
 736 ~~defendant or if the apprehension or surrender of the defendant~~
 737 ~~was substantially procured or caused by the surety, or the~~
 738 ~~surety has substantially attempted to procure or cause the~~
 739 ~~apprehension or surrender of the defendant, and the delay has~~
 740 ~~not thwarted the proper prosecution of the defendant. In~~
 741 ~~addition, remission shall be granted when the surety did not~~
 742 ~~substantially participate or attempt to participate in the~~
 743 ~~apprehension or surrender of the defendant when the costs of~~
 744 ~~returning the defendant to the jurisdiction of the court have~~
 745 ~~been deducted from the remission and when the delay has not~~
 746 ~~thwarted the proper prosecution of the defendant.~~

747 ~~(5) If the defendant surrenders or is apprehended within 1~~
 748 ~~year after forfeiture, the court, on motion at a hearing upon~~
 749 ~~notice having been given to the clerk of the circuit court and~~
 750 ~~the state attorney as required in subsection (8), shall direct~~
 751 ~~remission of up to, but not more than, 85 percent of a~~
 752 ~~forfeiture if the surety apprehended and surrendered the~~
 753 ~~defendant or if the apprehension or surrender of the defendant~~
 754 ~~was substantially procured or caused by the surety, or the~~

591-02413-26

2026600c1

~~surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(6) If the defendant surrenders or is apprehended within 2 years after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 50 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(3)(7)~~ The remission of a forfeiture may not be ordered for any reason other than as specified in this section herein.

~~(4)(8)~~ An application for remission must be accompanied by

591-02413-26

2026600c1

affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The clerk of the circuit court and the state attorney must be given 10 ~~20~~ days' notice before a hearing on an application and be furnished copies of all papers, applications, and affidavits. Remission must ~~shall~~ be granted on the condition of payment of costs, as provided in s. 903.21(3)(a), unless the ground for remission is that there was no breach of the bond.

~~(5)(9)~~ The clerk of the circuit court may enter into a contract with a private attorney or into an interagency agreement with a governmental agency to represent the clerk of the court in an action for the remission of a forfeiture under this section.

~~(6)(10)~~ The clerk of the circuit court is the real party in interest for all appeals arising from an action for the remission of a forfeiture under this section.

(7) The clerk of the circuit court shall issue a remission within 10 days after entry of a court order directing remission, and a remission untimely issued accrues interest at the rate of 1.5 percent per month.

(8) If the defendant surrenders or is apprehended and the surety has not paid all costs of returning the defendant to the jurisdiction of the court, the court may order remission of the forfeiture in accordance with subsection (2) if the actual costs of returning the defendant to the jurisdiction of the court have

591-02413-26

2026600c1

813 been deducted from the remission.

814 Section 17. Section 903.29, Florida Statutes, is amended to
815 read:

816 903.29 Arrest of principal by surety after forfeiture.—
817 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
818 surety may arrest the principal for the purpose of surrendering
819 the principal to the official in whose custody she or he was at
820 the time bail was taken or in whose custody the principal would
821 have been placed had she or he been committed.

822 Section 18. Subsections (1) and (2) of section 903.31,
823 Florida Statutes, are amended to read:

824 903.31 Canceling the bond.—

825 (1) Within 10 business days after the conditions of a bond
826 have been satisfied or the forfeiture discharged or remitted,
827 the court must ~~shall~~ order the bond canceled and, if the surety
828 has attached a certificate of cancellation to the original bond,
829 the clerk of the court must ~~shall~~ mail or electronically furnish
830 an executed certificate of cancellation to the surety without
831 cost. The clerk of the court shall discharge the bond upon an
832 adjudication of guilt or innocence or an acquittal, or if a
833 period of 36 months has passed since the original bond was
834 posted. ~~or A withholding of an adjudication of guilt, a finding~~
835 ~~of guilt by a jury, or a no action by the state satisfies shall~~
836 ~~satisfy~~ the conditions of the bond. If the bond has been revoked
837 by the court, other than for a failure to appear, the clerk of
838 the court must discharge or cancel the bond. The original
839 appearance bond expires ~~shall expire~~ 36 months after such bond
840 has been posted for the release of the defendant from custody,
841 at which time the clerk of the court must discharge the bond.

591-02413-26

2026600c1

842 This subsection does not apply to cases in which a bond has been
843 declared forfeited before the 36-month expiration, unless the
844 forfeiture was set aside or discharged. As used in this
845 subsection, the term "revoked" means that an act, a statement, a
846 document, or a promise has been annulled or canceled.

847 (2) The original appearance bond does not guarantee a
848 deferred sentence; a sentencing deferral; a delayed sentencing;
849 an appearance after entering a plea agreement; an appearance
850 during or after a presentence investigation; an appearance
851 during or after appeals; conduct during or appearance after
852 admission to a pretrial intervention program; placement in a
853 court-ordered program, including a residential mental health
854 facility; payment of fines; or attendance at educational or
855 rehabilitation facilities the court otherwise provides in the
856 judgment. If the original appearance bond has been forfeited or
857 revoked, it may ~~the bond shall~~ not be reinstated without
858 approval from the surety on the original bond.

859 Section 19. Section 903.36, Florida Statutes, is repealed.

860 Section 20. Paragraph (b) of subsection (3) and paragraphs
861 (a), (d), and (g) of subsection (5) of section 907.041, Florida
862 Statutes, are amended, and paragraph (c) of subsection (5) of
863 that section is reenacted, to read:

864 907.041 Pretrial detention and release.—

865 (3) RELEASE ON NONMONETARY CONDITIONS.—

866 (b) A ~~No~~ person may not ~~shall~~ be released on nonmonetary
867 conditions under the supervision of a pretrial release service,
868 unless the service certifies in writing to the court, before the
869 defendant is released from custody, that it has investigated or
870 otherwise verified:

591-02413-26

2026600c1

871 1. The circumstances of the accused's family, employment,
 872 financial resources, character, mental condition, immigration
 873 status, and length of residence in the community;
 874 2. The accused's record of convictions, of appearances at
 875 court proceedings, of flight to avoid prosecution, or of failure
 876 to appear at court proceedings; and
 877 3. Other facts necessary to assist the court in its
 878 determination of the indigency of the accused and whether she or
 879 he should be released under the supervision of the service.
 880 (5) PRETRIAL DETENTION.—
 881 (a) As used in this subsection, "dangerous crime" means any
 882 of the following:
 883 1. Arson.
 884 2. Aggravated assault.
 885 3. Aggravated battery.
 886 4. Illegal use of explosives.
 887 5. Child abuse or aggravated child abuse.
 888 6. Abuse of an elderly person or disabled adult, or
 889 aggravated abuse of an elderly person or disabled adult.
 890 7. Aircraft piracy.
 891 8. Kidnapping.
 892 9. Homicide.
 893 10. Manslaughter, including DUI manslaughter and BUI
 894 manslaughter.
 895 11. Sexual battery.
 896 12. Robbery.
 897 13. Carjacking.
 898 14. Lewd, lascivious, or indecent assault or act upon or in
 899 presence of a child under the age of 16 years.

591-02413-26

2026600c1

900 15. Sexual activity with a child, who is 12 years of age or
 901 older but less than 18 years of age, by or at solicitation of
 902 person in familial or custodial authority.
 903 16. Burglary of a dwelling.
 904 17. Stalking and aggravated stalking.
 905 18. Act of domestic violence as defined in s. 741.28.
 906 19. Home invasion robbery.
 907 20. Act of terrorism as defined in s. 775.30.
 908 21. Manufacturing any substances in violation of chapter
 909 893.
 910 22. Attempting or conspiring to commit any such crime.
 911 23. Human trafficking.
 912 24. Trafficking in any controlled substance described in s.
 913 893.135(1)(c)4.
 914 25. Extortion in violation of s. 836.05. ~~and~~
 915 26. Written threats to kill in violation of s. 836.10.
 916 27. Driving under the influence in violation of s.
 917 316.193(2)(b)1. or (2)(b)3.
 918 28. Felony battery.
 919 29. Battery by strangulation.
 920 (c) Upon motion by the state attorney, the court may order
 921 pretrial detention if it finds a substantial probability, based
 922 on a defendant's past and present patterns of behavior, the
 923 criteria in s. 903.046, and any other relevant facts, that any
 924 of the following circumstances exist:
 925 1. The defendant has previously violated conditions of
 926 release and that no further conditions of release are reasonably
 927 likely to assure the defendant's appearance at subsequent
 928 proceedings;

591-02413-26

2026600c1

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is

591-02413-26

2026600c1

presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

(d) If a defendant is arrested for a dangerous crime that

591-02413-26

2026600c1

is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion, ~~may move shall motion~~ for pretrial detention. If the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 903.046, and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial process, the court must order pretrial detention.

(g)1. If a motion for pretrial detention is granted ~~required~~ under paragraph (d), the pretrial detention hearing must be held within 5 days after the defendant's first appearance hearing or, if there is no first appearance hearing, within 5 days after the defendant's arraignment.

2. If a state attorney files a motion for pretrial detention under paragraph (c), the pretrial detention hearing must be held within 5 days after the filing of such motion.

3. The defendant may request a continuance of a pretrial detention hearing. No continuance shall be for longer than 5 days unless there are extenuating circumstances. The state attorney shall be entitled to one continuance for good cause.

4. The defendant may be detained pending the completion of the pretrial detention hearing. If a defendant is released on bail pending a pretrial detention hearing under paragraph (d), the court must inform the defendant that if he or she uses a surety bond to meet the monetary component of pretrial release

591-02413-26

2026600c1

and the motion for pretrial detention is subsequently granted, the defendant will not be entitled to the return of the premium on such surety bond.

Section 21. Subsection (4) of section 648.45, Florida Statutes, is amended to read:

648.45 Actions against a licensee; suspension or revocation of eligibility to hold a license.—

(4) A ~~Any~~ licensee found to have violated s. 648.44(1)(b), (e), or (j) ~~s. 648.44(1)(b), (d), or (i)~~ shall, at a minimum, be suspended for a period of 3 months. A greater penalty, including revocation, must ~~shall~~ be imposed if there is a willful or repeated violation of s. 648.44(1)(b), (e), or (j) ~~s. 648.44(1)(b), (d), or (i)~~, or the licensee has committed other violations of this chapter.

Section 22. For the purpose of incorporating the amendment made by this act to section 648.386, Florida Statutes, in references thereto, subsections (2) and (3) of section 626.2816, Florida Statutes, are reenacted to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups.—

(2) The department shall adopt rules establishing standards for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials, and monitor groups. The standards must be designed to ensure that such course providers, instructors, school officials, and monitor groups have the knowledge, competence, and integrity to fulfill the educational objectives of ss. 626.2815, 626.869, 648.385, and

591-02413-26

2026600c1

648.386.

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869, 648.385, and 648.386 can be determined, the establishment of a continuing education compliance period for licensees, and forms necessary to implement such a process.

Section 23. For the purpose of incorporating the amendment made by this act to section 903.046, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 903.047, Florida Statutes, is reenacted to read:

903.047 Conditions of pretrial release.—

(1) As a condition of pretrial release, whether such release is by surety bail bond or recognizance bond or in some other form, the defendant must:

(c) Comply with all conditions of pretrial release imposed by the court. A court must consider s. 903.046(2) when determining whether to impose nonmonetary conditions in addition to or in lieu of monetary bond. Such nonmonetary conditions may include, but are not limited to, requiring a defendant to:

1. Maintain employment, or, if unemployed, actively seek employment.

2. Maintain or commence an educational program.

3. Abide by specified restrictions on personal associations, place of residence, or travel.

4. Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency.

5. Comply with a specified curfew.

6. Refrain from possessing a firearm, destructive device,

591-02413-26

2026600c1

or other dangerous weapon.

7. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner.

8. Undergo available medical, psychological, psychiatric, mental health, or substance abuse evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution, if required for that purpose.

9. Return to custody for specified hours following release for employment, school, or other limited purposes.

10. Any other condition that is reasonably necessary to assure the appearance of the defendant at subsequent proceedings and to protect the community against unreasonable danger of harm.

Section 24. For the purpose of incorporating the amendment made by this act to section 903.09, Florida Statutes, in a reference thereto, subsection (2) of section 903.286, Florida Statutes, is reenacted to read:

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, court costs; cash bond forms.—

(2) All cash bond forms used in conjunction with the requirements of s. 903.09 must prominently display a notice explaining that all funds are subject to forfeiture and withholding by the clerk of the court for the payment of costs of prosecution, costs of representation as provided by ss. 27.52 and 938.29, court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds.

591-02413-26

2026600c1

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Section 25. This act shall take effect July 1, 2026.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 178 - 1029

and insert:

Section 3. Paragraph (j) of subsection (1) and subsection
(4) of section 648.44, Florida Statutes, are amended to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(j) Accept anything of value from a principal for providing
a bail bond aside from ~~except~~ the premium, a credit card



121426

11 merchant processing fee, or a mobile payment services fee or
12 similar charge which must be separate from and not considered
13 premium, and a transfer fee authorized by the office, except
14 that the bail bond agent or bail bond agency may accept
15 collateral security or other indemnity from the principal or
16 another person in accordance with s. 648.442, together with
17 documentary stamp taxes, if applicable. No fees, expenses, or
18 charges of any kind shall be permitted to be deducted from the
19 collateral held or any return premium due, except as authorized
20 by this chapter or rule of the department or commission. Upon
21 written agreement with another party, a bail bond agent or bail
22 bond agency may, ~~upon written agreement with another party,~~
23 receive a fee or compensation for returning to custody an
24 individual who has fled the jurisdiction of the court or caused
25 the forfeiture of a bond.

26 (4) A place of business, including a branch office, may not
27 be established, opened, or maintained unless it is under the
28 active full-time charge of a licensed and appointed bail bond
29 agent. A virtual bail bond office is prohibited.

30 Section 4. Subsection (2) of section 903.011, Florida
31 Statutes, is amended to read:

32 903.011 Pretrial release; general terms; statewide uniform
33 bond schedule.—

34 (2) Any monetary or cash component of any form of pretrial
35 release must ~~may~~ be met by a surety bond or by United States
36 currency, a United States postal money order, or a cashier's
37 check in the amount of the bond.

38 Section 5. Paragraph (d) of subsection (2) of section
39 903.046, Florida Statutes, is amended to read:



121426

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(d) The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. However, any defendant who ~~had~~ failed to appear on the day of any required court proceeding in the case at issue, but who ~~had~~ later voluntarily appeared or surrendered, is not ~~shall not be~~ eligible for a recognizance bond; and any defendant who failed to appear on the day of any required court proceeding ~~in the case at issue~~ and who was later arrested is not ~~shall not be~~ eligible for a recognizance bond or for any form of bond which does not require the greater of a monetary undertaking ~~or commitment~~ equal to or greater than \$2,000 or twice the value of the monetary ~~commitment or~~ undertaking of the original bond, ~~whichever is greater~~. Notwithstanding anything in this section, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear. A surety bond that has been revoked may not be reinstated without written authorization from the bail bond agent, bail bond agency, or surety. This section may not be construed as imposing additional duties or obligations on a governmental entity related to monetary bonds.

Section 6. Section 903.0471, Florida Statutes, is amended to read:

903.0471 Violation of condition of pretrial release.—
Notwithstanding s. 907.041, a court may, on its own motion,



121426

revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect. Upon entry of such an order to revoke pretrial release and order pretrial detention, other than for a failure to appear, the clerk of the court shall discharge any bond previously posted as a condition of pretrial release without further order of the court.

Section 7. Section 903.05, Florida Statutes, is amended to read:

903.05 Qualification of sureties.—A surety for the release of a person on bail, other than a company authorized by law to act as a surety, shall be a resident of the state ~~or own real estate within the state.~~

Section 8. Section 903.08, Florida Statutes, is repealed.

Section 9. Subsection (1) of section 903.09, Florida Statutes, is amended to read:

903.09 Justification of sureties.—

(1) A surety, other than a bail bond agent as defined in s. 648.25, shall justify his or her suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; however, the United States currency, United States postal money order, or cashier's check may not be used to secure more than one bond
~~execute an affidavit stating that she or he possesses the qualifications and net worth required to become a surety. The affidavit shall describe the surety's property and any encumbrances and shall state the number and amount of any bonds~~



121426

98 ~~entered into by the surety at any court that remain~~
99 ~~undischarged.~~

100 Section 10. Section 903.101, Florida Statutes, is amended
101 to read:

102 903.101 Sureties; licensed persons; to have equal access.—
103 Subject to rules adopted by the Department of Financial Services
104 and by the Financial Services Commission, every surety who meets
105 the requirements of s. 903.09, ~~ss. 903.05, 903.06, 903.08, and~~
106 ~~903.09~~, and every person who is currently licensed by the
107 Department of Financial Services and registered as required by
108 s. 648.42 must ~~shall~~ have equal access to the jails of this
109 state for the purpose of making bonds.

110 Section 11. Section 903.16, Florida Statutes, is amended to
111 read:

112 903.16 Deposit of money or bonds as bail.—

113 (1) A defendant who has been admitted to bail, or another
114 person in the defendant's behalf, may deposit with the official
115 authorized to take bail money an amount equal to the bail amount
116 set in the court order ~~or nonregistered bonds of the United~~
117 ~~States, the state, or a city, town, or county in the state,~~
118 ~~equal in market value to the amount set in the order and the~~
119 ~~personal bond of the defendant and an undertaking by the~~
120 ~~depositor if the money or bonds are deposited by another. The~~
121 ~~sheriff or other officials shall may~~ remit money or bonds
122 received by ~~to~~ the clerk to be held by the clerk pending court
123 action ~~or return to the defendant or depositor.~~ The clerk shall
124 accept money or bonds remitted by the sheriff.

125 (2) A deposit under subsection (1) must be receipted in the
126 name of the person making the deposit, unless such deposit is



121426

made by a charitable bail fund registered as a nonprofit organization under s. 501(c) of the United States Internal Revenue Code. If the deposit is made by a charitable bail fund, the deposit must be receipted in the name of the defendant. ~~Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.~~

Section 12. Section 903.17, Florida Statutes, is repealed.

Section 13. Subsection (3) of section 903.21, Florida Statutes, is amended to read:

903.21 Method of surrender; exoneration of obligors.—

(3) (a) The surety must ~~shall~~ be exonerated of liability on the bond if it is determined before forfeiture ~~breach~~ of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only responsible for the itemized costs and expenses incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.

(b) As used in ~~For purposes of~~ this subsection, the term:

1. "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging for any law enforcement officer or employee of a contracted transportation company and the defendant.

2. "Jurisdiction" means the county from which the defendant



121426

was released on bail.

Section 14. Section 903.26, Florida Statutes, is amended to read:

903.26 Forfeiture of the bond; when and how directed; discharge; how and when made; effect of payment.—

(1) A bail bond may ~~shall~~ not be forfeited unless:

(a) The information, indictment, or affidavit was filed within 6 months after ~~from~~ the date of arrest, and

(b) The clerk of the court gave the surety at least 72 hours' notice, exclusive of Saturdays, Sundays, and holidays, before the time of the required appearance of the defendant.

Notice is ~~shall~~ not be necessary if the time for appearance is within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~ stated on the bond. Such notice may be mailed or electronically transmitted. A certification signed by the clerk of the court or the clerk's designee that the notice required under this paragraph was mailed or electronically transmitted on a specific date must accompany or be included on the required notice.

(2) (a) If there is a failure of the defendant to appear as required, the court must ~~shall~~ declare the bond and any bonds or money deposited as bail forfeited. The clerk of the court shall mail or electronically transmit a notice to the surety agent, bail bond agency, and surety company within 5 days after the forfeiture. A certificate signed by the clerk of the court or the clerk's designee which certifies, ~~certifying~~ that the notice required under this section ~~herein~~ was mailed or electronically transmitted on a specified date and which is accompanied by a copy of the required notice constitutes, ~~shall constitute~~ sufficient proof that such mailing or electronic transmission



121426

was properly accomplished as required in this paragraph
~~indicated therein~~. If such mailing or electronic transmission
was properly accomplished as evidenced by such certificate, the
failure of the surety agent, a bail bond agency, ~~of~~ a company,
or ~~of~~ a defendant to receive such notice does ~~shall~~ not
constitute a defense to such forfeiture and may ~~shall~~ not be
grounds for discharge, remission, reduction, set aside, or
continuance of such forfeiture. The forfeiture must ~~shall~~ be
paid within 60 days after the date the notice was mailed or
electronically transmitted.

(b) ~~If Failure of~~ the defendant fails to appear at the
time, date, and place of required appearance, ~~shall result in~~
~~forfeiture of the bond~~ is forfeited. Such forfeiture must ~~shall~~
be automatically entered by the clerk upon such failure to
appear, and the clerk shall follow the procedures in paragraph
(a). However, the court may determine, in its discretion and, in
the interest of justice, that an appearance by the defendant on
the ~~same day as~~ required day does not warrant forfeiture of the
bond, ~~and the court~~ may direct the clerk to set aside any such
forfeiture ~~which may have been entered~~. Any appearance by the
defendant later than the required day constitutes forfeiture of
the bond, and the court may ~~shall~~ not preclude entry of such
forfeiture by the clerk.

(c) If there is a forfeiture of the bond, the clerk must
~~shall~~ provide, upon request, a certified copy of the warrant or
capias to the bail bond agent or surety company.

(3) Sixty days after the forfeiture notice has been mailed
or electronically transmitted:

(a) State and county officials having custody of forfeited



121426

money shall deposit the money in the fine and forfeiture fund established pursuant to s. 142.01.

~~(b) Municipal officials having custody of forfeited money shall deposit the money in a designated municipal fund.~~

~~(b)(e)~~ Officials having custody of bonds as authorized by s. 903.16 shall transmit the bonds to the clerk of the circuit court who shall ~~sell them at market value and~~ disburse the proceeds as provided in paragraph (a) ~~paragraphs (a) and (b).~~

~~(4)(a) When a bond is forfeited, the clerk shall transmit the bond and any affidavits to the clerk of the circuit court in which the bond and affidavits are filed. The clerk of the circuit court shall record the forfeiture in the deed or official records book. If the undertakings and affidavits describe real property in another county, the clerk shall transmit the bond and affidavits to the clerk of the circuit court of the county where the property is located who shall record and return them.~~

~~(b) The bond and affidavits shall be a lien on the real property they describe from the time of recording in the county where the property is located for 2 years or until the final determination of an action instituted thereon within a 2-year period. If an action is not instituted within 2 years from the date of recording, the lien shall be discharged. The lien will be discharged 2 years after the recording even if an action was instituted within 2 years unless a lis pendens notice is recorded in the action.~~

~~(4)(5)~~ The court shall discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon any of the following:



121426

(a) A determination that, due to circumstances beyond the defendant's control, it was impossible for the defendant to appear as required ~~or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control~~. The potential adverse economic consequences of appearing as required may not be considered as constituting a ground for such a determination. †

(b) A determination that, at the time of the required appearance ~~or within 60 days after the date of the required appearance~~, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased. †

(c) Surrender or arrest of the defendant at the time of the required appearance ~~or within 60 days after the date of the required appearance~~ in any county, state, or federal jail or prison ~~and upon a hold being placed to return the defendant to the jurisdiction of the court~~. The court shall condition a discharge or remission on the payment of costs and ~~the~~ expenses as provided in s. 903.21(3), incurred by an official in returning the defendant to the jurisdiction of the court. † ~~or~~

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 10 ~~30~~ days after a written request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and ~~the~~ expenses incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3), up to the penal amount of the bond.

(5) For each felony warrant that a court issues for a failure to appear in court, the sheriff shall enter the



121426

information of the defendant in the National Crime Information Center database, with no restrictions until the defendant has been returned to the jurisdiction of the court.

(6) The discharge of a forfeiture may ~~shall~~ not be ordered for any reason other than as specified herein.

(7) The payment by a surety of a forfeiture under this law has ~~shall have~~ the same effect on the bond as payment of a judgment.

(8) If the defendant is arrested and returned to the county of jurisdiction of the court or has posted a new bond for the case at issue before judgment, the clerk must, upon affirmation by the sheriff or the chief correctional officer and, ~~shall~~, without further hearing or order of the court, discharge the forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk may ~~shall~~ not discharge the forfeiture of the bond. If the surety agent and the sheriff fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court must, after notice to the sheriff and the state attorney, ~~shall~~ determine the amount of the costs.

(9) If, after forfeiture of a bond, the criminal charges for which the bond guaranteed appearance are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture or judgment, remission must be granted upon proper motion and as specified under s. 903.28.

Section 15. Section 903.27, Florida Statutes, is amended to



121426

read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted ~~and the bond is secured other than by money and bonds authorized in s. 903.16,~~ the clerk of the circuit court for the county where the order was made must ~~shall~~ enter a judgment against the surety for the amount of the penalty and issue execution. However, in any case in which the bond forfeiture has been discharged by the court of competent jurisdiction conditioned upon the payment by the surety of certain costs or fees as allowed by statute, the amount for which judgment may be entered may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned. Judgment for the full amount of the forfeiture may ~~shall~~ not be entered if payment of a lesser amount will satisfy the conditions to discharge the forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the Department of Financial Services and the Office of Insurance Regulation of the Financial Services Commission with a certified copy of the judgment docket and shall furnish the surety company at its home office a copy of the judgment, which must ~~shall~~ include the power of attorney number of the bond and the name of the executing agent. If the judgment is not paid within 35 days, the clerk must ~~shall~~ furnish the Department of Financial Services, the Office of Insurance Regulation, and the sheriff of the county in which the bond was executed, or the official responsible for operation of the county jail, if that official is not ~~other than~~ the sheriff, two copies of the judgment and a



121426

certificate stating that the judgment remains unsatisfied. When
~~and if~~ the judgment is properly paid or an order to vacate the
judgment has been entered by a court of competent jurisdiction,
the clerk shall immediately notify the sheriff, or other such
~~the~~ official responsible for the operation of the county jail,
~~if other than the sheriff,~~ and, if they have been previously
notified of nonpayment, the Department of Financial Services and
the Office of Insurance Regulation, ~~if the department and office~~
~~had been previously notified of nonpayment,~~ of such payment or
order to vacate the judgment. The clerk may furnish documents or
give notice as required in this subsection by mail or electronic
means. The clerk shall also immediately prepare and record in
the public records a satisfaction of the judgment or record the
order to vacate judgment. If the defendant is returned to the
county of jurisdiction of the court, whenever a motion to set
aside the judgment is filed, the operation of this section is
tolled until the court makes a disposition of the motion.

(2) A certificate signed by the clerk of the court or her
or his designee which certifies, ~~certifying~~ that the notice
required in subsection (1) was mailed or electronically
delivered on a specified date, and is accompanied by a copy of
the required notice constitutes sufficient proof that such
mailing or electronic delivery was properly accomplished as
required in this subsection ~~indicated therein~~. If such mailing
or electronic delivery was properly accomplished as evidenced by
such certificate, the failure of a company to receive a copy of
the judgment as prescribed in subsection (1) does not constitute
a defense to the forfeiture and is not a ground for the
discharge, remission, reduction, set aside, or continuance of



121426

such forfeiture.

(3) Surety bail bonds may not be executed by a bail bond agent or a bail bond agency against whom a judgment has been entered which has remained unpaid for 35 days and may not be executed for a company against whom a judgment has been entered which has remained unpaid for 50 days. A ~~No~~ sheriff or other official who is empowered to accept or approve surety bail bonds may not shall accept or approve such a bond executed by such a bail bond agent or bail bond agency or executed for such a company until such judgment has been paid.

(4) After notice of judgment against the surety given by the clerk of the circuit court, the surety, a bail bond agency, or a bail bond agent shall, within 35 days after ~~of~~ the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days after ~~of the~~ entry of the judgment. If a motion to set aside the judgment has been filed pursuant to subsection (5), the amount submitted must ~~shall~~ be held in escrow until such time as the court has disposed of the motion. The failure to comply with ~~the provisions of~~ this subsection constitutes a failure to pay the judgment.

(5) After notice of judgment against the surety given by the clerk of the circuit court, the surety, bail bond agency, or bail bond agent may within 35 days file a motion to set aside ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~ Any such motion or and of any order to stay the judgment must be conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of the judgment to the clerk, which amount must ~~shall~~ be held in escrow until such time as the court has disposed of the motion



121426

to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, acts ~~shall act~~ as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.

(6) The failure of a state attorney to file, or of the clerk of the circuit court to make, a certified copy of the order of forfeiture as required by law applicable before ~~prior~~ ~~to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered by the clerk before ~~prior to~~ June 12, 1981.

Section 16. Section 903.28, Florida Statutes, is amended to read:

903.28 Remission of forfeiture; conditions.-

(1) No application for remission may be brought, nor be considered by the court, unless such ~~On~~ application is filed within 37 months after 2 years from forfeiture. ~~7~~ Upon a timely filed application for remission, the court must ~~shall~~ order remission of the forfeiture in accordance with the remission schedule set forth in subsection (2) if it determines that there was no breach of the bond by the surety.

(2) If the defendant surrenders or is apprehended and the surety has paid all costs of returning the defendant to the jurisdiction of the court, if the defendant is deceased, or if the state attorney is unwilling to seek extradition of the defendant from any jail or prison after a request by the surety agent, bail bond agency, or surety company consenting to pay all costs incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3)(a), up to the penal amount of the bond, within 36 months ~~90 days~~ after



121426

forfeiture, the court must, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (4), ~~subsection (8)~~, ~~shall~~ direct remission in accordance with the following:

(a) One hundred percent of the forfeiture if the defendant surrenders or is apprehended within 90 days after the forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 90 days after forfeiture.

(b) Ninety-five percent of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 180 days after forfeiture.

(c) Ninety percent of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 270 days after forfeiture.

(d) Eighty-five percent of the forfeiture if the defendant surrenders or is apprehended within 360 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 360 days after forfeiture.

(e) Eighty percent of the forfeiture if the defendant



121426

surrenders or is apprehended within 450 days after forfeiture
and the delay has not thwarted proper prosecution of the
defendant, or if the defendant is deceased or the state is
unwilling to seek extradition of the defendant within 450 days
after forfeiture.

(f) Seventy-five percent of the forfeiture if the defendant
surrenders or is apprehended within 540 days after forfeiture
and the delay has not thwarted proper prosecution of the
defendant, or if the defendant is deceased or the state is
unwilling to seek extradition of the defendant within 540 days
after forfeiture.

(g) Seventy percent of the forfeiture if the defendant
surrenders or is apprehended within 630 days after forfeiture
and the delay has not thwarted proper prosecution of the
defendant, or if the defendant is deceased or the state is
unwilling to seek extradition of the defendant within 630 days
after forfeiture.

(h) Sixty-five percent of the forfeiture if the defendant
surrenders or is apprehended within 720 days after forfeiture
and the delay has not thwarted proper prosecution of the
defendant, or if the defendant is deceased or the state is
unwilling to seek extradition of the defendant within 720 days
after forfeiture.

(i) Sixty percent of the forfeiture if the defendant
surrenders or is apprehended within 810 days after forfeiture
and the delay has not thwarted proper prosecution of the
defendant, or if the defendant is deceased or the state is
unwilling to seek extradition of the defendant within 810 days
after forfeiture.



121426

(j) Fifty-five percent of the forfeiture if the defendant surrenders or is apprehended within 900 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 900 days after forfeiture.

(k) Fifty percent of the forfeiture if the defendant surrenders or is apprehended within 990 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 990 days after forfeiture.

(l) Forty-five percent of the forfeiture if the defendant surrenders or is apprehended within 1095 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 1095 days after forfeiture ~~of up to, but not more than, 100 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not~~



121426

~~thwarted the proper prosecution of the defendant.~~

~~(3) If the defendant surrenders or is apprehended within 180 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 95 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(4) If the defendant surrenders or is apprehended within 270 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 90 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In~~



121426

~~addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(5) If the defendant surrenders or is apprehended within 1 year after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 85 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(6) If the defendant surrenders or is apprehended within 2 years after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 50 percent of a forfeiture if the surety apprehended and surrendered the~~



121426

~~defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(3)-(7)~~ The remission of a forfeiture may not be ordered for any reason other than as specified in this section ~~herein~~.

~~(4)-(8)~~ An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The clerk of the circuit court and the state attorney must be given 10 ~~20~~ days' notice before a hearing on an application and be furnished copies of all papers, applications, and affidavits. Remission must ~~shall~~ be granted on the condition of payment of costs, as provided in s.

903.21(3)(a), unless the ground for remission is that there was no breach of the bond.

~~(5)-(9)~~ The clerk of the circuit court may enter into a contract with a private attorney or into an interagency agreement with a governmental agency to represent the clerk of



121426

the court in an action for the remission of a forfeiture under this section.

(6) ~~(10)~~ The clerk of the circuit court is the real party in interest for all appeals arising from an action for the remission of a forfeiture under this section.

(7) The clerk of the circuit court shall issue a remission in accordance with s. 218.74(4) after entry of a court order directing remission.

(8) If the defendant surrenders or is apprehended and the surety has not paid all costs of returning the defendant to the jurisdiction of court, the court may order remission of the forfeiture in accordance with subsection (2) if the actual costs of returning the defendant to the jurisdiction of the court have been deducted from the remission.

Section 17. Section 903.29, Florida Statutes, is amended to read:

903.29 Arrest of principal by surety after forfeiture.— Within 3 ~~2~~ years after ~~from~~ the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.

Section 18. Subsections (1) and (2) of section 903.31, Florida Statutes, are amended to read:

903.31 Canceling the bond.—

(1) Within 10 business days after the conditions of a bond have been satisfied or the forfeiture discharged or remitted, the court must ~~shall~~ order the bond canceled and, if the surety has attached a certificate of cancellation to the original bond,



121426

the clerk of the court must ~~shall~~ mail or electronically furnish an executed certificate of cancellation to the surety without cost. The clerk of the court shall discharge the bond upon an adjudication of guilt or innocence or an acquittal, or if a period of 36 months has passed since the original bond was posted. ~~or~~ A withholding of an adjudication of guilt, a finding of guilt by a jury, or a no action by the state satisfies ~~shall satisfy~~ the conditions of the bond. If the bond has been revoked by the court, other than for a failure to appear, the clerk of the court must discharge or cancel the bond. The original appearance bond expires ~~shall expire~~ 36 months after such bond has been posted for the release of the defendant from custody, at which time the clerk of the court must discharge the bond. This subsection does not apply to cases in which a bond has been declared forfeited before the 36-month expiration, unless the forfeiture was set aside or discharged. As used in this subsection, the term "revoked" means that an act, a statement, a document, or a promise has been annulled or canceled.

(2) The original appearance bond does not guarantee a deferred sentence; a sentencing deferral; a delayed sentencing; an appearance after entering a plea agreement; an appearance during or after a presentence investigation; an appearance during or after appeals; conduct during or appearance after admission to a pretrial intervention program; placement in a court-ordered program, including a residential mental health facility; payment of fines; or attendance at educational or rehabilitation facilities the court otherwise provides in the judgment. If the original appearance bond has been forfeited or revoked, it may ~~the bond shall~~ not be reinstated without



121426

approval from the surety on the original bond. The clerk does not have standing under this subsection to object to a motion to reinstate bond.

Section 19. Section 903.36, Florida Statutes, is repealed.

Section 20. Paragraph (b) of subsection (3) and paragraphs (a), (d), and (g) of subsection (5) of section 907.041, Florida Statutes, are amended, and paragraph (c) of subsection (5) of that section is reenacted, to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

(b) A ~~no~~ person may not ~~shall~~ be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies in writing to the court, before the defendant is released from custody, that it has investigated or otherwise verified:

1. The circumstances of the accused's family, employment, financial resources, character, mental condition, immigration status, and length of residence in the community;

2. The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and

3. Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.

(5) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson.†

2. Aggravated assault.†



121426

3. Aggravated battery.+
4. Illegal use of explosives.+
5. Child abuse or aggravated child abuse.+
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult.+
7. Aircraft piracy.+
8. Kidnapping.+
9. Homicide.+
10. Manslaughter, including DUI manslaughter and BUI manslaughter.+
11. Sexual battery.+
12. Robbery.+
13. Carjacking.+
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years.+
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority.+
16. Burglary of a dwelling.+
17. Stalking and aggravated stalking.+
18. Act of domestic violence as defined in s. 741.28.+
19. Home invasion robbery.+
20. Act of terrorism as defined in s. 775.30.+
21. Manufacturing any substances in violation of chapter 893.+
22. Attempting or conspiring to commit any such crime.+
23. Human trafficking.+
24. Trafficking in any controlled substance described in s. 893.135(1)(c) 4.+



121426

25. Extortion in violation of s. 836.05. ~~and~~
26. Written threats to kill in violation of s. 836.10.
27. Driving under the influence in violation of s.
316.193(2)(b)1. or (2)(b)3.
28. Felony battery.
29. Battery by strangulation.
(c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:
1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;
2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;
3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;
4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions



121426

that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or



121426

assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

(d) If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion, may move ~~shall motion~~ for pretrial detention. If the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 903.046, and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial process, the court must order pretrial detention.

(g)1. If a motion for pretrial detention is granted ~~required~~ under paragraph (d), the pretrial detention hearing



121426

must be held within 5 days after the defendant's first appearance hearing or, if there is no first appearance hearing, within 5 days after the defendant's arraignment.

2. If a state attorney files a motion for pretrial detention under paragraph (c), the pretrial detention hearing must be held within 5 days after the filing of such motion.

3. The defendant may request a continuance of a pretrial detention hearing. No continuance shall be for longer than 5 days unless there are extenuating circumstances. The state attorney shall be entitled to one continuance for good cause.

4. The defendant may be detained pending the completion of the pretrial detention hearing. If a defendant is released on bail pending a pretrial detention hearing under paragraph (d), the court must inform the defendant that if he or she uses a surety bond to meet the monetary component of pretrial release and the motion for pretrial detention is subsequently granted, the defendant will not be entitled to the return of the premium on such surety bond.

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

And the title is amended as follows:

Delete lines 10 - 130

and insert:

amending s. 648.44, F.S.; authorizing bail bond agents and agencies to accept certain fees or charges; prohibiting virtual bail bond offices; amending s. 903.011, F.S.; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; amending



121426

s. 903.046, F.S.; revising the criteria that a court must consider in making specified determinations; prohibiting a surety bond that has been revoked from being reinstated without written authorization; amending s. 903.0471, F.S.; requiring the clerk of the court, upon the court's entry of an order to revoke pretrial release and order pretrial detention in certain circumstances, to discharge any bond previously posted as a condition of pretrial release without further order of the court; amending s. 903.05, F.S.; deleting the requirement that a surety own certain real estate as a qualification for the release of a person on bail; repealing s. 903.08, F.S., relating to sufficiency of sureties; amending s. 903.09, F.S.; requiring sureties, other than bail bond agents, to justify their suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; providing that such currency, money order, or cashier's check may not be used to secure more than one bond; deleting the requirement that a surety execute an affidavit providing certain information; amending s. 903.101, F.S.; revising the requirements that sureties must meet to have equal access to jails for making bonds; amending s. 903.16, F.S.; authorizing a defendant who has been admitted to bail, or another person on the defendant's behalf, to deposit with the official authorized to take bail money an amount equal to the bail amount set in the



121426

court order; requiring, rather than authorizing, the sheriff or other officials to remit to the clerk money or bonds received which are to be held by the clerk pending court action; requiring that a deposit of bail money be receipted in the name of the person making such a deposit unless the depositor is a charitable bail fund; deleting a provision stating that consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond; repealing s. 903.17, F.S., relating to substitution of cash bail for other bail; amending s. 903.21, F.S.; specifying that the surety is exonerated of liability on a bond if a specified determination is made before forfeiture of the bond; revising the definition of the term "costs and expenses"; amending s. 903.26, F.S.; requiring that a signed certification containing certain information must accompany or be included on a specified notice; deleting a requirement that municipal officials having custody of forfeited money deposit such money in a designated municipal fund within 60 days after the forfeiture notice has been mailed or electronically transmitted; deleting certain requirements that must be met when bonds are forfeited; revising the circumstances under which the court is required to discharge a forfeiture within a specified timeframe; requiring the sheriff to enter the information of a defendant in the National Crime Information Center database for each felony warrant that a court issues for failure to appear; specifying



121426

circumstances under which the clerk must discharge a forfeiture and issue a certain notice to the surety without further order of the court; amending s. 903.27, F.S.; requiring the clerk of the circuit court to enter a certain judgment if the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted; reducing the number of days within which the clerk must furnish specified information to the Department of Financial Services, the Office of Insurance Regulation of the Financial Services Commission, and the surety company at its home office; amending s. 903.28, F.S.; increasing the amount of time within which a court must order remission of a forfeiture if it determines that there was no breach of the bond by the surety; requiring a court, in certain circumstances and upon a certain motion, to order remission in accordance with specified provisions if a defendant surrenders, is deceased, or is apprehended within a certain time after forfeiture; deleting provisions relating to the ordering of remission under specified circumstances; decreasing the amount of time for which the clerk of the circuit court and the state attorney must be given notice before a certain hearing and be furnished with copies of certain documents; requiring the clerk of the circuit court to issue a remission in a specified manner; providing that the court may order remission of the forfeiture in certain



121426

circumstances; amending s. 903.29, F.S.; increasing the length of time from the date of forfeiture of a bond within which a surety may arrest the principal; amending s. 903.31, F.S.; revising provisions relating to the ordering of a bond cancellation; revising applicability; defining the term "revoked"; specifying that the original appearance bond does not guarantee a sentencing deferral, a delayed sentencing, or an appearance after entering a plea agreement; specifying that the clerk does not have standing under certain provisions to object to a reinstatement of a bond; repealing s. 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail; reenacting and amending s. 907.041, F.S.; requiring that a certain pretrial release service certification be made in writing before the defendant is released from custody; revising the definition of the term "dangerous crime"; authorizing, rather than requiring, the state attorney or the court on its own motion, to move for pretrial detention if a defendant is arrested for certain dangerous crimes and the court makes a certain determination; reenacting s. 626.2816(2) and (3), F.S.,

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 600

INTRODUCER: Criminal Justice Committee and Senator Truenow

SUBJECT: Bail Bonds

DATE: February 16, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 600 revises numerous statutes relating to bond, bond agents, sureties, and pretrial release. Specifically, the bill makes the following changes related to bond agents and surety requirements by:

- Decreasing from two 120- hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.
- Prohibiting bail bond agents and agencies from soliciting bail from certain persons, unless in writing.
- Removing provisions stating that a surety may own Florida real estate to qualify as a surety.
- Requiring a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier's check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond.
- Revising the requirements that sureties must meet to have equal access to jails for making bonds.
- Requiring any bail posted by a defendant or a third party who is not a bail bond agent to be receipted in the defendant's name.

The bill makes the following changes to bond revocation and forfeiture by:

- Specifying that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.
- Revising provisions relating to forfeiture of bond.

- Requiring the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.
- Increasing the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond, and providing when the court must direct remission and its amount.
- Increasing the length of time from the date of forfeiture of a bond within which a surety may arrest the principal.

The bill makes the following changes to bond cancellation by:

- Clarifying when a court must cancel a bond and to define the term “revoked” to mean that an act, a statement, a document, or a promise has been annulled or canceled.
- Requiring, upon a court’s entry of an order to revoke pretrial release and order pretrial detention, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.
- Providing that a surety is not responsible for vehicle expenses incurred for the transportation of a defendant to whom he or she has a fiduciary duty.

The bill makes the following changes to pretrial release by:

- Requiring that any monetary or cash component of any form of pretrial release be met by specified means, including United States currency, United States postal money order, or a cashier’s check.
- Specifying that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody, that it has investigated or verified specified factors. Additionally, the bill adds certain DUI offenses, felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release. If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

The bill repeals the following sections:

- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

The bill may have an indeterminate jail bed impact and an indeterminate fiscal impact to bail bond agents. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Bail Bond Agents and Sureties

Section 903.045, F.S., provides that a criminal surety bail bond, executed by a licensed bail bond agent in connection with the pretrial or appellate release of a criminal defendant, must be construed as a commitment by and an obligation upon the bail bond agent to ensure that the defendant appears at all criminal proceedings for which the surety bond is posted.

A criminal surety bail bond is, in essence, a contract involving three parties: the state, which brings the criminal charges; the bail bond agent,¹ who is the surety; and the defendant, who is the principal.²

Registration of bail bond agents

A bail bond agent may not become a surety on an undertaking unless he or she has registered in the office of the sheriff and with the clerk of the circuit court in the county in which the bail bond agent resides. The bail bond agent may register in a like manner in any other county, and any bail bond agent must file a certified copy of his or her appointment by power of attorney from each insurer which he or she represents as a bail bond agent with each of such officers.

Registration and filing of a certified copy of renewed power of attorney must be performed by April 1 of each odd-numbered year. The clerk of the circuit court and the sheriff may not permit the registration of a bail bond agent unless such bail bond agent is currently licensed by the Department of Financial Services (DFS) and appointed by an insurer.³

Qualifications for prelicensing and continuing education

To be considered for approval and certification by the DFS as an approved limited surety agent⁴ and professional bail bond agent⁵ prelicensing school, such entity must:

- Offer a minimum of two 120-hour classroom-instruction basic certification courses in the criminal justice system per calendar year unless a reduced number of course offerings per calendar year is warranted in accordance with rules promulgated by the DFS or offer a DFS-approved correspondence course pursuant to the DFS rules.⁶
- Submit a prelicensing course curriculum to the DFS for approval.⁷
- If applicable, offer prelicensing classes which are taught by instructors approved by the DFS.⁸

¹ Section 648.25(3), F.S., provides “bail bond agent” means a limited surety agent or a professional bail bond agent.

² *Polakoff & Abbott Bail Bonds v. State of Florida*, 111 So.3d 253 (Fla 5th DCA 2013).

³ Section 648.42, F.S.

⁴ Section 648.25(6), F.S., provides “Limited surety agent” means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings who receives or is promised money or other things of value therefore.

⁵ Section 648.25(8), F.S., provides “Professional bail bond agent” means any person who pledges United States currency, United States postal money orders, or cashier’s checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

⁶ Section 648.386(2)(a)1., F.S.

⁷ Section 648.386(2)(b), F.S.

⁸ Section 648.386(2)(c), F.S.

Qualification and justification of sureties

Subject to the rules of the DFS and the Florida Services Commission (FSC), every surety who meets the following criteria must have equal access to Florida jails for the purpose of making bonds:

- A surety for the release of a person on bail, other than a company authorized by law to act as a surety, must be a resident of the state or own real estate within the state.⁹
- Minors may bind themselves by a bond to secure their release on bail in the same manner as person sui juris.¹⁰
- The combined net worth of the sureties, exclusive of any other bonds on which they may be principal, or surety and property exempt from execution, must be at least equal to the amount specified in the undertaking.¹¹
- A surety must execute an affidavit stating that she or he possesses the qualifications and net worth required to become a surety. The affidavit must describe the surety's property and any encumbrances and must state the number and amount of any bonds entered into by the surety at any court that remain undischarged.
- A bond agent must justify her or his suretyship by attaching a copy of the power of attorney issued by the company to the bond or by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; but the United States currency, United States postal money order, or cashier's check cannot be used to secure more than one bond. Nothing herein must prohibit two or more qualified sureties from each posting any portion of a bond amount, and being liable for only that amount, so long as the total posted by all co-sureties is equal to the amount of bond required.¹²

Bail bond agent prohibitions – solicitation

Section 648.44, F.S., provides that a bail bond agent or bail bond agency¹³ may not:

- Suggest or advise the employment of, or name for employment, any particular attorney or attorneys to represent his or her principal.¹⁴
- Directly or indirectly solicit business in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court. The term "solicitation" includes the distribution of business cards, print advertising, or other written or oral information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or a potential indemnitor. Permissible print advertising in the jail is strictly limited to a listing in a telephone directory and the posting of the bail bond agent's or

⁹ Section 903.05, F.S.

¹⁰ Section 903.06, F.S.

¹¹ Section 903.08, F.S.

¹² Section 903.101, F.S.

¹³ Section 648.25(2), F.S., defines a "bail bond agency" to mean the building where a licensee maintains an office where all records required by ss. 648.34 and 648.36, F.S., are maintained; or an entity that:

- Charges a fee or premium to release an accused defendant or detainee from jail; or
- Engages in or employs others to engage in any activity that may be performed only by a licensee and appointed bail bond agent.

¹⁴ Section 648.44(1)(a), F.S.

agency's name, address, e-mail address, web address, and telephone number in a designated location within the jail.¹⁵

- Initiate in-person or telephone solicitation after 9:00 p.m. or before 8:00 a.m. at the residence of the detainee or the detainee's family.¹⁶
- Wear or display any identification other than the department issued or approved license or approved department identification, which includes a citation of the licensee's arrest powers, in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court.¹⁷
- Pay a fee or rebate or give or promise anything of value to a jailer, police officer, peace officer, or committing trial court judge or any other person who has power to arrest or to hold in custody or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof.¹⁸
- Pay a fee or rebate or give anything of value to an attorney in a bail bond matter, except in defense of any action on a bond.¹⁹
- Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.²⁰
- Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety.²¹
- Loiter in or about a jail, courthouse, or where prisoners are confined.²²
- Accept anything of value from a principal for providing a bail bond except the premium and transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with state law, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. A bail bond agent or bail bond agency may, upon written agreement with another party, receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.²³
- Write more than one power of attorney per charge on a bond, except in the case of a co-surety, unless the power of attorney prohibits a co-surety.²⁴
- Execute a bond in this state on his or her own behalf.²⁵
- Execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent or the bail bond agency is a named party on the judgment, which has remained unpaid for 35 days, unless the full amount of the judgment is deposited with the clerk.²⁶

¹⁵ Section 648.44(1)(b), F.S.

¹⁶ Section 648.44(1)(c), F.S.

¹⁷ Section 648.44(1)(d), F.S.

¹⁸ Section 648.44(1)(e), F.S.

¹⁹ Section 648.44(1)(f), F.S.

²⁰ Section 648.44(1)(g), F.S.

²¹ Section 648.44(1)(h), F.S.

²² Section 648.44(1)(i), F.S.

²³ Section 648.44(1)(j), F.S.

²⁴ Section 648.44(1)(k), F.S.

²⁵ Section 648.44(1)(l), F.S.

²⁶ Section 648.44(1)(m), F.S.

- Make a statement or representation to a court, unless such statement or representation is under oath. Such statement or representation may not be false, misleading, or deceptive.²⁷
- Attempt to collect, through threat or coercion, amounts due for the payment of any indebtedness related to the issuance of a bail bond.²⁸
- Conduct bail bond business with any person, other than the defendant, on the grounds of the jail or courthouse for the purpose of executing a bond.²⁹

Deposit of money or bonds as bail

A defendant who has been admitted to bail, or another person in the defendant's behalf, may deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order. Such deposit must be receipted in the name of the defendant. The sheriff or other officials shall remit money or bonds received to the clerk to be held by the clerk pending court action. The clerk shall accept money or bonds remitted by the sheriff.³⁰

Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.³¹

When bail other than a deposit of money or bonds has been given, the defendant or the surety may deposit money or bonds as provided in s. 903.16, F.S., and have the original bond canceled.³²

Method of surrender

A surety desiring to surrender a defendant shall deliver a copy of the bond and the defendant to the official who had custody of the defendant at the time bail was taken or to the official into whose custody the defendant would have been placed if she or he had been committed. The official shall take the defendant into custody, as on a commitment, and issue a certificate acknowledging the surrender.³³

When a surety presents the certificate and a copy of the bond to the court having jurisdiction,³⁴ the court shall order the obligors exonerated and any money or bonds deposited as bail refunded. The surety shall give the state attorney three days' notice of application for an order of exoneration and furnish the state attorney a copy of the certificate and bond.³⁵

The surety shall be exonerated of liability on the bond if it is determined before forfeiture of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only

²⁷ Section 648.44(1)(n), F.S.

²⁸ Section 648.44(1)(o), F.S.

²⁹ Section 648.44(1)(p), F.S.

³⁰ Section 903.16(1), F.S.

³¹ Section 903.16(2), F.S.

³² Section 903.17, F.S.

³³ Section 903.21(1), F.S.

³⁴ Section 903.21(3)(b)2., F.S., defines "jurisdiction" to mean the county from which the defendant was released on bail.

³⁵ Section 903.21(2), F.S.

responsible for the itemized costs and expenses³⁶ incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.³⁷

Forfeiture of bond

When a bail bond agent (agent) posts bond for a defendant, the agent is responsible for ensuring the defendant's appearance at required court proceedings. If a defendant fails to appear at a court proceeding and the agent was provided proper notice of such an appearance, there is a breach of the bond and bond forfeiture proceedings begin.³⁸ In such a case, the clerk of the court must notify the agent of the forfeiture by mail or electronic notice within 5 days after the forfeiture.³⁹ The agent must pay the forfeiture amount (i.e. the amount of the defendant's bond) within 60 days after that date that the notice was mailed or electronically transmitted.⁴⁰ The court must order the forfeiture to be discharged within 60 days if the:

- Court determines that it was impossible for the defendant to appear as required or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control;
- Court determines that, at the time of the required appearance or within 60 days after the date of the required appearance, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased;
- Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the date of the required appearance in any county, state, or federal jail or prison and upon a hold being placed to return the defendant to the jurisdiction of the court, provided that the costs and expenses incurred in returning the defendant to such jurisdiction are deducted from the forfeiture that is discharged; or
- Court determines that the state is unwilling to seek extradition of the fugitive defendant within 30 days after a request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court, up to the penal amount of the bond.⁴¹

Forfeiture to judgement

If a bond forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days, and the bond is secured by means other than money or bonds, the clerk of the circuit court shall enter judgment against the surety for the penalty amount and issue execution; however, if the forfeiture is discharged conditioned upon payment of statutory costs or fees, the judgment may not exceed the unpaid costs or fees and may not be for the full forfeiture amount if a lesser amount satisfies the conditions of discharge.

³⁶ Section 903.21(3)(b)1., F.S., provides "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, vehicle expenses, meals, and, if necessary, overnight lodging for any law enforcement officer or employee of a contracted transportation company and the defendant.

³⁷ Section 903.21(3)(a), F.S.

³⁸ Section 903.26(2)(a), F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Section 903.26(5), F.S.

Within 10 days after entry of judgment, the clerk shall furnish the DFS and the Office of Insurance Regulation (OIR) of the FSC with a certified copy of the judgment docket and shall provide the surety company's home office a copy of the judgment, including the bond power-of-attorney number and the executing agent's name.

If the judgment remains unpaid after 35 days, the clerk shall furnish the DFS, the OIR, and the sheriff of the county where the bond was executed, or the official responsible for the county jail if other than the sheriff, with two copies of the judgment and a certificate of nonpayment. Upon payment of the judgment or entry of an order vacating the judgment, the clerk shall immediately notify the sheriff or jail administrator and, if previously notified of nonpayment, the DFS and the OIR, and shall record a satisfaction of judgment or the order vacating judgment in the public records. Notices may be provided by mail or electronic means, and if the defendant is returned to the county and a motion to set aside the judgment is filed, the operation of this section is tolled until the court disposes of the motion.⁴²

A certificate signed by the clerk of the court or her or his designee, certifying that the required notice was mailed or electronically delivered on a specified date, and accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic delivery was properly accomplished as indicated therein. If such mailing or electronic delivery was properly accomplished as evidenced by such certificate, the failure of a company to receive a copy of the judgment does not constitute a defense to the forfeiture and is not a ground for the discharge, remission, reduction, set aside, or continuance of such forfeiture.⁴³

Surety bail bonds may not be executed by a bail bond agent against whom a judgment has been entered which has remained unpaid for 35 days and may not be executed for a company against whom a judgment has been entered which has remained unpaid for 50 days. No sheriff or other official who is empowered to accept or approve surety bail bonds shall accept or approve such a bond executed by such a bail bond agent or executed for such a company until such judgment has been paid.⁴⁴

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent shall, within 35 days of the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days of the entry of judgment. If a motion to set aside the judgment has been filed, the amount submitted shall be held in escrow until such time as the court has disposed of the motion. The failure to comply with the provisions of this subsection constitutes a failure to pay the judgment.⁴⁵

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent may within 35 days file a motion to set aside the judgment or to stay the judgment. It shall be a condition of any such motion and of any order to stay the judgment that the surety pay the amount of the judgment to the clerk, which amount shall be held in escrow

⁴² Section 903.27(1), F.S.

⁴³ Section 903.27(2), F.S.

⁴⁴ Section 903.27(3), F.S.

⁴⁵ Section 903.27(4), F.S.

until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, shall act as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.⁴⁶

Remission of forfeiture

On application within 2 years from forfeiture, the court must order remission of the forfeiture if it determines that there was no breach of the bond.⁴⁷

Section 903.28, F.S., provides if a defendant who failed to appear for a court proceeding surrenders or is apprehended within a specified time frame and the agent apprehended and surrendered the defendant, substantially procured or caused the defendant to be apprehended and surrendered, substantially attempted to procure or cause the apprehension or surrender, or paid the costs to return the defendant to the court's jurisdiction, and such delay did not thwart the proper prosecution of the defendant, the court must remit to the agent a specified percentage of the forfeiture of up to, but not more than:

- 100 percent of the forfeiture if the defendant surrenders or is apprehended within 90 days after forfeiture;⁴⁸
- 95 percent of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture;⁴⁹
- 90 percent of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture;⁵⁰
- 85 percent of the forfeiture if the defendant surrenders or is apprehended within one year after forfeiture;⁵¹
- 50 percent of the forfeiture if the defendant surrenders or is apprehended within two years after forfeiture.⁵²

Within 2 years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.⁵³

Discharging or canceling a bond

A bail bond is "canceled" when the conditions of the bond have been satisfied or the term of the bond, which is 36 months after such bond was posted for the release of a defendant, has

⁴⁶ Section 903.27(5), F.S.

⁴⁷ Section 903.28(1), F.S.

⁴⁸ Section 903.28(2), F.S.

⁴⁹ Section 903.28(3), F.S.

⁵⁰ Section 903.28(4), F.S.

⁵¹ Section 903.28(5), F.S.

⁵² Section 903.28(6), F.S.

⁵³ Section 903.29, F.S.

expired.⁵⁴ The conditions of the bond are considered satisfied once the defendant's court case has concluded through a plea, trial, or dismissal of the defendant's court case.⁵⁵

Purpose of and Criteria for Bail Determination

Section 903.046, F.S., provides that the purpose of bail is to ensure a defendant's appearance in court and protect the community, and in deciding whether to grant release and under what conditions, the court must consider:

- The nature and circumstances of the offense charged.⁵⁶
- The weight of the evidence against the defendant.⁵⁷
- The defendant's family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.⁵⁸
- The defendant's past and present conduct, including convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. Certain failures to appear may limit eligibility for recognizance or non-monetary bonds, though the court retains discretion for circumstances beyond the defendant's control.⁵⁹
- The nature and probability of danger which the defendant's release poses to the community.⁶⁰
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The defendant must prove the funds are not derived from illicit sources.⁶¹
- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.⁶²
- The street value of any drug or controlled substance connected to or involved in the criminal charge. The court may set a higher bail to prevent use of illicit proceeds for release.⁶³
- The nature and probability of intimidation and danger to victims.⁶⁴
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.⁶⁵
- Any other facts that the court considers relevant.⁶⁶
- Whether the crime charged involves gang activity, is subject to enhanced penalties under ch. 874, F.S., or reclassification under 843.22, F.S., such defendants are not eligible for release on bail or surety bond until the first appearance on the case.⁶⁷

⁵⁴ Section 903.31(1), F.S.

⁵⁵ *Id.*

⁵⁶ Section 903.046(2)(a), F.S.

⁵⁷ Section 903.046(2)(b), F.S.

⁵⁸ Section 903.046(2)(c), F.S.

⁵⁹ Section 903.046(2)(d), F.S.

⁶⁰ Section 903.046(2)(e), F.S.

⁶¹ Section 903.046(2)(f), F.S.

⁶² Section 903.046(2)(g), F.S.

⁶³ Section 903.046(2)(h), F.S.

⁶⁴ Section 903.046(2)(i), F.S.

⁶⁵ Section 903.046(2)(j), F.S.

⁶⁶ Section 903.046(2)(k), F.S.

⁶⁷ Section 903.046(2)(l), F.S.

- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense, is required to register as a sexual offender or predator, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case.⁶⁸

Pretrial Detention and Release

Section 903.011, F.S., provides that any monetary or cash component of any form of pretrial release may be satisfied by a surety bond, and that differing monetary amounts may not be set for cash, surety, or other forms of pretrial release; only a judge may set, reduce, or alter bail, and the court may reconsider the monetary component if the defendant is unable to post bond. The Florida Supreme Court must annually adopt a uniform statewide bond schedule for offenses eligible for release before first appearance, which may not be undercut by local schedules unless approved by the Supreme Court, though chief judges may adopt higher local amounts. The Supreme Court must consider community safety, assurance of appearance, and the integrity of the judicial process, when adopting the uniform statewide bond schedule or reviewing petitions for deviations. The uniform statewide bond schedule does not bind a judge in an individual case who is conducting a first appearance hearing or bail determination.

In Florida there is a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is:

- Charged with a dangerous crime;⁶⁹ or
- Such person is an unauthorized alien charged with a forcible felony.

A person may not be released before first appearance and must receive an individualized bail determination if:

- The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state.
- The person was, at the time of arrest, designated as a sexual offender or predator.
- The person was arrested for violating a protective injunction.
- The person was, at the time of arrest, on release from supervision.
- The person has previously been sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal.
- The person has been arrested three or more times in the 6 months immediately preceding his or her arrest.
- The person's current offense of arrest is for a specified major crime to include capital felonies, life felonies, and first-degree felonies.
- The person's current offense is for failure to appear at required court proceedings while on bail.⁷⁰

⁶⁸ Section 903.046(2)(m), F.S.

⁶⁹ Section 907.041(5), F.S., defines "dangerous crime" to mean any of the following: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd; lascivious; or indecent assault or act upon or in presence of a child under the age of 16; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; domestic violence; home invasion robbery; act of terrorism; manufacturing any specified substance; attempting or conspiring; human trafficking; trafficking in any controlled substance; extortion; and written threats to kill.

⁷⁰ Section 903.011, F.S.

Section 907.041, F.S., provides that it is the policy of this state that persons committing serious criminal offenses, who pose a threat to public safety or the integrity of the judicial process, fail to appear at trial, or pose a substantial flight risk due to unauthorized status should be detained upon arrest. However, persons meeting specified criteria may be released under certain conditions until proceedings are concluded and adjudication has been determined. This policy aims to protect the community by detaining dangerous individuals while reducing the cost of incarcerating those who pose no threat. The Legislatures primary intent is the protection of the community.

Violation of condition of pretrial release

Section 903.047, F.S., requires a defendant, as a condition of pretrial release on a surety bond, recognized bond, or other form of bond, to refrain from criminal activity of any kind and to comply with all other conditions of pretrial release imposed by the court. A court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect.⁷¹

III. Effect of Proposed Changes:

Bond Agents and Surety Requirements (Sections 1, 2, 3, 7, 9 10, 11, 13)

The bill amends s. 648.386, F.S., to define “in-person classroom instruction,” to mean a course designed to be presented to a group of students by a live instructor using lectures, with the instructor and students in the same physical classroom at the same time.

Additionally, the bill decreases from two 120-hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.

The bill amends s. 648.44, F.S., to prohibit bail bond agents and agencies from soliciting bail from a detainee, the detainee’s attorney, an adult member of the detainee’s immediate family, or any other person unless the detainee specifically authorizes such solicitation in writing.

A solicitation to a detainee may occur only after a legitimate request for bail services has been received from the detainee or a specified individual. Solicitation may only occur between 8 a.m. and 9 p.m., unless the bail bond agent or agency has received direct and specific written authorization from the detainee or the detainee’s attorney to solicit at another time.

A bail bond agent or agency may collect certain processing and services fees which must be separate from and not considered a premium.

Additionally, the bill prohibits a “virtual office,” which is defined in s. 648.25, F.S., to mean an office that does not provide a continuous physical office space and provides professional address and mail handling services and which may, upon request, provide communications and telephone services or a dedicated office space.

⁷¹ Section 903.0471, F.S.

The bill amends s. 684.44, F.S., to specify that a place of business, including a branch office, under the active full-time charge of a licensed and appointed bail bond agent may not be a virtual office.

The bill amends s. 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.

The bill amends s. 903.09, F.S., to require a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier's check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond. The bill removes the requirement that a surety must execute an affidavit stating that he or she possesses the qualification and net worth required to become a surety.

The bill amends s. 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.

The bill amends s. 903.16, F.S., to require any bail posted by a defendant or a third party who is not a bail bond agent to be receipted in the defendant's name.

The bill amends s. 903.21, F.S., to provide that a surety is not responsible for vehicle expenses incurred for the transportation of a defendant to whom he or she has a fiduciary duty.

Pretrial Release (Sections 4 and 20)

The bill amends s. 903.011, F.S., to require that any monetary or cash component of any form of pretrial release be met by specified means, including U.S. currency, U.S. postal money order, or a cashier's check.

The bill amends s. 907.041, F.S., to specify that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody that it has investigated or verified specified factors.

Additionally, the bill adds DUI (third or subsequent violation), felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release.

The bill provides that if a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

Bond Revocation and Forfeiture (Sections 5, 14, 15, 16, and 17)

The bill amends s. 903.046, F.S., to specify that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.

Section 903.26, F.S., to revise provisions relating to forfeiture of bond. The clerk of court must give a surety at least 72 hours' notice before the time of the defendant's required appearance. The bill provides that a signed certificate which certifies such required notice was mailed or electronically transmitted constitutes as proof of notice.

Additionally, bail bond agencies are added to the entities that must receive notice after forfeiture, and removes the provision that municipal officials having custody of forfeited money deposit the money into a designated municipal fund 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill clarifies that the court must discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon specific circumstances.

If after forfeiture of a bond, the criminal charges are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture or judgment, remission must be granted upon proper motion.

Unless the time for payment or discharge of the forfeiture has passed, or unless the payment of the forfeiture has already been made, the clerk does not have standing to object to a motion to set aside a forfeiture, a motion to discharge a forfeiture, or a motion to reinstate a bond.

For each felony warrant that a court issues for a failure to appear in court, the state must enter the information of the defendant in the National Crime Information Center database with no restrictions until the defendant is returned to the jurisdiction of the court.

The bill amends s. 903.27, F.S., to require the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill amends s. 903.28, F.S., to increase the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond.

The court must direct remission if within three years after forfeiture:

- The defendant surrenders or is apprehended and the surety has paid all costs of returning the defendant to the jurisdiction of the court;
- The defendant is deceased; or
- The state attorney is unwilling to seek extradition of the defendant after a request by the surety agent, bail bond agency or surety company.

If a delay has not thwarted proper prosecution of the defendant, the court must direct such remission as follows:

- 100 percent of the forfeiture if the defendant surrenders, is apprehended, is deceased, or the state fails to seek extradition within 90 days.
- 95 percent of the forfeiture if the defendant surrenders, etc., within 180 days.
- 90 percent of the forfeiture if the defendant surrenders, etc., within 270 days.
- 85 percent of the forfeiture if the defendant surrenders, etc., within 360 days.
- 80 percent of the forfeiture if the defendant surrenders, etc., within 450 days.
- 75 percent of the forfeiture if the defendant surrenders, etc., within 540 days.
- 70 percent of the forfeiture if the defendant surrenders, etc., within 630 days.
- 65 percent of the forfeiture if the defendant surrenders, etc., within 720 days.
- 60 percent of the forfeiture if the defendant surrenders, etc., within 810 days.
- 55 percent of the forfeiture if the defendant surrenders, etc., within 900 days.
- 50 percent of the forfeiture if the defendant surrenders, etc., within 990 days.
- 45 percent of the forfeiture if the defendant surrenders, etc., within 36 months.

If the defendant surrenders or is apprehended and the surety has not paid all the costs of returning the defendant, the court may order remission of the forfeiture in accordance with the above schedule if the actual costs of returning the defendant have been deducted from such remission.

The bill reduces the time frame that notice must be given to the state attorney and clerk of court from 20 days to 10 days, for a hearing on the issue of remission.

The clerk must issue a remission within 10 days after a court orders remission, and remission untimely issued accrues at an interest rate of 1.5 percent per month.

The bill amends s. 903.29, F.S., to increase the length of time from the date of forfeiture of a bond within which a surety may arrest the principal. The surety may arrest the principal for the purpose of surrendering the principal within 3 years from the date of forfeiture.

Bond Cancellation (Sections 6 and 18)

The bill amends s. 903.31, F.S., to clarify when a court must cancel a bond, and to define the term “revoked” to mean that an act, a statement, a document, or a promise has been annulled or canceled.

The bill adds to the list of actions that an original appearance bond does not apply. An original appearance bond does not guarantee a sentencing deferral, a delayed sentencing, or an appearance after entering a plea agreement.

The bill amends s. 903.0471, F.S., to require, upon a court’s entry of an order to revoke pretrial release and order pretrial detention, other than for a failure to appear, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.

Repeals (Sections 8, 12, and 19)

The bill repeals the following sections:

- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

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 Art. 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 impact to judicial and court workloads is indeterminate. Some provisions of the bill will reduce judicial workloads by requiring clerks to discharge bonds without a judicial ruling or hearing under certain conditions and by permitting, rather than requiring, state attorneys or the court to move for pretrial detention of certain person charged with

“dangerous crimes.” However, the additional offenses added to the list of “dangerous crimes” will add to judicial workload because more arrestees will require a hearing and may qualify for pretrial detention.⁷²

The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from changes in hearings related to discharge of bonds and pretrial detentions as discussed in this report.⁷³

VI. Technical Deficiencies:

None.

VII. Related Issues:

The minimum bond amount for persons charged with dangerous offenses may require revisions to the statewide uniform bond schedule.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 648.25, 648.386, 648.44, 903.011, 903.046, 903.0471, 903.05, 903.09, 903.101, 903.16, 903.17, 903.21, 903.26, 903.27, 903.28, 903.29, 903.31, 907.041, 648.45, 626.2816, 903.047, and 903.286

This bill repeals the following sections of the Florida Statutes: 903.08, 903.17, and 903.36.

This bill reenacts the following sections of the Florida Statutes: 626.2816, 903.047, 903.286, and 907.041

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 of February 2, 2026:

The committee substitute:

- Revises the definition of the term “virtual office.”
- Makes technical revisions to the definition of “in-person classroom instruction.”
- Replaces the term “arrestee” with “detainee” as it relates to bail bond solicitation.
- Authorizes a court, on its own motion, to revoke pretrial release and order pretrial detention upon a finding of probable cause that the defendant materially violated a condition of pretrial release for an offense other than failure to appear.
- Restores the provision governing pretrial release granting the court discretion to determine conditions of release under specific circumstances relating to failure to appear.

⁷² Office of The State Courts Administrator *2026 Judicial Impact Statement*, pg. 3, (available on file at the Senate Criminal Justice Committee).

⁷³ *Id.*

- Revises the criteria that a court must consider in making specified determinations.
- Provides that a revoked surety bond may not be reinstated without written authorization from the bail bond agent, bail bond agency, or surety.
- Removes language prohibiting the discharge of a bond without a further hearing or court order.
- Removes the requirement that municipal officials deposit forfeited money into a designated municipal fund within 60 days after the forfeiture notice is mailed or electronically transmitted.
- Requires the court, under specified circumstances, to order remission in accordance with applicable provisions when a defendant surrenders, is deceased, or is apprehended within a prescribed period following forfeiture.
- Makes other conforming and technical changes.

B. Amendments:

None.

By the Committee on Judiciary; and Senator Grall

590-02735-26

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A bill to be entitled

An act relating to attorney fees, suit money, and costs; amending ss. 61.16 and 742.045, F.S.; authorizing a court to order attorney fees, suit money, and costs in appellate proceedings; providing that an award of attorney fees, suit money, and costs may be awarded retroactively and prospectively; authorizing the inclusion of certain fees, money, and costs in an award of attorney fees, suit money, and costs; providing that payment of support owed to the obligee has priority over fees, costs, and expenses; authorizing the court to consider if a good faith offer of settlement was rejected when awarding attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under certain circumstances; requiring the court to make certain written findings; providing an effective date.

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

Section 1. Section 61.16, Florida Statutes, is amended to read:

61.16 Attorney ~~Attorney's~~ fees, suit money, and costs.—

(1) The court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney ~~attorney's~~ fees, suit money, and the cost to the other party of maintaining or defending any proceeding seeking relief under this chapter, including

Page 1 of 5

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590-02735-26

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enforcement, ~~and~~ modification, and appellate proceedings ~~and~~ appeals.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) In those cases in which an action is brought for enforcement and the court finds that the noncompliant party is without justification in the refusal to follow a court order, the court may not award attorney ~~attorney's~~ fees, suit money, and costs to the noncompliant party.

(4) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise~~, may shall not require corroborating expert testimony in order to support an award under this chapter.

(5) The trial court has ~~shall have~~ continuing jurisdiction to make temporary attorney ~~attorney's~~ fees and costs awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level.

(6) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(7) (a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or

2. Deny or reduce an award of attorney fees, suit money,

Page 2 of 5

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590-02735-26

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and costs to the offending party.

(b) An order entered under this subsection addressing vexatious or bad faith litigation must include written findings identifying the specific conduct the party engaged in and the reasons the court granted, denied, or reduced such fees, money, and costs. ~~In all cases, the court may order that the amount be paid directly to the attorney, who may enforce the order in that attorney's name.~~

(8) In determining whether to make attorney ~~attorney's~~ fees and costs awards at the appellate level, the court shall primarily consider the relative financial resources of the parties, unless an appellate party's cause is deemed to be frivolous.

(9) In all cases, the court may order that the award of attorney fees, suit money, and costs be paid directly to the attorney, who may enforce such order in his or her name. However, payment of support owed to the obligee has priority over fees, costs, and expenses.

(10) In Title IV-D cases, attorney ~~attorney's~~ fees, suit money, and costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

~~(11)(2)~~ In an action brought pursuant to Rule 3.840, Florida Rules of Criminal Procedure, whether denominated direct

590-02735-26

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or indirect criminal contempt, the court ~~may shall have~~ authority to:

(a) Appoint an attorney to prosecute said contempt.

(b) Assess attorney ~~attorney's~~ fees and costs against the ~~contemnor contemtor~~ after the court makes a determination of the ~~contemnor's contemtor's~~ ability to pay such costs and fees.

(c) Order that the amount be paid directly to the attorney, who may enforce the order in his or her name.

Section 2. Section 742.045, Florida Statutes, is amended to read:

742.045 Attorney ~~Attorney's~~ fees, suit money, and costs.-

(1) The court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney ~~attorney's~~ fees, suit money, and the cost to the other party of maintaining or defending any proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or ~~final otherwise, may shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(4) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

590-02735-26

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117 (5) (a) If a party directly engages in vexatious or bad
118 faith litigation, the court may:

119 1. Award attorney fees, suit money, and costs as a sanction
120 against the opposing party; or

121 2. Deny or reduce an award of attorney fees, suit money,
122 and costs to the offending party.

123 (b) An order entered under this subsection addressing
124 vexatious or bad faith litigation must include written findings
125 identifying the specific conduct the party engaged in and the
126 reasons the court granted, denied, or reduced such fees, money,
127 and costs.

128 (6) The court may order that the amount of the attorney
129 fees, suit money, and costs be paid directly to the attorney,
130 who may enforce the order in his or her name. However, payment
131 of support owed to the obligee has priority over fees, costs,
132 and expenses.

133 (7) In Title IV-D cases, any costs, including filing fees,
134 recording fees, mediation costs, service of process fees, and
135 other expenses incurred by the clerk of the circuit court, shall
136 be assessed only against the nonprevailing obligor after the
137 court makes a determination of the nonprevailing obligor's
138 ability to pay such costs and fees. The Department of Revenue
139 may ~~shall~~ not be considered a party for purposes of this
140 section; however, fees may be assessed against the department
141 pursuant to s. 57.105(1).

142 Section 3. This act shall take effect upon becoming a law.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 41 - 141

and insert:

and costs to the noncompliant party in the enforcement action.

(4) An application for attorney ~~attorney's~~ fees, suit
money, or costs, whether temporary or final ~~otherwise~~, may ~~shall~~
not require corroborating expert testimony in order to support
an award under this chapter.

(5) The trial court has ~~shall have~~ continuing jurisdiction



462258

to make temporary attorney ~~attorney's~~ fees and costs awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level.

(6) In determining the amount of an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(7)(a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or

2. Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

(b) An order entered under this subsection addressing vexatious or bad faith litigation must include written findings identifying the specific conduct the party engaged in and the reasons the court granted, denied, or reduced such fees, money, and costs ~~In all cases, the court may order that the amount be paid directly to the attorney, who may enforce the order in that attorney's name.~~

(8) In determining whether to make attorney ~~attorney's~~ fees and costs awards at the appellate level, the court shall primarily consider the relative financial resources of the parties, unless an appellate party's cause is deemed to be frivolous.

(9) In all cases, the court may order that the award of attorney fees, suit money, and costs be paid directly to the attorney, who may enforce such order in his or her name.

However, payment of support owed to the obligee has priority



462258

over fees, costs, and expenses.

(10) In Title IV-D cases, attorney ~~attorney's~~ fees, suit money, and costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue may ~~shall~~ not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

(11)(2) In an action brought pursuant to Rule 3.840, Florida Rules of Criminal Procedure, whether denominated direct or indirect criminal contempt, the court may ~~shall have~~ ~~authority to:~~

(a) Appoint an attorney to prosecute such ~~said~~ contempt.

(b) Assess attorney ~~attorney's~~ fees and costs against the contemnor ~~contemptor~~ after the court makes a determination of the contemnor's ~~contemptor's~~ ability to pay such costs and fees.

(c) Order that the amount be paid directly to the attorney, who may enforce the order in his or her name.

Section 2. Section 742.045, Florida Statutes, is amended to read:

742.045 Attorney ~~Attorney's~~ fees, suit money, and costs.—

(1) The court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney ~~attorney's~~ fees, suit money, and the cost to the other party of maintaining or defending any proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings.



462258

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) In those cases in which an action is brought for enforcement and the court finds that the noncompliant party is without justification in the refusal to follow a court order, the court may not award attorney fees, suit money, and costs to the noncompliant party in the enforcement action.

(4) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise~~, may ~~shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(5) The trial court has continuing jurisdiction to make temporary attorney fees and costs awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level.

(6) In determining the amount of an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(7) (a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or

2. Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

(b) An order entered under this subsection addressing vexatious or bad faith litigation must include written findings



462258

identifying the specific conduct the party engaged in and the reasons the court granted, denied, or reduced such fees, money, and costs.

(8) In determining whether to make attorney fees and costs awards at the appellate level, the court shall primarily consider the relative financial resources of the parties, unless an appellate party's cause is deemed to be frivolous.

(9) The court may order that the award of attorney fees, suit money, and costs ~~amount~~ be paid directly to the attorney, who may enforce the order in his or her name. However, payment of support owed to the obligee has priority over fees, costs, and expenses.

(10) In Title IV-D cases, attorney fees, suit money, and ~~any~~ costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue may ~~shall~~ not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

(11) In an action brought pursuant to Rule 3.840, Florida Rules of Criminal Procedure, whether denominated direct or indirect criminal contempt, the court may:

(a) Appoint an attorney to prosecute such contempt.

(b) Assess attorney fees and costs against the contemnor after the court makes a determination of the contemnor's ability to pay such costs and fees.

(c) Order that the amount be paid directly to the attorney,



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who may enforce the order in his or her name.

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

And the title is amended as follows:

Delete lines 10 - 17

and insert:

costs; prohibiting the award of attorney fees, suit
money, and costs under certain circumstances;
providing that a trial court has continuing
jurisdiction for certain purposes; authorizing the
court to consider if a good faith offer of settlement
was rejected when awarding attorney fees, suit money,
and costs; authorizing the court to award, deny, or
reduce attorney fees, suit money, and costs under
certain circumstances; requiring the court to consider
the relative financial resources of the parties for
certain purposes; providing an exception; providing
that payment of support owed to the obligee has
priority over fees, costs, and expenses; providing
that attorney fees and suit money may be assessed only
under certain circumstances; authorizing the court to
take certain actions in criminal contempt proceedings;

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 644

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Attorney Fees, Suit Money, and Costs

DATE: February 17, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 644 changes provisions regarding attorney fees and costs that may be awarded to a party in a family law case or a paternity case and are payable by the other party, to provide that:

- A court may award attorney fees retroactively and prospectively as equity requires.
- A court may award attorney fees as a sanction for vexatious behavior.
- Attorney fees incurred to pursue appellate proceedings may be awarded.
- Attorney fees incurred in proving the amount claimed in the attorney fee dispute may also be charged to the responsible party.
- Where an attorney may directly pursue collection of his or her attorney fee award from the opposing party who is responsible for the award, payment of support owed to the obligee has priority over payment of the fee award.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill is effective upon becoming law.

II. Present Situation:

Introduction

The general rule in this country, the so-called “American Rule” is that each party must pay its own attorney’s fees. The parties to a contract may, and commonly do, agree that the prevailing party may also collect attorney fees. Where one is enforcing a constitutional or statutory right, however, attorney fees are only reimbursed if the text creating that right specifically provides for attorney fees or one of the limited common law exceptions apply. The principal grounds under which the American common law would allow attorney’s fees to be awarded are the “bad faith” and “common fund” theories. The “bad faith” theory allows an award where a party has willfully disobeyed a court order or has “acted in bad faith, vexatiously, wantonly, or for oppressive reasons.” Under the “common fund” theory, a court may award attorney’s fees to a party whose legal action creates or preserves a fund of money, or obtains a benefit, for others as well as itself.¹

Among the numerous state statutes that may support an award of attorney fees are statutes awarding attorney fees in family law actions (divorce, alimony, child support, timesharing) as provided in s. 61.16, F.S., and paternity actions as provided in s. 742.045, F.S.

Civil Litigation in the State Court System – In General

Trial Courts

Section 21 of the State Constitution’s Declaration of Rights provides that “the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay.” To that end, the State Constitution provides for a two-tier trial court system comprised of 67 county courts – that is, one county court for each of Florida’s 67 counties – and 20 circuit courts, each of which serves at least one county.² The county courts, as courts of limited jurisdiction established by statute, hear matters including traffic offenses, landlord-tenant disputes, small claims cases up to \$8,000, misdemeanor criminal matters, local government ordinance violations, and monetary disputes up to \$50,000.³ The circuit courts, meanwhile, as courts of general jurisdiction, hear all matters not within the county courts’ jurisdiction, including dissolution of marriage and other “family law” proceedings, felony criminal matters, juvenile delinquency and dependency proceedings, probate proceedings, guardianship matters, and monetary disputes over \$50,000.⁴

Florida law establishes various causes of action for which a person may sue, but it is the Florida Rules of Civil Procedure, promulgated by the Florida Supreme Court, which govern the procedural requirements for such lawsuits. Under these Rules, lawsuits in Florida’s state court system begin with one party to a dispute (known as the “plaintiff” or the “petitioner”) filing a

¹ U.S. Dept. of Justice, *220. Attorney’s Fees*, Civil Resource Manual, <https://www.justice.gov/archives/jm/civil-resource-manual-220-attorneys-fees>.

² Article V, ss. 5 and 6, Fla. Const.

³ Office of the State Courts Administrator, *Trial Courts – County*, <https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-County> (last visited Feb. 15, 2026).

⁴ Office of the State Courts Administrator, *Trial Courts - Circuit*, <https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-Circuit> (last visited Feb. 15, 2026).

complaint with the clerk of the court for the trial court with jurisdiction over the matter, after meeting any pre-suit requirements. Once served with the complaint, the person sued (known as the “defendant” or the “respondent”) has the right to file a response to the complaint and must serve such response on the plaintiff. Once the pleadings are filed, the parties begin the “discovery” phase – that is, the phase during which both parties exchange information and evidence and depose witnesses⁵ – and either party may file pre-trial motions asking the court to make a ruling on some aspect of the case. Ultimately, if the parties do not reach a settlement,⁶ the lawsuit may then proceed to trial; such trials may be before a jury, in which case the jury determines questions of fact⁷ while the judge determines questions of law, or else such trials may be “bench trials” – that is, trials solely before a judge, in which case the judge determines both questions of fact and of law.⁸ In either case, at the trial’s conclusion, the judge issues a final judgment,⁹ and may also issue orders on any post-trial motions filed by the parties, which may include motions for attorney fees and costs.¹⁰

District Courts of Appeal

Article V, s. 4 of the State Constitution guarantees litigants the right to appeal final judgments and orders issued by the state’s trial courts to one of Florida’s District Courts of Appeal (“DCA”) when such judgments or orders are not directly appealable to the Florida Supreme Court or to a circuit court; given that the State Constitution and Florida law limit the appellate jurisdiction of the Florida Supreme Court and of the circuit courts, most appeals in state court go from the trial court to a DCA.¹¹ Currently, Florida has six DCAs – that is, one DCA serving each of Florida’s six appellate districts.¹²

An appeal, irrespective of which court takes it up, is not an opportunity for the parties to reargue the facts of a case; instead, the parties must rely on the factual record established by the trial court, and the party appealing the trial court’s decision (known as the “appellant”) may only argue that the trial court made a legal error, which error prejudiced the outcome of the case.¹³

⁵ Legal Information Institute, Discovery, <https://www.law.cornell.edu/wex/discovery> (last visited Feb. 15, 2026).

⁶ A “settlement” is an agreement that ends a dispute and results in voluntary dismissal of the related lawsuit. Legal Information Institute, *Settlement*, <https://www.law.cornell.edu/wex/settlement> (last visited Feb. 15, 2026).

⁷ “Questions of fact” are those questions answered by the evidence presented. To determine questions of fact, the “factfinder,” whether a jury or a judge, must weigh the strength of the documentary evidence presented and the credibility of all witnesses giving testimony. Legal Information Institute, *Questions of Fact*, https://www.law.cornell.edu/wex/question_of_fact (last visited Feb. 15, 2026).

⁸ “Questions of law” are those questions relating to the identification, interpretation, and application of the relevant laws. Legal Information Institute, *Questions of Law*, https://www.law.cornell.edu/wex/question_of_law (last visited Feb. 15, 2026).

⁹ A “final judgment” is the last decision from a court, which decision resolves all issues in dispute and settles the parties’ rights with respect to those issues. Generally speaking, the only issues which may remain after the issuance of a final judgment include decisions on judgment enforcement, entitlement to attorney fees and costs, and whether to appeal the judgment. Legal Information Institute, *Final Judgment*, https://www.law.cornell.edu/wex/final_judgment (last visited Feb. 15, 2026).

¹⁰ *Stockman v. Downs*, 573 So. 2d 835, 838 (Fla. 1991).

¹¹ Death penalty sentences imposed by trial courts are directly appealable to the Florida Supreme Court. The circuit courts have limited appellate jurisdiction as provided for by general law; however, the Legislature largely eliminated the circuit court’s authority to hear appeals of county court matters as of January 1, 2021. Art. V, ss. 3 and 5, Fla. Const.; Ch. 2020-61, Laws of Fla.

¹² Art. V, s. 4, Fla. Const.; s. 35.01, F.S.

¹³ Appealable legal errors include procedural violations, the improper admission of or refusal to admit evidence, and the incorrect application of law to the facts of the case.

Furthermore, the appellant generally must have “preserved” the trial court’s error, by making a specific, contemporaneous objection to the trial court;¹⁴ appellate courts generally do not address new legal issues raised for the first time on appeal, as, under Florida’s civil litigation scheme, the trial courts are the principal arbiter of disputes while the appellate courts are courts of review.¹⁵

Chapter 59, F.S., provides a general framework for appellate proceedings in state courts; however, state court appeals are more specifically governed by the Florida Rules of Appellate Procedure, promulgated by the Florida Supreme Court. Such rules address, among other things, the timeframes for commencing an appeal (typically 30 days from the rendition of the judgment or order to be reviewed) and for filing briefs,¹⁶ as well as procedures specific to the various types of appeals. Once an appeal commences, a three-judge panel considers the matter and renders a decision, for which a concurrence of two judges is necessary.¹⁷ If the panel believes that the trial court ruled correctly, or at least that the trial court did not make a prejudicial legal error, the DCA will affirm the trial court’s ruling. Alternatively, if the panel believes that the trial court made a prejudicial legal error, the DCA may reverse the trial court’s ruling and “remand” – that is, send – the case back to the trial court for further action.¹⁸

Florida Supreme Court

Article V, s. 3 of the State Constitution establishes the Florida Supreme Court’s jurisdiction, which, in most instances, is “discretionary.” In other words, the Court may generally decide whether or not to take up a particular matter on appeal.¹⁹ Because of this, most appeals do not reach the Florida Supreme Court and are instead resolved by a DCA. Matters falling into the Florida Supreme Court’s discretionary jurisdiction include, among other matters, any DCA

¹⁴ *Castor v. State*, 365 So. 2d 701 (Fla. 1978).

¹⁵ “Fundamental error” – that is, errors that “reach down into the validity of the trial itself” and could potentially erode the public’s trust in the justice system – may generally be challenged on appeal absent a contemporaneous objection. In civil cases, courts have found the award of judgments based on non-existent rights and lack of any foundation to be fundamental error, as well as improper, harmful, and totally incurable closing arguments that so damage a trial’s fairness as to require a new trial (such as closing arguments that appeal to racial, ethnic, or religious prejudices). *Murphy v. International Robotics Systems, Inc.*, 766 So. 2d 1010 (Fla. 2000).

¹⁶ A “brief” is a written legal argument filed by a party to an appeal to explain his or her legal position. In a typical appeal, the appellant files an “initial brief” to explain to the appellate court why the trial court’s decision was wrong and why the appellate court should, therefore, grant the appellant relief; the appellee thereafter files an “answer brief” to provide the appellate court with legal and factual support to uphold the trial court’s decision. Legal Information Institute, *Brief*, <https://www.law.cornell.edu/wex/brief> (last visited Feb. 15, 2026).

¹⁷ In extraordinary circumstances, a DCA may, by majority vote of all active judges on the court, order that a proceeding be determined *en banc* – that is, the panel will consist not of three judges but of all judges in regular, active service on the court who are not disqualified from hearing the appeal; *en banc* hearings typically occur when the case is of exceptional importance or there is a need to maintain uniformity in the court’s decisions, such as when two appellate panels reach conflicting decisions when presented with similar facts. A party to the appeal may also request a rehearing *en banc* after the initial panel issues a ruling but must state with specificity those points of law or fact that the party believes the panel overlooked or misapprehended. Art. V, s. 4, Fla. Const.; Fla. R. App. P. 35.

¹⁸ The appellate court may, depending on the posture of the case, remand the case back to the trial court for actions including correcting an order, holding a rehearing on a motion, or conducting an entirely new trial.

¹⁹ As previously mentioned, the Florida Supreme Court has mandatory jurisdiction over, and therefore must hear, all death penalty sentences imposed by trial courts. The Court also has mandatory jurisdiction over all DCA decisions declaring a state statute or state constitution provision invalid, over all trial court rulings upholding local government bonds, and over all state utility regulator decisions concerning rates or service. Furthermore, the Florida Supreme Court has no jurisdiction over, and therefore may not hear, decisions that were *per curiam affirmed* by the DCA, as there is no written opinion issued with such decisions which the Court could review. Art. V, s. 3, Fla. Const.; *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

decision that expressly and directly conflicts with another DCA’s decision on the same question of law – that is, when the DCAs are “split.”²⁰ When a split occurs, a DCA may choose to “certify conflict” to the Florida Supreme Court by issuing a written opinion expressly attesting to the conflict. This certification then triggers the Florida Supreme Court’s discretionary jurisdiction, giving the Court the option to review and resolve the conflict, and to thereby ensure uniformity in the interpretation and application of Florida law across the state.²¹

Attorney Fees and Costs in Family Law Disputes

The traditional “English rule” on attorney fees entitled a prevailing party in a lawsuit to recover his or her attorney fees and costs from the losing party as a matter of right. However, Florida and a majority of other United States jurisdictions have adopted the “American rule” on attorney fees, under which each party bears its own attorney fees and costs unless a contract or a “fee-shifting statute” provides a specific entitlement to such fees and costs.

In Florida, several fee-shifting statutes create a “one-way” attorney fee structure, typically entitling a specific type of prevailing plaintiff to recover his or her attorney fees and costs from a losing respondent.²² Certain other fee-shifting statutes create a “two-way” attorney fee structure, entitling the prevailing party in a lawsuit to recover his or her attorney fees and costs from the losing party.²³

Equity Standard for Fee Awards

Whether a fee-shifting statute is “one-way” or “two-way,” courts typically determine the entitlement to attorney fees at the relevant proceeding’s conclusion and award the amount owed for completed work; this makes sense when considering that, in most instances, a party or a plaintiff must “prevail” before a court may award attorney fees. However, in certain “family law”²⁴ matters, the standard for an attorney fee award is neither “prevailing plaintiff” nor “prevailing party,” but rather an equity standard, under which courts generally consider the parties’ relative financial resources when determining whether to award attorney fees – that is, the courts generally consider one party’s financial need and the other party’s ability to pay. Section 61.16, F.S. (governing dissolution of marriage, support, and time-sharing proceedings under ch. 61, F.S.) and s. 742.045, F.S. (governing determination of parentage proceedings under ch. 742, F.S.) establish such an equity standard.

²⁰ Other matters within the Florida Supreme Court’s discretionary jurisdiction include a DCA decision that expressly: construes the State or Federal Constitution; declares a state statute valid; passes upon a question of great public importance; or affects a class of constitutional or state officers. Art. V, s. 3 Fla. Const.

²¹ *State v. Vickery*, 961 So. 2d 309 (Fla. 2007).

²² See, e.g., s. 400.023, F.S. (nursing home resident); s. 440.34, F.S. (claimant in a workers’ compensation case in certain situations); s. 501.2105, F.S. (plaintiff in specified FDUTPA actions); and s. 790.33, F.S. (plaintiff in a suit to enforce his or her firearm rights).

²³ See, e.g., s. 713.29, F.S. (prevailing party in action to enforce a lien); s. 83.48, F.S. (prevailing party in action to enforce rental agreement or the Florida Residential Landlord and Tenant Act).

²⁴ “Family law” is a collective term for a wide range of legal matters revolving around familial or otherwise domestic relationships. Such legal matters include marriages, dissolutions of marriage (or “divorce”), time-sharing (once known as “child custody”), spousal and child support, adoption, determination of parentage (or “paternity actions”), and domestic violence. Legal Information Institute, *Family Law*, https://www.law.cornell.edu/wex/family_law (last visited Feb. 15, 2026).

Prospective and Retroactive Attorney Fee Awards

In proceedings under either chs. 61 or 742, F.S., courts may award attorney fees prospectively – that is, for future legal work – where one party demonstrates his or her need and the other party’s ability to pay.²⁵ This ensures that, even where there is a marked income disparity between the parties to a family law dispute, each party has access to legal representation for the proceeding’s duration.²⁶ Where equity so requires, courts have also awarded attorney fees in family law matters retroactively – that is, for legal expenses already incurred – either as a form of equitable reimbursement or as a sanction. However, in 2024, the First DCA split from the other DCAs, holding that s. 61.16, F.S., as currently written, only contemplates prospective attorney fee awards and, therefore, does not authorize retroactive attorney fee awards.²⁷ In support of its position, the court noted that s. 61.16, F.S., refers to a need for immediate financial assistance, and access to legal representation, which speak to future events.²⁸

Attorney Fee Award as Sanction

In 1997, the Florida Supreme Court decided *Rosen v. Rosen*, a case in which the court acknowledged that the financial resources of the parties – that is, need and ability to pay – is the primary factor for a court to consider in determining whether to award attorney fees in a dissolution of marriage, support, or time-sharing proceeding under ch. 61, F.S.²⁹ However, the *Rosen* Court went on to enumerate a list of other relevant factors which a court may consider in awarding such attorney fees, including:

- The litigation’s scope and history;
- The litigation’s duration;
- The merits of each party’s respective positions;
- Whether the litigation is brought or maintained primarily to harass (or whether a defense is raised primarily to frustrate or stall); and
- The existence and course of prior or pending litigation.³⁰

Subsequently, in 2002, the Florida Supreme Court decided *Moakley v. Smallwood*, a case in which the Court opined that a trial court has the inherent authority to impose attorney fees for bad faith conduct.³¹ Thus, in deciding *Rosen* and *Moakley*, the Florida Supreme Court acknowledged that attorney fees may be awardable in family law matters as a sanction for vexatious or bad faith litigation; however, neither chs. 61 nor 742, F.S., codify this holding.

Further, in 2012, the Fourth DCA held that, under *Rosen*, a court may properly consider a party’s refusal to accept a settlement offer in determining, and limiting, an attorney fee award under ch. 61, F.S.³² However, in 2016, the First DCA split from the Fourth DCA on this issue, holding

²⁵ *Nisbeth v. Nisbeth*, 568 So. 2d 461 (Fla. 3d D.C.A. 1990); *Lochridge v. Lochridge*, 526 So. 2d 1010, 1012 (Fla. 2d D.C.A. 1988); *Blackburn v. Blackburn*, 513 So. 2d 1360 (Fla. 2d D.C.A. 1987); see, e.g., s. 61.16, F.S.

²⁶ *Id.*

²⁷ *Haslauer v. Haslauer*, 381 So. 3d 662 (Fla. 1st DCA 2024).

²⁸ *Id.* at 666.

²⁹ 696 So. 2d 697 (Fla. 1997).

³⁰ *Id.* at 700.

³¹ 826 So. 2d 221 (Fla. 2002).

³² *Hallac v. Hallac*, 88 So. 3d 253 (Fla. 4th DCA 2012) (noting that, under Florida law, a refusal to accept a settlement offer could not, by itself, form the basis for denying an attorney fee award altogether).

that, “while there may be special circumstances to consider in addition to the parties’ financial positions when determining entitlement to attorney fees in a marital dissolution proceeding, no [statutory] authority exists for denying attorney fees [from the point of offer rejection] solely based on the failure to accept an offer of settlement.”³³

Appellate Attorney Fees

Both ss. 61.16 and 742.045, F.S., provide a “two-way” attorney fee provision based on need and ability to pay. Specifically, s. 61.16, F.S., provides that “the court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney’s fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings *and appeals*.”³⁴ Similarly, s. 742.045, F.S., provides that “the court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney’s fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings.” However, unlike the parallel provision in s. 61.16, F.S., the provision in s. 742.045, F.S., does not include the phrase “and appeals.”³⁵

In recent years, Florida’s DCAs have split on the issue of whether s. 742.045, F.S., authorizes an award of appellate attorney fees – that is, attorney fees incurred in connection with an appeal of a matter originating in a trial court. The Fourth and Fifth DCAs have, broadly speaking, taken the position that, as s. 742.045, F.S., authorizes the award of such fees (where conditions pertaining to need and ability to pay are met) in “any proceeding under [ch. 742, F.S.],” and the term “proceeding” encompasses appeals, this section naturally authorizes the award of appellate attorney fees. Indeed, the Fourth DCA noted that “it is axiomatic that this [term] would include any appellate proceedings necessary to maintain or defend an action under [ch. 742, F.S.].”³⁶ However, the Sixth and Third DCAs have taken the opposite position, concluding that s. 742.045, F.S., does not authorize the award of appellate attorney fees and certifying conflict with the Fourth and Fifth DCAs.³⁷

Interestingly, the Sixth and Third DCAs arrived at their conclusions through different analyses. The Sixth DCA focused on what it considered to be narrowing language – that is, the phrase “under [ch. 742, F.S.]” – noting that nothing in ch. 742, F.S., identifies an appeal as a proceeding “under that chapter”; indeed, the Sixth DCA noted, ch. 742, F.S., repeatedly refers to proceedings under that chapter as “circuit court proceedings” – that is, proceedings at the trial court level.³⁸ However, the Third DCA looked to the language of a parallel statute – s. 61.16, F.S. – which expressly authorizes the recovery of appellate attorney fees in proceedings under ch. 61, F.S.; noted the Third DCA, “for whatever reason, the Legislature has chosen not to include similar language in [s. 742.045, F.S.].”³⁹ The Third DCA panel then concluded that, if

³³ *Palmer v. Palmer*, 206 So. 3d 74 (Fla. 2016).

³⁴ Emphasis added.

³⁵ Compare s. 61.16(1), F.S., with s. 742.045, F.S.

³⁶ *Beckford v. Drogan*, 216 So. 3d 1 (Fla. 4th DCA 2017); *McNulty v. Bowser*, 233 So. 3d 1277 (Fla. 5th DCA 2018).

³⁷ *C.T. v. T.G.*, 397 So. 3d 219 (Fla. 6th DCA 2024); *Perez-Palm v. Rodriguez*, 2025 WL 1243790 (Fla. 3d DCA 2025).

³⁸ *C.T. v. T.G.*, 397 So. 3d at 221.

³⁹ *Perez-Palma v. Rodriguez*, 2025 WL 1243790 (Fla. 3d DCA 2025).

the Legislature had intended to authorize the award of appellate attorney fees in s. 742.045, F.S., as it did in s. 61.16, F.S., it would have done so.⁴⁰

Establishing Appropriate Attorney Fee Award

In 2010, the Fourth DCA held that, under the provisions of ch. 61, F.S., “the need and ability to pay requirement is tantamount to a finding of entitlement of one spouse to have the other spouse pay all or a portion of that spouse’s fees. To determine that need and ability, however, the amount of [the attorney fees] must also be considered. Therefore, the court in its discretion may assess fees for litigating both factors...”⁴¹ However, in 2025, the Third DCA split from the Fourth DCA on this issue, holding that a party may not collect attorney fees incurred in establishing an appropriate attorney fee award, as such fees are not statutorily authorized.⁴²

Attorney Fees in Title IV-D Cases

In “Title IV-D cases,” so named because the authority for such cases stems from Title IV-D of the federal Social Security Act, the state, through the Florida Department of Revenue, seeks to enforce child support orders where a parent ordered to pay such support becomes delinquent in his or her payments, necessitating the state to provide some form of public assistance to the child or the other parent.⁴³ Section 61.16, F.S., currently provides that, in Title IV-D cases, *attorney fees, suit money, and costs* shall be assessed only against the non-prevailing obligor after the court makes a determination of the non-prevailing obligor’s ability to pay such costs and fees. Section 742.045, F.S., meanwhile, contains a similar but more limited provision, specifying that, in Title IV-D cases, *costs* shall be assessed only against the non-prevailing obligor after the court makes a determination of the non-prevailing obligor’s ability to pay such costs; the statute is currently silent as to the assessment of attorney fees and suit money against the non-prevailing obligor in such cases.

Attorney Fees in Contempt Proceedings

Florida law defines “contempt,” sometimes referred to as “contempt of court,” to mean a refusal by any person to obey any legal order made or given by any judge relative to any of the court’s business, after due notice thereof.⁴⁴ Generally speaking, courts classify contempt as either “direct” or “indirect,” with the former term referring to contempt committed in the court’s presence and the latter term referring to contempt committed outside the court’s presence.⁴⁵ Courts also classify contempt as either “civil” or “criminal” in nature based on the court’s goal in the contempt proceeding. Generally, courts use civil contempt proceedings to compel the contemnor’s future compliance with the court’s order,⁴⁶ while criminal contempt proceedings punish a contemnor for failing to comply with the court’s order through sanctions that may

⁴⁰ *Id.*

⁴¹ *Schneider v. Schneider*, 32 So. 3d 151 (Fla. 4th DCA 2010).

⁴² *Schultheis v. Schultheis*, No. 3D23-1250 (Fla. 3d DCA 2025).

⁴³ Such public assistance may include Temporary Assistance for Needy Families (“TANF”), temporary cash assistance, foster care, Medicaid, or food assistance benefits. Section 409.2563(2)(f), F.S.

⁴⁴ Section 38.23, F.S.

⁴⁵ *Demetree v. State*, 89 So. 2d 498, 501 (Fla. 1956); *Ex Parte Earman*, 95 So. 755, 760 (Fla. 1923); *Kress v. State*, 790 So. 2d 1207, 1208-1209 (Fla. 2d DCA 2001); *Forbes v. State*, 933 So. 2d 706, 711 (Fla. 4th DCA 2006).

⁴⁶ In other instances, a contemnor may avoid civil contempt sanctions where the court finds that such person does not presently have the ability to comply with the court’s order. *Akridge v. Crow*, 903 So. 2d 346, 350 (Fla. 2d DCA 2005).

include jail time.⁴⁷ Given that a criminal contempt charge implicates liberty interests, a person so charged has a right to the same protections afforded to criminal defendants under the Fourteenth Amendment's Due Process Clause; however, a person charged with civil contempt has fewer protections – that is, a person so charged only has a right to a proceeding that meets the “fundamental fairness” requirements of the Due Process Clause, which requirements generally include notice and an opportunity to be heard.⁴⁸

Section 61.16(2), F.S., provides that, in a criminal contempt proceeding arising out of contempt in a dissolution of marriage, support, or timesharing proceeding brought under ch. 61, F.S., whether classified as “direct” or “indirect” contempt, the court may, in addition to appointing an attorney to prosecute said contempt:

- Assess attorney fees against the contemnor if the court determines that the contemnor has the ability to pay such fees; and
- Order that the fees awarded be paid directly to the attorney, who may enforce the order in his or her name.

However, s. 742.045, F.S., contains no similar provision; this statutory difference may cause the courts to reasonably assume that they lack the authority to assess attorney fees in a criminal contempt proceeding arising out of contempt in a determination of parentage proceeding brought under ch. 742, F.S. Further, neither s. 61.16, F.S., nor s. 742.045, F.S., give courts the authority to award attorney fees to a party who files and prevails on a motion for civil contempt in connection with a proceeding brought under either chs. 61 or 742, F.S.

Attorney Fees in Enforcement Actions

Where a party to a civil proceeding disregards a court order, the aggrieved party may bring an “enforcement action” to ask the court to direct the non-compliant party to obey the order; the action is not punitive in nature and differs from a contempt proceeding in that an enforcement action generally does not involve the imposition of legal penalties. Section 61.16, F.S., provides that, in those dissolution of marriage, support, or time-sharing cases in which an enforcement action is brought and the court finds that the non-compliant party lacks justification in his or her refusal to follow the court order at issue, the court must not award attorney fees to the noncompliant party; in other words, the court must disregard the equity standard based on need and ability to pay in such circumstances. However, s. 742.045, F.S., pertaining to determination of parentage proceedings, lacks a corresponding provision; thus, it is possible that a court may award attorney fees to a non-compliant party in those determination of parentage proceedings in which an enforcement action is brought, even if the court finds that the non-compliant party lacks justification in his or her refusal to follow the court order at issue.

Florida Vexatious Litigant Law

Troublesome, or “vexatious,” litigants create chaos in Florida’s court system by repeatedly abusing the judicial process, generating significant work for judges and court personnel and

⁴⁷ *Demetree*, 89 So. 2d at 501; *Gregory v. Rice*, 727 So. 2d 251 (Fla. 1999); *The Florida Bar v. Taylor*, 648 So. 2d 709 (Fla. 1995).

⁴⁸ *Bresch v. Henderson*, 761 So. 2d 449 (Fla. 2d DCA 2000); *Akridge*, 903 So. 2d at 350; *Gregory*, 727 So. 2d at 253; *Dept. of Children & Families v. R.H.*, 819 So. 2d 858 (Fla. 5th DCA 2002).

diverting judicial resources away from legitimate disputes. Further, parties that find themselves litigating against a vexatious litigant will likely have to expend significant time and resources to resolve the case.⁴⁹ Vexatious litigation can take many forms, including:

- Filing multiple meritless lawsuits;
- Attempting to relitigate matters already decided by the court; and
- Submitting documents with harassing, scandalous, or sham materials to the court.⁵⁰

To address such conduct, the Legislature enacted the Florida Vexatious Litigant Law, codified in s. 68.093, F.S.

Vexatious Litigant Defined

Under s. 68.093(2), F.S., “vexatious litigant” means a person, as defined in s. 1.01(3), F.S.,⁵¹ proceeding *pro se* – a person without legal representation⁵² – who:

- In the immediately preceding 7-year period, has commenced, prosecuted, or maintained, *pro se*, five or more actions in any court that have been finally and adversely determined against such person;⁵³
- After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate an aspect of the case;
- Repeatedly files pleadings, requests for relief, or other documents on which the court has already ruled;
- Repeatedly files unmeritorious pleadings; conducts unnecessary discovery; or engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action; or
- Has been previously found to be a vexatious litigant in any state or federal court.

An action is not deemed to be “finally and adversely determined,” for the purposes of this definition, during a pending appeal.

Security Requirements Related to a Vexatious Litigant

Under s. 68.093(3), F.S., a litigant may file a motion asking the court to order the opposing party to furnish security⁵⁴ to the moving party on the grounds that such opposing party is a vexatious litigant and not likely to win his or her claims against the moving party. At the hearing on the motion, the court must consider any evidence that may be relevant to the motion, and if after hearing the evidence, the court determines that the opposing party is indeed a vexatious litigant and is not reasonably likely to win his or her claims against the moving party, the court must

⁴⁹ Workgroup on Vexatious Litigants, *Final Report and Recommendation*, (Sept. 6, 2024), <https://flcourts-media.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24%20Amended%20-%20Accessible.pdf> (last visited Feb. 15, 2026); *Smith v. Fisher*, 965 So. 2d 205, 209 (Fla. 4th DCA 2007) (providing that “in a frivolous lawsuit, justice delayed is justice denied to a defendant who expends time and money to bring the case to an end.”).

⁵⁰ Workgroup, *supra* note 49.

⁵¹ Under this section, the word “person” includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries corporations, and all other groups or combinations.

⁵² Legal Information Institute, *Pro Se*, https://www.law.cornell.edu/wex/pro_se (last visited Feb. 15, 2026).

⁵³ An action may not be included in the total count where the litigant commenced, prosecuted, or maintained the action in good faith.

⁵⁴ “Security” means an undertaking by a vexatious litigant to ensure payment to a party in an amount reasonably sufficient to cover the party’s anticipated, reasonable litigation expenses, including attorney fees and costs. Section 68.093(2), F.S.

then order the vexatious litigant to furnish security to the moving party in an amount and within such time as the court deems appropriate. If the vexatious litigant fails to post the required security and is:

- A plaintiff, the court must immediately dismiss the action with prejudice⁵⁵ as to the moving party for whose benefit the security was ordered; or
- A respondent, the court may immediately impose one or more of the following sanctions, as appropriate:
 - Denial of the vexatious litigant’s request for relief;
 - Striking of the vexatious litigant’s pleading or other document from the record; or
 - Rendition of a default judgment⁵⁶ against the vexatious litigant.

Prefiling Orders Related to a Vexatious Litigant

Section 68.093(4), F.S., authorizes the court in any judicial circuit to, on its own motion or on the motion of any party, enter a “prefiling order” prohibiting a vexatious litigant from commencing, *pro se*, any new action in the courts of that circuit without first obtaining leave of the court – that is, without first obtaining permission to file the action. The court may grant such leave only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment and may condition the filing of the proposed action upon the furnishing of security.

Section 68.093(6), F.S., requires the clerk of the court to provide copies of all prefiling orders to the Clerk of the Florida Supreme Court, who must maintain a vexatious litigant registry. Further, under s. 68.093(5), F.S., the clerk of the court may not file any new action by a *pro se* vexatious litigant against whom the court has entered a prefiling order unless the vexatious litigant has obtained an order from the court allowing such filing. If the clerk of the court mistakenly allows a *pro se* vexatious litigant to file any new action in contravention of a prefiling order, any party to that action may file with the clerk and serve on the vexatious litigant a notice stating that the vexatious litigant is subject to a prefiling order. The filing of the notice automatically stays the litigation against all parties to the action, and the court must automatically dismiss the action with prejudice within 10 days after the filing of the notice unless the vexatious litigant files a motion for leave to file the new action. If the court grants leave, the pleadings or other responses to the complaint are not due until 10 days after the date the vexatious litigant serves the party with a copy of the order granting leave.

Attorney Fees Related to a Vexatious Litigant

Section 68.093(8), F.S., specifies that any relief provided under Florida’s Vexatious Litigant Law is cumulative to any other relief or remedy available under Florida law or applicable court rules. The additional relief that may be available to a party dealing with a vexatious litigant includes attorney fees awardable as a sanction under s. 57.105, F.S., for frivolous litigation.

⁵⁵ When a court dismisses an action “with prejudice,” the plaintiff cannot refile the same action in that court. Legal Information Institute, *With Prejudice*, https://www.law.cornell.edu/wex/with_prejudice (last visited Jan. 22, 2026).

⁵⁶ A “default judgment” is a judgment automatically entered by a court in favor of one party and against the other party, typically due to one party’s failure to do something, such as respond to a pleading or appear in court. Legal Information Institute, *Default Judgment*, https://www.law.cornell.edu/wex/default_judgment (last visited Jan. 22, 2026).

Attorney Fee Sanctions Under s. 57.105, F.S.

To deter the filing of frivolous litigation, the Legislature enacted s. 57.105, F.S., which generally authorizes a court to award attorney fees as a sanction against a party who raises a claim that is unsupported by law or facts or takes some action primarily for the purpose of causing unreasonable delay in the proceedings. Any party to a civil action may seek such sanctions by serving the offending party with a copy of a motion for sanctions; however, the party seeking sanctions may only file said motion with the court if, after 21 days from the date of service, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. Thus, s. 57.105, F.S., provides a “safe harbor” under which an offending party may avoid the imposition of sanctions by taking corrective action. In certain instances, this may leave the aggrieved party without a remedy to recover his or her attorney fees incurred in defending against or otherwise necessarily responding to the frivolous litigation.

Retroactivity of Legislation

In determining whether a law may apply retroactively, courts first determine whether the law is procedural, remedial, or substantive in nature.⁵⁷ A purely procedural or remedial law may apply retroactively without offending the Constitution,⁵⁸ but a substantive law generally may not apply retroactively absent clear legislative intent to the contrary.⁵⁹ However, even where the Legislature has expressly stated that a law will have retroactive application, a court may reject that application if the law impairs a vested right, creates a new obligation or duty, or imposes a new penalty.⁶⁰ Further, if a law is designed to serve a remedial purpose, a court may decide not to apply the law retroactively if doing so “would attach new legal consequences to events completed before its enactment.”⁶¹

The Florida Supreme Court, noting that the American Rule adopted in Florida requires each party to a lawsuit to pay his or her own attorney fees unless a statute or contract provides otherwise, has found that a statutory requirement for one party to pay another party’s attorney fees is “a new obligation or duty,” and is therefore substantive in nature.⁶² Courts considering the application of statutory attorney fee provisions have generally held that those provisions only apply prospectively, as the applicable law when dealing with substantive rights is the law in effect at the time of the operative event.⁶³

⁵⁷ A procedural law merely establishes the means and methods for applying or enforcing existing duties or rights. A remedial law confers or changes a remedy, i.e., the means employed in enforcing an existing right or in redressing an injury. A substantive law creates, alters, or impairs existing substantive rights. *Windom v. State*, 656 So. 2d 432 (Fla. 1995); *St. John’s Village I, Ltd. v. Dept. of State*, 497 So. 2d 990 (Fla. 5th DCA 1986); *McMillen v. State Dept. of Revenue*, 74 So. 2d 1234 (Fla. 1st DCA 1999).

⁵⁸ Constitutional provisions which the retroactive application of law may offend include the Contracts and Due Process Clauses. See *Campus Communications, Inc. v. Earnhardt*, 821 So. 2d 388 (Fla. 5th DCA 2002); see also *Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873 (Fla. 2010); U.S. Const. art. I, §10 and amend. XIV; Art. I, ss. 9 and 10, Fla. Const.

⁵⁹ *State Farm Mutual Automobile Ins. Co. v. Laforet*, 658 So. 2d 55 (Fla. 1995).

⁶⁰ *Menendez*, 35 So. 3d at 877.

⁶¹ *L. Ross, Inc. v. R.W. Roberts Const. Co.*, 481 So. 2d 484 (Fla. 1986).

⁶² *Young v. Altenhaus*, 472 So. 2d 1152 (Fla. 1985).

⁶³ See, e.g., *Brodose v. School Bd. of Pinellas County*, 622 So. 2d 513 (Fla. 2d DCA 1993); see also *Parrish v. Mullis*, 458 So. 2d 401 (Fla. 1st DCA 1984).

III. Effect of Proposed Changes:

CS/SB 644 amends laws related to attorney fee awards in family law and paternity cases.

Attorney Fees and Costs in Family Law Disputes

Prospective and Retroactive Attorney Fee Awards

To address a First District Court of Appeal (“DCA”) split on the question of whether a court may award attorney fees in certain family law disputes retroactively as a form of equitable reimbursement or as a sanction, the bill amends s. 61.16, F.S., (pertaining to attorney fee awards in dissolutions of marriage, support, and time-sharing proceedings under ch. 61, F.S.) and s. 742.045, F.S., (pertaining to attorney fee awards in determination of parentage proceedings under ch. 742, F.S.), to expressly state that a court may award attorney fees “retroactively and prospectively [in proceedings under either chapter] as equity requires.”

Attorney Fee Award as Sanction

The bill amends ss. 61.16 and 742.045, F.S., to codify the factors enumerated by the *Rosen* and *Moakley* Courts, which generally allow a court to impose, limit, or deny an attorney fee award where one party engages in vexatious or bad faith litigation in certain family law matters. Specifically, the bill provides that, if a party “engages in vexatious or bad faith litigation” in a dissolution of marriage, support, time-sharing proceeding under ch. 61, F.S., or a determination of paternity proceeding under ch. 742, F.S., the court may:

- Award attorney fees, suit money, and costs as a sanction against the opposing party; or
- Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

Under the bill, an order entered addressing vexatious or bad faith litigation in a covered dispute must include written findings identifying the specific conduct the offending party engaged in and the reasons the court granted, denied, or reduced fees, money, and costs.

Further, to address a DCA split on whether a court may consider the rejection of a good faith settlement offer in limiting attorney fee awards in certain family law disputes, the bill amends ss. 61.16 and 742.045, F.S., to expressly provide that, in determining entitlement to, and the amount of, an award of attorney fees under either section, whether incurred at the trial court or appellate court level, the court may consider whether either party to the relevant proceeding rejected a good-faith settlement offer.

Appellate Attorney Fees

To address a DCA split as to whether s. 742.045, F.S., authorizes appellate attorney fee awards in determination of parentage proceedings under ch. 742, F.S., the bill amends s. 742.045, F.S., to expressly authorize the award of appellate attorney fees in such proceedings. Further, the bill incorporates two provisions pertaining to appellate attorney fees in current s. 61.16, F.S., pertaining to dissolution of marriage, support, and time-sharing proceedings, into s. 742.045, F.S. Specifically, the bill amends s. 742.045, F.S., to specify that:

- The trial court has continuing jurisdiction to make temporary attorney fee awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level.

- In determining whether to make attorney fee awards at the appellate level, the court must primarily consider the parties' relative financial resources – that is, need and ability to pay – unless an appellate party's cause is deemed to be frivolous.

These changes, taken together, make the authority for courts to award appellate attorney fees consistent as between s. 742.045, F.S., and the parallel provision in s. 61.16, F.S.

Establishing Appropriate Attorney Fee Award

To address a DCA split on whether attorney fees incurred in establishing an appropriate attorney fee award in certain family law disputes may be included in the total attorney fee award, the bill amends s. 61.16, F.S., (pertaining to attorney fee awards in dissolution of marriage, support, and time-sharing proceedings under ch. 61, F.S.) and s. 742.045, F.S., (pertaining to attorney fee awards in determination of parentage proceedings under ch. 742, F.S.) to expressly provide that such fees may be included in the total attorney fee award under either section.

Priority of Support over Attorney Fees

Sections 61.16 and 742.045, F.S., currently allow an attorney for a party to directly collect an attorney fee award from the opposing party. The bill amends both provisions to require that payment of support owed to the obligee has priority over the fees, costs, and expenses awarded.

Retroactivity

The bill provides that the amendments made to ss. 61.16 and 742.045, F.S., by the bill apply to any action, including those initiated by a supplemental petition, filed on or after the bill's effective date.

Effective Date

The bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Determining the fiscal impact of this bill is highly speculative. The bill may decrease the cost of litigating family law and paternity matters by individuals who prevail in those actions and correspondingly increase the cost of litigating family law and paternity matters by individuals who do not prevail. The bill may lead to an overall increase in the cost to families if the bill has the effect of incentivizing litigation or may decrease costs by discouraging frivolous and weak claims. The bill may increase revenues for attorneys, law firms, and litigation service providers who practice in the areas of family law and paternity or may lower revenues if the increased risk of higher costs causes litigants to forgo weaker claims.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.16 and 742.045.

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 Judiciary on February 11, 2026:

The amendment resulting in the committee substitute added that, if an attorney may directly pursue collection of an attorney fee award from the opposing party in a family law case, payment of support owed to an obligee has priority over the payment of fees, costs and expenses. The amendment also removed a provision allowing a court to award attorney fees against a party who through the use of an attorney engaged in vexatious or

bad faith litigation. Finally, the amendment removed a provision that would have made the bill apply to cases pending or filed on the effective date of the bill.

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 Senators Calatayud and Berman

591-02048A-26

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1 A bill to be entitled
 2 An act relating to violent criminal offenses;
 3 providing a short title; amending s. 365.171, F.S.;
 4 requiring the emergency communications state plan to
 5 include a system or process to flag specified
 6 addresses; requiring that such system correspond
 7 between all emergency services; requiring that an
 8 address remain flagged for a specified period of time;
 9 providing that such period of time resets under
 10 certain circumstances; requiring a county to integrate
 11 such system or process in accordance with the county's
 12 resources and availability; amending s. 401.27, F.S.;
 13 requiring the Department of Health to establish by
 14 rule certain training criteria; requiring emergency
 15 medical technicians and paramedics to complete
 16 training in the subjects of domestic violence, dating
 17 violence, and strangulation for certification and
 18 recertification; providing requirements for such
 19 training; requiring emergency medical technicians and
 20 paramedics who are trained outside this state or in
 21 the military to provide proof of successful completion
 22 of such training; amending s. 633.408, F.S.; requiring
 23 the Division of State Fire Marshal within the
 24 Department of Financial Services to establish by rule
 25 certain training courses; requiring the division to
 26 provide training on the subjects of domestic violence,
 27 dating violence, and strangulation for the
 28 certification of career and volunteer firefighters;
 29 providing requirements for such training, beginning on

Page 1 of 40

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591-02048A-26

2026682c1

30 a specified date; amending s. 741.28, F.S.; revising
 31 the definition of the term "domestic violence";
 32 defining the terms "coercive control" and "electronic
 33 monitoring"; creating s. 741.2801, F.S.; authorizing
 34 the enhancement of criminal penalties for certain acts
 35 of domestic violence under certain circumstances;
 36 providing a burden of proof for a specified purpose;
 37 providing such enhancements; providing that certain
 38 felony offenses are ranked in a certain manner for the
 39 purposes of sentencing and determining incentive gain-
 40 time eligibility; amending s. 741.281, F.S.;
 41 authorizing, and in certain circumstances requiring, a
 42 court to order electronic monitoring supervision in
 43 domestic violence cases; creating s. 741.282, F.S.;
 44 authorizing a state attorney to enter into a written
 45 agreement with certain persons to participate in a
 46 domestic violence deferred sentencing program or an
 47 alternative treatment court program, under certain
 48 circumstances; providing eligibility requirements;
 49 requiring the Department of Corrections to supervise
 50 domestic violence deferred sentencing programs;
 51 requiring that specified conditions be included in a
 52 written deferred sentencing agreement and accepted by
 53 a person participating in such a program; providing
 54 requirements for a person participating in such a
 55 program; requiring a qualified professional to provide
 56 a treatment plan under certain circumstances;
 57 requiring a qualified professional to provide to the
 58 court weekly treatment progress reports; requiring a

Page 2 of 40

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591-02048A-26

2026682c1

59 qualified professional to make a specified
 60 certification to the court; requiring the state
 61 attorney to permit a defendant to withdraw his or her
 62 plea upon successful completion of such program and
 63 enter a nolle prosequere; requiring the state attorney to
 64 notify the court, and the court to set the case for
 65 sentencing, under certain circumstances; requiring the
 66 collection of certain information; authorizing the
 67 state attorney to retain certain information; creating
 68 s. 741.285, F.S.; authorizing the reclassification of
 69 domestic violence offenses that occur during an active
 70 state of emergency in an affected area to increase
 71 criminal penalties; providing such reclassifications;
 72 amending s. 741.29, F.S.; revising the information a
 73 law enforcement officer is required to provide to a
 74 victim of an alleged incident of domestic violence;
 75 amending s. 741.30, F.S.; revising the information
 76 contained in a petition for injunction for protection
 77 against domestic violence; revising the information
 78 that a court must consider and evaluate when making a
 79 certain determination relating to such a petition;
 80 revising the name of a certain statewide verification
 81 system created within the Department of Law
 82 Enforcement; amending s. 741.31, F.S.; reclassifying a
 83 subsequent violation of an injunction for protection
 84 against domestic violence as a third degree felony
 85 offense, regardless of whether the violation is
 86 against the same victim; authorizing, and in certain
 87 circumstances requiring, a court to order electronic

591-02048A-26

2026682c1

88 monitoring for a specified duration in domestic
 89 violence cases; requiring the respondent to pay for
 90 such electronic monitoring services; amending s.
 91 784.046, F.S.; revising the information contained in a
 92 petition for injunction for protection against repeat
 93 violence, sexual violence, or dating violence;
 94 revising the information a law enforcement officer
 95 must provide to a victim of an alleged incident of
 96 dating violence; requiring a law enforcement officer
 97 to administer a lethality assessment in an alleged
 98 incident of dating violence; amending s. 784.047,
 99 F.S.; reclassifying a subsequent violation of an
 100 injunction for protection against repeat violence,
 101 sexual violence, or dating violence as a third degree
 102 felony offense, regardless of whether the violation is
 103 against the same victim; authorizing, and in certain
 104 circumstances requiring, a court to order electronic
 105 monitoring supervision for a specified duration for
 106 violating an injunction for protection against repeat
 107 violence, sexual violence, or dating violence;
 108 requiring the respondent to pay for such electronic
 109 monitoring services; creating s. 784.0471, F.S.;
 110 authorizing reclassification of violations of
 111 injunctions for protection against dating violence,
 112 repeat violence, and sexual violence that occur during
 113 an active state of emergency in an affected area to
 114 increase criminal penalties; providing such
 115 reclassifications; amending s. 960.198, F.S.;
 116 increasing the maximum payment amounts for relocation

591-02048A-26

2026682c1

assistance for victims of domestic violence; amending ss. 921.0024, 943.0584, and 943.171, F.S.; conforming cross-references; providing an effective date.

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

Section 1. This act may be cited as the "Domestic Emergency and Batterers Reform and Accountability Act."

Section 2. Subsection (6) of section 365.171, Florida Statutes, is amended, and paragraph (e) is added to subsection (4) of that section, to read:

365.171 Emergency communications state plan.—

(4) STATE PLAN.—The office shall develop, maintain, and implement appropriate modifications for a statewide emergency communications plan. The plan shall provide for:

(e) A system or process to flag addresses at which a "911" call reported an alleged incident of domestic violence or dating violence. Such system must correspond between all emergency services, including, but not limited to, law enforcement, firefighting, emergency medical services, poison control, suicide prevention, and emergency management services. An address must remain flagged in the system for at least 1 year after the "911" call was placed that initiated the flag. The 1-year time period resets after each call relating to an alleged incident of domestic violence or dating violence at the same address.

The office shall be responsible for the implementation and coordination of such plan. The office shall adopt any necessary

Page 5 of 40

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591-02048A-26

2026682c1

rules and schedules related to public agencies for implementing and coordinating the plan, pursuant to chapter 120.

(6) REGIONAL SYSTEMS.—This section does not prohibit or discourage the formation of multijurisdictional or regional systems; and any system established pursuant to this section may include the jurisdiction, or any portion thereof, of more than one public agency. It is the intent of the Legislature that emergency communications services be available throughout the state. Expenditure by counties of the fee authorized and imposed under s. 365.172 should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability. Each county shall integrate the system or process created in paragraph (4)(e) based on the county's resources and availability. This section does not prohibit two or more counties from establishing a combined emergency communications service by an interlocal agreement and using the fees authorized and imposed by s. 365.172 for such combined service.

Section 3. Subsections (4), (5), and (11) of section 401.27, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

401.27 Personnel; standards and certification.—

(2) The department shall establish by rule educational and training criteria and examinations for the certification and recertification of emergency medical technicians and paramedics. Such rules must require, but need not be limited to:

(c) For emergency medical technicians and paramedics, a training program approved by the department for instruction in the subjects of domestic violence, dating violence, and

Page 6 of 40

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591-02048A-26

2026682c1

175 strangulation.

176 (4) An applicant for certification or recertification as an
177 emergency medical technician or paramedic must do all of the
178 following:

179 (a) Have completed an appropriate training program as
180 follows:

181 1. For an emergency medical technician, an emergency
182 medical technician training program approved by the department
183 as equivalent to the most recent EMT-Basic National Standard
184 Curriculum or the National EMS Education Standards of the United
185 States Department of Transportation; or

186 2. For a paramedic, a paramedic training program approved
187 by the department as equivalent to the most recent EMT-Paramedic
188 National Standard Curriculum or the National EMS Education
189 Standards of the United States Department of Transportation.‡

190 (b) Have completed a training program approved by the
191 department for instruction in the subjects of domestic violence,
192 dating violence, and strangulation.

193 1. Beginning December 1, 2026, emergency medical
194 technicians and paramedics seeking initial certification must
195 complete a minimum of 2 hours of training in handling domestic
196 violence, dating violence, and strangulation cases.

197 2. Emergency medical technicians and paramedics who were
198 certified before December 1, 2026, must complete a minimum of 2
199 hours of training in handling domestic violence, dating
200 violence, and strangulation cases during the refresher training
201 program required under subsection (5).

202 (c) ~~(b)~~ Attest that he or she is not addicted to alcohol or
203 any controlled substance.‡

591-02048A-26

2026682c1

204 ~~(d)(e)~~ Attest that he or she is free from any physical or
205 mental defect or disease that might impair the applicant's
206 ability to perform his or her duties.‡

207 ~~(e)(d)~~ Within 2 years after program completion have passed
208 an examination developed or required by the department.‡

209 ~~(f)1.(e)1.~~ For an emergency medical technician, hold a
210 current American Heart Association cardiopulmonary resuscitation
211 course card or an American Red Cross cardiopulmonary
212 resuscitation course card or its equivalent as defined by
213 department rule; or

214 2. For a paramedic, hold a certificate of successful course
215 completion in advanced cardiac life support from the American
216 Heart Association or its equivalent as defined by department
217 rule.‡

218 ~~(g)(f)~~ Submit the certification fee and the nonrefundable
219 examination fee prescribed in s. 401.34, which examination fee
220 will be required for each examination administered to an
221 applicant.‡ ~~and~~

222 ~~(h)(g)~~ Submit a completed application to the department,
223 which application documents compliance with paragraphs (a)-(d),
224 ~~(b), (e), (e)~~, (f), (g), and this paragraph, and, if applicable,
225 paragraph ~~(e)~~ ~~(d)~~.

226 (5) (a) The department shall establish by rule a procedure
227 for biennial renewal certification of emergency medical
228 technicians. Such rules must require a United States Department
229 of Transportation refresher training program of at least 30
230 hours which must include a 2-hour training program for
231 instruction in the subjects of domestic violence, dating
232 violence, and strangulation as approved by the department every

591-02048A-26

2026682c1

2 years. The refresher program may be offered in multiple presentations spread over the 2-year period. The rules must also provide that the refresher course requirement may be satisfied by passing a challenge examination.

(b) The department shall establish by rule a procedure for biennial renewal certification of paramedics. Such rules must require candidates for renewal to have taken at least 30 hours of continuing education units which must include a 2-hour training program for instruction in the subjects of domestic violence, dating violence, and strangulation during the 2-year period. The rules must provide that the continuing education requirement may be satisfied by passing a challenge examination.

(11) An applicant for certification as an emergency medical technician or a paramedic who is trained outside the state, or trained in the military, must provide proof of a current, nationally recognized emergency medical technician or paramedic certification or registration that is recognized by the department and based upon successful completion of a training program approved by the department as being equivalent to the most recent EMT-Basic or EMT-Paramedic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and hold a current certificate of successful course completion in cardiopulmonary resuscitation (CPR) or advanced cardiac life support for emergency medical technicians or paramedics, respectively, to be eligible for the certification. An applicant for certification as an emergency medical technician or a paramedic who is trained outside this state, or trained in the military, must provide proof of successful completion of a training program that

591-02048A-26

2026682c1

included instruction on the subjects of domestic violence, dating violence, and strangulation as required under paragraph (4) (b).

Section 4. Present subsection (9) of section 633.408, Florida Statutes, is redesignated as subsection (10), a new subsection (9) is added to that section, and paragraph (e) is added to subsection (1) of that section, to read:

633.408 Firefighter and volunteer firefighter training and certification.—

(1) The division shall establish by rule:

(e) Courses to provide training for career and volunteer firefighters on the subjects of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance.

(9) The division shall establish a program to provide training in the subjects of domestic violence, dating violence, and strangulation for career and volunteer firefighters.

(a) Beginning December 1, 2026, career and volunteer firefighters seeking initial certification must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases.

(b) Career and volunteer firefighters certified before December 1, 2026, must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases during the continuing training required under paragraph (1) (c).

Section 5. Present subsections (1), (2), (3), and (4) of

591-02048A-26

2026682c1

section 741.28, Florida Statutes, are redesignated as subsections (2), (3), (5), and (6), respectively, new subsections (1) and (4) are added to that section, and present subsection (2) of that section is amended, to read:

741.28 Domestic violence; definitions.—As used in ss.

741.28-741.31:

(1) "Coercive control" means a knowing pattern or course of conduct by a person against a family or household member that, in purpose or effect, unreasonably interferes with the free will, personal liberty, autonomy, economic security, or psychological safety of that person, whether or not physical force is used, and that is used to establish, maintain, or enforce power, domination, or dependency within the relationship.

(3)(2) "Domestic violence" means any ~~assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any~~ criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any of the following criminal offenses if committed by a family or household member:

(a) Assault.

(b) Aggravated assault.

(c) Battery.

(d) Aggravated battery.

(e) Battery by strangulation.

(f) Domestic battery by strangulation.

(g) Sexual assault.

(h) Sexual battery.

591-02048A-26

2026682c1

(i) Stalking.

(j) Aggravated stalking.

(k) Child abuse.

(l) Aggravated child abuse.

(m) Kidnapping.

(n) False imprisonment.

(o) Violation of an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking.

(p) Criminal mischief, committed with the intent to intimidate, threaten, or harass, or as a means of coercive control.

(q) Installation or use of tracking devices or tracking applications.

(r) Sexual cyberharassment.

(s) Cyberstalking.

(t) Offenses against users of computers, computer systems, computer networks, and electronic devices.

(u) Cruelty or threat of cruelty to a family pet committed with the intent to intimidate, threaten, or harass, or as a means of coercive control. A family pet includes a service animal as defined in s. 413.08(1) and an emotional support animal as defined in s. 760.27(1).

(4) "Electronic monitoring" means tracking the location of a person through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location, including, but not limited to:

(a) Radio frequency signaling technology, which detects whether the monitored person is or is not at an approved

591-02048A-26

2026682c1

location and notifies the monitoring agency of the time that the monitored person either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored person and notifies the monitoring agency of the monitored person's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored person enters within the restricted distance of a victim or protected party or within the restricted distance of a designated location.

Section 6. Section 741.2801, Florida Statutes, is created to read:

741.2801 Domestic violence offenses; enhanced penalties.— Upon a finding by the factfinder that the defendant committed the charged offense and that the charged offense constitutes an act of domestic violence, the penalty for any felony or misdemeanor, or any delinquent act or violation of law which would be a felony or misdemeanor if committed by an adult, may be enhanced. Penalty enhancement affects the applicable statutory maximum penalty only. Each of the findings required as a basis for such sentence shall be found beyond a reasonable doubt. The enhancement is as follows:

(1) A misdemeanor of the second degree may be punished as if it were a misdemeanor of the first degree.

(2) A misdemeanor of the first degree may be punished as if it were a felony of the third degree.

(3) A felony of the third degree may be punished as if it

591-02048A-26

2026682c1

were a felony of the second degree.

(4) A felony of the second degree may be punished as if it were a felony of the first degree.

(5) A felony of the first degree may be punished as if it were a life felony.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such felony offense is ranked as provided in s. 921.0022 or s. 921.0023, and without regard to the penalty enhancement in this section.

Section 7. Section 741.281, Florida Statutes, is amended to read:

741.281 Court to order batterers' intervention program attendance; electronic monitoring.—

(1) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend and complete a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The imposition of probation under this section does not

591-02048A-26

2026682c1

preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

(2) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, the court may order the person to have electronic monitoring supervision as a condition of his or her probation. The court must order electronic monitoring supervision in the following situations:

(a) The court finds there is clear and convincing evidence that the defendant poses a continuing threat to the victim;

(b) The defendant has previously violated an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking; or

(c) During the investigation of an alleged incident of domestic violence, there is evidence of strangulation or other indications that warrant a higher level of concern for the well-being of the petitioner.

Section 8. Section 741.282, Florida Statutes, is created to read:

741.282 Domestic violence deferred sentencing program.—

(1) The state attorney may enter into a written plea agreement with a defendant to allow such person to defer sentencing so that he or she may participate in a domestic violence deferred sentencing program. If a domestic violence deferred sentencing program does not exist, a defendant may enter into a written plea agreement to defer sentencing to allow such person to participate in an alternative treatment court program if he or she meets eligibility criteria. The Department of Corrections shall supervise the domestic violence deferred

591-02048A-26

2026682c1

sentencing programs.

(2) Notwithstanding s. 741.283, a person is eligible to participate in a domestic violence deferred sentencing program, or alternative treatment court program, as applicable, if the person is charged with the commission of a misdemeanor of domestic violence under s. 741.31 and the person is a first-time domestic violence offender.

(3) The written deferred sentencing agreement must include all of the following conditions, which must be accepted by the person:

(a) The person must enter a plea of guilty or nolo contendere. Notwithstanding any law to the contrary, a person entering such deferred sentencing agreement may not be remanded to custody pending sentencing unless he or she has violated the terms of the deferred sentencing agreement.

(b) The person agrees to attend and participate in a domestic violence deferred sentencing program.

(c) The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her participation in the deferred sentencing program.

(d) All terms necessary for successful completion of the deferred sentencing program.

(4) A person who participates in a domestic violence deferred sentencing program must:

(a) Appear before the court within 45 days after entering the domestic violence deferred sentencing program to determine the person's compliance with the conditions and requirements of the written agreement. The court may set additional status hearings to monitor the person's progress in the deferred

591-02048A-26

2026682c1

465 sentencing program.

466 (b) Complete the domestic violence deferred sentencing
 467 program within 1 year after the person enters the program.

468 (c) Complete a batterers' intervention program within 9
 469 months after the person enters the program.

470 (d) Participate in a clinical assessment conducted by a
 471 qualified professional as defined in s. 39.01 to determine if
 472 the person has a mental health or substance use disorder.

473 1. If a qualified professional determines that the person
 474 has a mental health or substance use disorder, the qualified
 475 professional must provide a treatment plan for the person. A
 476 qualified professional who provides a treatment according to the
 477 treatment plan for a person in the program must provide to the
 478 court weekly treatment progress reports.

479 2. At the end of the domestic violence deferred sentencing
 480 program, the qualified professional must certify to the court
 481 that the person has complied with all requirements of the
 482 treatment plan.

483 (5)(a) Upon successful completion of the domestic violence
 484 deferred sentencing program, the state attorney must permit the
 485 defendant to withdraw his or her plea and the state attorney
 486 must enter a nolle prosequere.

487 (b) If at any time the state attorney finds that the
 488 defendant has violated the deferred sentencing program or that
 489 the defendant has not successfully completed the deferred
 490 sentencing program, the state attorney must notify the court and
 491 the court must set the case for sentencing.

492 (6) Notwithstanding this section, data relating to domestic
 493 violence offenses must be collected pursuant to s. 900.05, and

591-02048A-26

2026682c1

494 the state attorney may retain information relating to the
 495 defendant's participation in the deferred sentencing program.

496 Section 9. Section 741.285, Florida Statutes, is created to
 497 read:

498 741.285 Domestic violence during an active state of
 499 emergency.—If a person commits an offense of domestic violence
 500 during an emergency, as defined in s. 252.34(4), for which a
 501 state of emergency is declared under s. 252.36, such offense may
 502 be reclassified if the offense occurred within the affected area
 503 of such emergency and there is in effect a curfew or evacuation
 504 order or the ingress and egress to the affected area is
 505 controlled. The reclassification is as follows:

506 (1) A misdemeanor of the second degree is reclassified to a
 507 misdemeanor of the first degree.

508 (2) A misdemeanor of the first degree is reclassified to a
 509 felony of the third degree.

510 (3) A felony of the third degree is reclassified to a
 511 felony of the second degree.

512 (4) A felony of the second degree is reclassified to a
 513 felony of the first degree.

514 (5) A felony of the first degree is reclassified to a life
 515 felony.

516 Section 10. Subsection (1) of section 741.29, Florida
 517 Statutes, is amended to read:

518 741.29 Domestic violence; investigation of incidents;
 519 notice to victims of legal rights and remedies; reporting.—

520 (1) Any law enforcement officer who investigates an alleged
 521 incident of domestic violence shall do all of the following:

522 (a) Assist the victim to obtain medical treatment if such

591-02048A-26

2026682c1

is required as a result of the alleged incident to which the officer responds.

(b) Advise the victim of such violence that there is a domestic violence center from which the victim may receive services.

(c) Administer a lethality assessment consistent with the requirements established in subsection (2) if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made.

(d) Give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the department. As necessary, the department shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of s. 741.30 using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this state. The notice must include all of the following:

1. The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families.

2. Information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction.

~~3.2.~~ A copy of the following statement:

IF YOU ARE THE 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

591-02048A-26

2026682c1

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 your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

(e) Give the victim a pamphlet developed and distributed by the department which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

Section 11. Paragraph (b) of subsection (3), paragraph (b) of subsection (6), and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:

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

(3)

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

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

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

1. ~~(a)~~ Petitioner resides at: ...(address)...

591-02048A-26

2026682c1

581 (Petitioner may furnish address to the court in a separate
 582 confidential filing if, for safety reasons, the petitioner
 583 requires the location of the current residence to be
 584 confidential.)

585 ~~2.(b)~~ Respondent resides at: ...(last known address)...

586 ~~3.(c)~~ Respondent's last known place of employment: ...(name
 587 of business and address)...

588 ~~4.(d)~~ Physical description of respondent:.....

589 Race.....

590 Sex.....

591 Date of birth.....

592 Height.....

593 Weight.....

594 Eye color.....

595 Hair color.....

596 Distinguishing marks or scars.....

597 ~~5.(e)~~ Aliases of respondent:.....

598 ~~6.(f)~~ Respondent is the spouse or former spouse of the
 599 petitioner or is any other person related by blood or marriage
 600 to the petitioner or is any other person who is or was residing
 601 within a single dwelling unit with the petitioner, as if a
 602 family, or is a person with whom the petitioner has a child in
 603 common, regardless of whether the petitioner and respondent are
 604 or were married or residing together, as if a family.

605 ~~7.(g)~~ The following describes any other cause of action
 606 currently pending between the petitioner and respondent:.....
 607
 608 The petitioner should also describe any previous or pending
 609 attempts by the petitioner to obtain an injunction for

591-02048A-26

2026682c1

610 protection against domestic violence in this or any other
 611 circuit, and the results of that attempt:.....
 612
 613 Case numbers should be included if available.

614 ~~8.(h)~~ Petitioner is either a victim of domestic violence or
 615 has reasonable cause to believe he or she is in imminent danger
 616 of becoming a victim of domestic violence because respondent
 617 has: ...(mark all sections that apply and describe in the spaces
 618 below the incidents of violence or threats of violence,
 619 specifying when and where they occurred, including, but not
 620 limited to, locations such as a home, school, place of
 621 employment, or visitation exchange)...

622
 623
 624 ...committed or threatened to commit domestic violence
 625 defined in s. 741.28, Florida Statutes, ~~as any assault,~~
 626 ~~aggravated assault, battery, aggravated battery, sexual assault,~~
 627 ~~sexual battery, stalking, aggravated stalking, kidnapping, false~~
 628 ~~imprisonment, or any criminal offense resulting in physical~~
 629 ~~injury or death of one family or household member by another.~~
 630 With the exception of persons who are parents of a child in
 631 common, the family or household members must be currently
 632 residing or have in the past resided together in the same single
 633 dwelling unit. Refer to s. 741.28, Florida Statutes, to view the
 634 enumerated criminal offenses that may constitute domestic
 635 violence.

636previously threatened, harassed, stalked, or physically
 637 abused the petitioner.

638attempted to harm the petitioner or family members or

591-02048A-26

2026682c1

individuals closely associated with the petitioner.

....threatened to conceal, kidnap, or harm the petitioner's child or children.

....intentionally injured or killed a family pet or used the family pet as a means of coercive control. A family pet includes a service animal as defined in s. 413.08(1), Florida Statutes, and an emotional support animal as defined in s. 760.27(1), Florida Statutes.

....used, or has threatened to use, against the petitioner any weapons such as guns or knives.

....physically restrained the petitioner from leaving the home or calling law enforcement.

....a criminal history involving violence or the threat of violence (if known).

....another order of protection issued against him or her previously or from another jurisdiction (if known).

....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

....engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

....engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

9.(i) Petitioner alleges the following additional specific facts: ...(mark appropriate sections)...

....A minor child or minor children reside with the petitioner whose names and ages are as follows:

Page 23 of 40

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591-02048A-26

2026682c1

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....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because:

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

10.(j) Petitioner genuinely fears imminent domestic violence by respondent.

11.(k) Petitioner seeks an injunction: ...(mark appropriate section or sections)...

....Immediately restraining the respondent from committing any acts of domestic violence.

....Restraining the respondent from committing any acts of domestic violence.

....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

....Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

....Designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8), Florida Statutes, or a

Page 24 of 40

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591-02048A-26

2026682c1

location authorized by a supervised visitation program as defined in s. 753.01, Florida Statutes, if temporary time-sharing of the child is awarded to the respondent.

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(6)

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed a family pet or used the family pet as a means of coercive control. A family pet includes a service animal as defined in s. 413.08(1) and an emotional support animal as defined in s. 760.27(1).

591-02048A-26

2026682c1

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.

11. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-11.

(8)

(b) A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System is created within the

591-02048A-26

2026682c1

Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 12. Present subsection (6) of section 741.31, Florida Statutes, is redesignated as subsection (7) and amended, a new subsection (6) is added to that section, and paragraph (c) of subsection (4) and subsection (5) of that section are amended, to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)

(c) A person who has a two or more prior conviction ~~convictions~~ for a violation of an injunction or a foreign protection order, and who subsequently commits another a violation of any injunction or foreign protection order, regardless of whether the violation is against the same victim, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(5) Regardless of whether ~~or not~~ there is a criminal

591-02048A-26

2026682c1

prosecution under subsection (4), the court:

(a) Shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(b) May order the respondent to electronic monitoring supervision for a period of 1 year, if the injunction for protection remains in effect. The court may extend such an order if the respondent violates the injunction for protection or commits a new criminal offense. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(6) The court shall order the respondent to electronic monitoring supervision in any situation under s. 741.281(2).

~~(7)(6)~~ Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorney ~~attorneys'~~ fees for enforcement of the injunction.

Section 13. Paragraph (b) of subsection (4) and subsection (11) of section 784.046, Florida Statutes, are amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting;

591-02048A-26

2026682c1

pretrial release violations; public records exemption.-

(4)

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

PETITION FOR INJUNCTION FOR PROTECTION

AGAINST REPEAT VIOLENCE, SEXUAL

VIOLENCE, OR DATING VIOLENCE

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

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

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

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

b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: ...(enumerate incident of

591-02048A-26

2026682c1

violence and include incident report number from law enforcement agency or attach notice of inmate release)...

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

4. Has respondent engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short?... (if the answer is yes, list the specific incident or incidents) ...

.....
.....

591-02048A-26

2026682c1

871 5.4- Petitioner genuinely fears repeat violence by the
872 respondent.

873 6.5- Petitioner seeks: an immediate injunction against the
874 respondent, enjoining him or her from committing any further
875 acts of violence; an injunction enjoining the respondent from
876 committing any further acts of violence; and an injunction
877 providing any terms the court deems necessary for the protection
878 of the petitioner and the petitioner's immediate family,
879 including any injunctions or directives to law enforcement
880 agencies.

881 (11) Any law enforcement officer who investigates an
882 alleged incident of dating violence shall do all of the
883 following:

884 (a) Assist the victim to obtain medical treatment if ~~such~~
885 ~~is~~ required as a result of the alleged incident to which the
886 officer responds.

887 (b) ~~Any law enforcement officer who investigates an alleged~~
888 ~~incident of dating violence shall~~ Advise the victim of such
889 violence that there is a domestic violence center from which the
890 victim may receive services.

891 (c) ~~The law enforcement officer shall~~ Give the victim
892 immediate notice of the legal rights and remedies available on a
893 standard form developed and distributed by the Department of Law
894 Enforcement. As necessary, the Department of Law Enforcement
895 shall revise the Legal Rights and Remedies Notice to Victims to
896 include a general summary of this section, using simple English
897 as well as Spanish, and shall distribute the notice as a model
898 form to be used by all law enforcement agencies throughout the
899 state. The notice must ~~shall~~ include all of the following:

Page 31 of 40

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591-02048A-26

2026682c1

900 1.(a) The resource listing, including telephone number, for
901 the area domestic violence center designated by the Department
902 of Children and Families.

903 2. Information on text-to-911 services and whether text-to-
904 911 services are available in the victim's jurisdiction, ~~and~~

905 3.(b) A copy of the following statement:

906
907 "IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask
908 the state attorney to file a criminal complaint. You
909 also have the right to go to court and file a petition
910 requesting an injunction for protection from dating
911 violence which may include, but need not be limited
912 to, provisions that restrain the abuser from further
913 acts of abuse; direct the abuser to leave your
914 household; and prevent the abuser from entering your
915 residence, school, business, or place of employment."

916
917 (d) Give the victim a pamphlet developed and distributed by
918 the department which describes the short-term and long-term
919 effects of strangulation and the importance of seeking medical
920 treatment if the victim was strangled.

921 (e) If applicable, administer a lethality assessment
922 pursuant to s. 741.29(2)(e) and follow the requirements of s.
923 741.29(2)(f)-(i).

924 Section 14. Subsection (2) of section 784.047, Florida
925 Statutes, is amended, and subsection (3) is added to that
926 section, to read:

927 784.047 Penalties for violating protective injunction
928 against violators.-

Page 32 of 40

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

591-02048A-26

2026682c1

(2) A person who has ~~a two or more~~ prior conviction ~~convictions~~ for a violation of an injunction or foreign protection order, and who subsequently commits ~~another a~~ violation of any injunction or foreign protection order, regardless of whether the violation is against the same victim, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(3)(a) The court may order the respondent to electronic monitoring supervision for a period of 1 year, if the injunction for protection remains in effect. The court may extend such an order if the respondent violates the injunction for protection or commits a new criminal offense. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(b) The court shall order the respondent to electronic monitoring supervision in any situation under s. 741.281(2).

Section 15. Section 784.0471, Florida Statutes, is created to read:

784.0471 Violation of a protective injunction during an active state of emergency.—If a person commits a violation of an injunction for protection against dating violence, repeat violence, or sexual violence during an emergency, as defined in s. 252.34(4), for which a state of emergency is declared under

591-02048A-26

2026682c1

s. 252.36, such offense may be reclassified if the offense occurred within the affected area of such emergency and there is in effect a curfew or evacuation order or the ingress and egress to the affected area is controlled. The reclassification is as follows:

(1) A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.

(2) A misdemeanor of the first degree is reclassified to a felony of the third degree.

(3) A felony of the third degree is reclassified to a felony of the second degree.

(4) A felony of the second degree is reclassified to a felony of the first degree.

(5) A felony of the first degree is reclassified to a life felony.

Section 16. Subsection (1) of section 960.198, Florida Statutes, is amended to read:

960.198 Relocation assistance for victims of domestic violence.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$2,500 ~~\$1,500~~ on any one claim and a lifetime maximum of \$5,000 ~~\$3,000~~ to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Section 17. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

591-02048A-26

2026682c1

987 (1)

988 (b) WORKSHEET KEY:

989 Legal status points are assessed when any form of legal status

990 existed at the time the offender committed an offense before the

991 court for sentencing. Four (4) sentence points are assessed for

992 an offender's legal status.

993

994 Community sanction violation points are assessed when a

995 community sanction violation is before the court for sentencing.

996 Six (6) sentence points are assessed for each community sanction

997 violation and each successive community sanction violation,

998 unless any of the following apply:

999 1. If the community sanction violation includes a new

1000 felony conviction before the sentencing court, twelve (12)

1001 community sanction violation points are assessed for the

1002 violation, and for each successive community sanction violation

1003 involving a new felony conviction.

1004 2. If the community sanction violation is committed by a

1005 violent felony offender of special concern as defined in s.

1006 948.06:

1007 a. Twelve (12) community sanction violation points are

1008 assessed for the violation and for each successive violation of

1009 felony probation or community control where:

1010 I. The violation does not include a new felony conviction;

1011 and

1012 II. The community sanction violation is not based solely on

1013 the probationer or offender's failure to pay costs or fines or

1014 make restitution payments.

1015 b. Twenty-four (24) community sanction violation points are

Page 35 of 40

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591-02048A-26

2026682c1

1016 assessed for the violation and for each successive violation of

1017 felony probation or community control where the violation

1018 includes a new felony conviction.

1019

1020 Multiple counts of community sanction violations before the

1021 sentencing court shall not be a basis for multiplying the

1022 assessment of community sanction violation points.

1023

1024 Prior serious felony points: If the offender has a primary

1025 offense or any additional offense ranked in level 8, level 9, or

1026 level 10, and one or more prior serious felonies, a single

1027 assessment of thirty (30) points shall be added. For purposes of

1028 this section, a prior serious felony is an offense in the

1029 offender's prior record that is ranked in level 8, level 9, or

1030 level 10 under s. 921.0022 or s. 921.0023 and for which the

1031 offender is serving a sentence of confinement, supervision, or

1032 other sanction or for which the offender's date of release from

1033 confinement, supervision, or other sanction, whichever is later,

1034 is within 3 years before the date the primary offense or any

1035 additional offense was committed.

1036

1037 Prior capital felony points: If the offender has one or more

1038 prior capital felonies in the offender's criminal record, points

1039 shall be added to the subtotal sentence points of the offender

1040 equal to twice the number of points the offender receives for

1041 the primary offense and any additional offense. A prior capital

1042 felony in the offender's criminal record is a previous capital

1043 felony offense for which the offender has entered a plea of nolo

1044 contendere or guilty or has been found guilty; or a felony in

Page 36 of 40

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591-02048A-26

2026682c1

1045 another jurisdiction which is a capital felony in that
 1046 jurisdiction, or would be a capital felony if the offense were
 1047 committed in this state.

1048

1049 Possession of a firearm, semiautomatic firearm, or machine gun:
 1050 If the offender is convicted of committing or attempting to
 1051 commit any felony other than those enumerated in s. 775.087(2)
 1052 while having in his or her possession: a firearm as defined in
 1053 s. 790.001, an additional eighteen (18) sentence points are
 1054 assessed; or if the offender is convicted of committing or
 1055 attempting to commit any felony other than those enumerated in
 1056 s. 775.087(3) while having in his or her possession a
 1057 semiautomatic firearm as defined in s. 775.087(3) or a machine
 1058 gun as defined in s. 790.001, an additional twenty-five (25)
 1059 sentence points are assessed.

1060

1061 Sentencing multipliers:

1062

1063 Aggravated Animal Cruelty: If the primary offense is aggravated
 1064 animal cruelty under s. 828.12(2), which included the knowing
 1065 and intentional torture or torment of an animal that injured,
 1066 mutilated, or killed the animal, the subtotal sentence points
 1067 are multiplied by 1.25. As used in this paragraph, the term
 1068 "animal" does not include an animal used for agricultural
 1069 purposes or permitted as captive wildlife as authorized under s.
 1070 379.303.

1071

1072 Drug trafficking: If the primary offense is drug trafficking
 1073 under s. 893.135, the subtotal sentence points are multiplied,

591-02048A-26

2026682c1

1074 at the discretion of the court, for a level 7 or level 8
 1075 offense, by 1.5. The state attorney may move the sentencing
 1076 court to reduce or suspend the sentence of a person convicted of
 1077 a level 7 or level 8 offense, if the offender provides
 1078 substantial assistance as described in s. 893.135(4).
 1079

1080 Violent offenses committed against specified justice system
 1081 personnel: If the primary offense is a violation of s.
 1082 775.0823(2), (3), or (4), the subtotal sentence points are
 1083 multiplied by 2.5. If the primary offense is a violation of s.
 1084 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 1085 are multiplied by 2.0. If the primary offense is a violation of
 1086 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
 1087 subtotal sentence points are multiplied by 1.5.
 1088

1089 Grand theft of a motor vehicle: If the primary offense is grand
 1090 theft of the third degree involving a motor vehicle and in the
 1091 offender's prior record, there are three or more grand thefts of
 1092 the third degree involving a motor vehicle, the subtotal
 1093 sentence points are multiplied by 1.5.
 1094

1095 Fleeing or attempting to elude a law enforcement officer: If the
 1096 primary offense is fleeing or attempting to elude a law
 1097 enforcement officer or aggravated fleeing or eluding in
 1098 violation of s. 316.1935, and in the offender's prior record,
 1099 there is one or more violation of s. 316.1935, the subtotal
 1100 sentence points are multiplied by 1.5.
 1101

1102 Offense related to a criminal gang: If the offender is convicted

591-02048A-26

2026682c1

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

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

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the

591-02048A-26

2026682c1

lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 18. Paragraph (f) of subsection (2) of section 943.0584, Florida Statutes, is amended to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.-

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:

(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28 ~~s. 741.28(3)~~;

Section 19. Paragraph (b) of subsection (2) of section 943.171, Florida Statutes, is amended to read:

943.171 Basic skills training in handling domestic violence cases.-

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

(b) "Household member" has the meaning set forth in s. 741.28 ~~s. 741.28(3)~~.

Section 20. This act shall take effect July 1, 2026.



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LEGISLATIVE ACTION

Senate

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. .
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. .
. .

House

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

Senate Amendment (with title amendment)

Delete lines 123 - 972

and insert:

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

741.28 Domestic violence; definitions.—As used in ss.
741.28-741.31:



105746

11 (3) "Electronic monitoring" means tracking the location of
12 a person through the use of technology that is capable of
13 determining or identifying the monitored person's presence or
14 absence at a particular location, including, but not limited to:

15 (a) Radio frequency signaling technology, which detects if
16 the monitored person is or is not at an approved location and
17 notifies the monitoring agency of the time that the monitored
18 person either leaves the approved location or tampers with or
19 removes the monitoring device; or

20 (b) Active or passive global positioning system technology,
21 which detects the location of the monitored person and notifies
22 the monitoring agency of the monitored person's location and
23 which may also include electronic monitoring with victim
24 notification technology that is capable of notifying a victim or
25 protected party, either directly or through a monitoring agency,
26 if the monitored person enters within the restricted distance of
27 a victim or protected party or within the restricted distance of
28 a designated location.

29 (6) "Military protective order" means a protective order
30 issued in accordance with 10 U.S.C. s. 1567 by a commanding
31 officer in the Armed Forces of the United States or the National
32 Guard of any state against a person under such officer's
33 command.

34 Section 2. Section 741.2801, Florida Statutes, is created
35 to read:

36 741.2801 Domestic violence; enhanced penalties.—

37 (1) As used in this section, the term "conviction" means a
38 determination of guilt that is the result of a plea or trial,
39 regardless of whether adjudication is withheld or a plea of nolo



105746

40 contendere is entered.

41 (2) If a person has a prior conviction for a crime of
42 domestic violence, upon a finding by the factfinder that the
43 defendant committed a second or subsequent offense of domestic
44 violence, the penalty for any such felony or misdemeanor offense
45 may be enhanced. Any penalty enhancement affects the applicable
46 statutory maximum penalty only. Each of the findings required as
47 a basis for such sentence must be found beyond a reasonable
48 doubt. The enhancement will be as follows:

49 (a) A misdemeanor of the second degree may be punished as
50 if it were a misdemeanor of the first degree.

51 (b) A misdemeanor of the first degree may be punished as if
52 it were a felony of the third degree. For purposes of sentencing
53 under chapter 921, such offense is ranked in level 1 of the
54 offense severity ranking chart.

55 (c) A felony of the third degree may be punished as if it
56 were a felony of the second degree.

57 (d) A felony of the second degree may be punished as if it
58 were a felony of the first degree.

59 (e) A felony of the first degree may be punished as if it
60 were a life felony.

61
62 For purposes of sentencing under chapter 921 and determining
63 incentive gain-time eligibility under chapter 944, such felony
64 offense is ranked as provided in s. 921.0022 or s. 921.0023 and
65 without regard to the penalty enhancement in this section.

66 Section 3. Section 741.281, Florida Statutes, is amended to
67 read:

68 741.281 Court to order batterers' intervention program



105746

attendance; electronic monitoring.—

(1) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, ~~as defined in s. 741.28,~~ that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend and complete a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The imposition of probation under this section does not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

(2) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, and the court enters a no contact order with the victim as a condition of his or her probation, the court:

(a) May order the person to have electronic monitoring supervision as a condition of his or her probation.

(b) Must order the person to have electronic monitoring supervision as a condition of his or her probation if:

1. The court finds there is clear and convincing evidence that the defendant poses a threat of violence or physical harm to the victim; or



105746

2. The defendant has previously been convicted for violating an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking.

Section 4. Paragraph (b) of subsection (3), paragraph (b) of subsection (6), and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:

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

(3)

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

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

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

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment: ...(name of business and address)...

(d) Physical description of respondent:



105746

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

(e) Aliases of respondent:.....

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:.....
.....

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:.....
.....

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: ...(mark all sections that apply and describe in the spaces



105746

below the incidents of violence or threats of violence,
specifying when and where they occurred, including, but not
limited to, locations such as a home, school, place of
employment, or visitation exchange)...

.....
.....
....committed or threatened to commit domestic violence
defined in s. 741.28, Florida Statutes, as any assault,
aggravated assault, battery, aggravated battery, sexual assault,
sexual battery, stalking, aggravated stalking, kidnapping, false
imprisonment, or any criminal offense resulting in physical
injury or death of one family or household member by another.
With the exception of persons who are parents of a child in
common, the family or household members must be currently
residing or have in the past resided together in the same single
dwelling unit.

....previously threatened, harassed, stalked, or physically
abused the petitioner.

....attempted to harm the petitioner or family members or
individuals closely associated with the petitioner.

....threatened to conceal, kidnap, or harm the petitioner's
child or children.

....intentionally injured or killed or threatened to injure
or kill a family pet, including a service animal as defined in
s. 413.08(1), Florida Statutes, or an emotional support animal
as defined in s. 760.27(1), Florida Statutes.

....used, or has threatened to use, against the petitioner
any weapons such as guns or knives.

....physically restrained the petitioner from leaving the



105746

home or calling law enforcement.

....a criminal history involving violence or the threat of violence (if known).

....another order of protection issued against him or her previously or from another jurisdiction (if known).

....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

....engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

....engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: ...(mark appropriate sections)...

....A minor child or minor children reside with the petitioner whose names and ages are as follows:

....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because:

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence



105746

by respondent.

(k) Petitioner seeks an injunction: ...(mark appropriate section or sections)...

....Immediately restraining the respondent from committing any acts of domestic violence.

....Restraining the respondent from committing any acts of domestic violence.

....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

....Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

....Designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if temporary time-sharing of the child is awarded to the respondent.

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.



105746

(6)

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed or threatened to injure or kill a family pet, including a service animal as defined in s. 413.08(1) or an emotional support animal as defined in s. 760.27(1).

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction, including a military protective order.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to



105746

the petitioner.

10. Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.

11. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-11.

(8)

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

Section 5. Subsection (5) of section 741.31, Florida Statutes, is amended, and subsection (7) is added to that



105746

section, to read:

741.31 Violation of an injunction for protection against domestic violence.—

(5) Regardless of whether ~~or not~~ there is a criminal prosecution under subsection (4), the court:

(a) Shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(b) May order the respondent to electronic monitoring supervision for the duration of the injunction for protection. If electronic monitoring is ordered, the court must establish exclusion zones and include safety-planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(c) Must order the respondent to electronic monitoring if the court finds that either of the circumstances in s. 741.281(2)(b) exist.

(7) If a law enforcement officer has probable cause to believe that a person committed a violation of subsection (4) and such officer determines that a military protective order entered into the National Crime Information Center database was also issued against such person and the officer has probable cause to believe that the person also violated the military protective order, the officer, or his or her employing agency, must notify the law enforcement agency that entered the military protective order into the database.



105746

Section 6. Subsection (3) is added to section 784.047, Florida Statutes, to read:

784.047 Penalties for violating protective injunction against violators; electronic monitoring.—

(3) (a) Regardless of whether there is a criminal prosecution under this section, the court may order the respondent to electronic monitoring supervision for the duration of the injunction for protection. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(b) The court must order the respondent to electronic monitoring supervision if the court finds that either of the circumstances in s. 741.281(2) (b) exist.

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

And the title is amended as follows:

Delete lines 2 - 115

and insert:

An act relating to domestic violence and protective injunctions; amending s. 741.28, F.S.; defining the terms "electronic monitoring" and "military protective order"; creating s. 741.2801, F.S.; defining the term "conviction"; providing enhanced penalties for committing a domestic violence offense if a person has a prior conviction for domestic violence; providing that sentencing and incentive gain-time eligibility determinations are made without regard to a penalty



105746

enhancement; amending s. 741.281, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring in domestic violence cases; amending s. 741.30, F.S.; revising the information contained in a petition for injunction for protection against domestic violence; revising the factors a judge may consider in determining whether to grant a petition for injunction against domestic violence; requiring the Department of Law Enforcement to enter injunctions against dating violence and sexual violence into a statewide verification system; amending s. 741.31, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring for a respondent to an injunction for protection against domestic violence; requiring the respondent to pay for such electronic monitoring services; requiring a law enforcement officer to make a specified notification if he or she has probable cause to believe that a person violated a military protective order; amending s. 784.047, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring for a respondent in an injunction for protection against dating violence, repeat violence, or sexual violence; requiring the respondent to pay for such electronic monitoring services; amending s. 960.198, F.S.;

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 682

INTRODUCER: Criminal Justice Committee and Senator Calatayud and others

SUBJECT: Violent Criminal Offenses

DATE: February 17, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 682, cited as the “Domestic Emergency and Batterers Reform and Accountability Act,” amends and creates several sections of law to address domestic violence.

Domestic Violence (Sections 5, 6, 7, & 8)

The bill amends s. 741.28, F.S., to redefine domestic violence to mean any criminal offense resulting in physical injury or death of one family or household member by another family or household member or other specified criminal offenses if committed by a family or household member.

The bill defines “coercive control,” and “electronic monitoring,” and includes examples of such technology.

The bill amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision to a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence as a condition of his or her probation. Further, the court is required to order electronic monitoring supervision under certain conditions.

The bill creates s. 741.282, F.S., to allow a state attorney to enter into a written agreement with a person to participate in a domestic violence deferred sentencing program. A person is eligible to participate if the person is charged with a misdemeanor offense of domestic violence and the

person is a first-time domestic violence offender. The written deferred sentencing agreement must include all of the following conditions:

- The person enters a plea of guilt or nolo contendere.
- The person agrees to attend and participate in a domestic violence deferred sentencing program.
- The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her participation in the deferred sentencing program.
- All terms necessary for successful completion of the deferred sentencing program.

The bill provides participation requirements to the deferred sentencing program and requires the state attorney to allow a defendant to withdraw his or her plea and the state attorney must enter a nolle prosequere upon successful completion of the program. If the state attorney finds the person has violated the program or did not successfully complete the program, the state attorney must notify the court and the court must set the case for sentencing.

The bill requires data relating to domestic violence offenses to be collected pursuant to s. 900.05, F.S., and allows for the state attorney to retain information relating to the defendant's participation in the deferred sentencing program.

The bill creates s. 741.2801, F.S., to provide penalty enhancements for crimes of domestic violence.

The bill creates s. 741.285, F.S., to reclassify an offense of domestic violence to the next degree if such offense occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled.

Investigations (Section 10 & 13)

The bill amends ss. 741.29, and 784.046, F.S., to require the form which notifies victims of the legal rights and remedies available to include information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. The law enforcement officer must also provide the victim with a pamphlet which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

Injunctions & Relocation Assistance (Sections 11, 12, 13, 14, 15 & 16)

The bill amends s. 741.30, F.S., relating to domestic violence injunctions, to incorporate the new definition for domestic violence. Additionally, the Domestic and Repeat Violence Injunction Statewide Verification System under this section is amended to include dating violence injunctions and sexual violence injunctions.

The bill adds the use of a family pet as a means of coercive control to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. The bill specifies a family pet includes a service animal and an emotional support animal.

The bill amends s. 784.046, F.S., to require a law enforcement officer to administer a lethality assessment, if applicable.

The bill amends ss. 741.31 and 784.047, F.S., to reduce the number of prior convictions from two to one, for a violation of an injunction, before the offense is enhanced to a third degree felony. Additionally, the bill removes the requirement for subsequent violations to be committed against the same victim listed in the petition.

The bill allows the court to order a respondent who violates a protective injunction to electronic monitoring supervision for the duration of one year if the injunction remains in effect. The court must establish exclusion zones and include safety planning and informed consent for the petitioner.

The bill adds a question to the petitions for injunctions for protection against repeat violence, sexual violence, or dating violence to require a petitioner to declare whether the respondent has engaged in abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

The bill creates s. 784.0471, F.S., to reclassify a violation of an injunction for protection against dating violence, repeat violence, or sexual violence to the next degree if such violation occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled.

The bill amends s. 960.198, F.S., to increase the crime victim compensation awards to a one-time payment of up to \$2,500 on any one claim and a lifetime maximum of \$5,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Training on Domestic Violence, Dating Violence, and Strangulation Cases (Sections 3 & 4)

The bill amends s. 401.27, F.S., to add criteria to rules established by the Department of Health (DOH) relating to the education, training criteria, and examinations for certification and recertification of emergency medical technicians and paramedics. The bill requires the DOH to approve a training program for emergency medical technicians and paramedics relating to domestic violence, dating violence, and strangulation.

An applicant for certification or recertification as an emergency medical technician or paramedic is required to have completed an approved training program relating to domestic violence, dating violence and strangulation by specified dates.

Such training is required biennially for renewal certification for paramedics as part of the 30 hours of continuing education units. An applicant who is trained outside of Florida, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subjects of domestic violence, dating violence, and strangulation.

The bill amends s. 633.408, F.S., to require the Division of State Fire Marshal within the Department of Financial Services to establish by rule training for career and volunteer firefighters on the subjects of domestic violence, dating violence, and strangulation. Such

training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. Training must be completed by a specified date.

Statewide Emergency Communications Plan (Section 2)

The bill amends s. 365.171, F.S., to require the Division of Telecommunications within the Department of Management Services (DMS) to develop, maintain, and implement into the statewide emergency communications plan a system or process to flag addresses at which a 911 call reported an alleged incident of domestic violence or dating violence.

The bill has a significant negative fiscal impact to the state and a positive prison bed impact to the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Domestic Violence

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.¹

In 2024, 61,216 crimes of domestic violence were reported, resulting in 32,665 arrests.² Of those 61,216 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 17,980 were spousal;³
- 6,957 were co-habitants;⁴ and
- 4,983 were other.⁵

This data was compiled by the Florida Department of Law Enforcement (FDLE) after receiving the number of reports and arrests from local law enforcement agencies.⁶

¹ Section 741.28(2), F.S.

² Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report 2022-2024* (on file with the Senate Committee on Criminal Justice).

³ Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

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

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

⁶ 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).

Domestic Violence Training and Investigations

Every basic skills course required for a law enforcement officer to obtain initial certification must include a minimum of six hours of training in handling domestic violence cases. Such training must include training in the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.⁷

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

- Assist the victim in obtaining medical treatment if such is required.⁸
- Advise the victim that there is a domestic violence center from which the victim may receive services.⁹
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made.¹⁰
- 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 must 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.¹² Such report must include:
 - A description of physical injuries observed, if any.
 - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
 - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible.¹³

Whenever a law enforcement officer determines upon probable cause that an act of domestic violence has been committed within the jurisdiction, the officer may arrest the person or persons suspected of the offense.^{14, 15} Arrest is the preferred response only with respect to the primary

⁷ Section 943.171, F.S.

⁸ Section 741.29(1)(a), F.S.

⁹ Section 741.29(1)(b), F.S.

¹⁰ Section 741.29(1)(c), F.S.

¹¹ Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

¹² Section 741.29 (3), F.S.

¹³ Section 741.29, F.S.

¹⁴ Section 741.29(4), F.S.

¹⁵ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly

aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend oneself or another family or household member from domestic violence.¹⁶

Sentencing for Domestic Violence Crimes

If a person is adjudicated guilty of a crime of domestic violence when such person intentionally caused bodily harm to another person, the court must order the person to serve a minimum of:

- 10 days in the county jail for a first offense;
- 15 days for a second offense; and
- 20 days for a third or subsequent offense as part of the sentence imposed.¹⁷

If a person is adjudicated guilty of a crime of domestic violence and has intentionally caused bodily harm to another person, and the crime of domestic violence takes place in the presence of a child under the age of 16 who is a family or household member of the victim or perpetrator, the court must order the person to serve a minimum of:

- 15 days in the county jail for a first offense;
- 20 days for a second offense; and
- 30 days for a third or subsequent offense as part of the sentence imposed.¹⁸

The court is not prevented from sentencing the person to probation, community control, or an additional period of incarceration.¹⁹

If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, such person must be ordered by the court to a minimum term of one year's probation and the court must order that the defendant attend and complete a batterer's intervention program as a condition of probation. The court must impose the condition unless the court states on the record why a batterer's intervention program might be inappropriate or the court determines that the person does not qualify for the batterer's intervention program.²⁰

Causes of Action for Protective Injunctions

There are several causes of action for injunctions under different sections of Florida law, including injunctions for protection against domestic violence, dating violence, repeat violence, and sexual violence.

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.

¹⁶ Section 741.29(5)(b), F.S.

¹⁷ Section 741.283(1)(a), F.S.

¹⁸ Section 741.283(1)(b), F.S.

¹⁹ Section 741.283(2), F.S.

²⁰ Section 741.281, F.S.

Domestic Violence

Any person²¹ who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in circuit court to file a verified petition for an injunction for protection against domestic violence.²²

In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court must consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

- The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
- Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
- Whether the respondent has intentionally injured or killed a family pet.
- Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
- Whether the respondent has a criminal history involving violence or the threat of violence.
- The existence of a verifiable order of protection issued previously or from another jurisdiction.
- Whether the respondent has destroyed personal property belonging to the petitioner.
- Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time.²³

Dating Violence

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,²⁴ an injunction for protection in cases of dating violence,²⁵ and an injunction for protection in cases of sexual violence.^{26, 27} However, this

²¹ This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

Section 741.30(1)(e), F.S.

²² Section 741.30(1)(a), F.S.

²³ Section 741.30(6)(b), F.S.

²⁴ "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member. Section 784.046(1)(b), F.S.

²⁵ "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

²⁶ "Sexual violence" means any one incident of: sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted. Section 784.046(1)(c), F.S.

²⁷ Section 784.046(2), F.S.

section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.²⁸

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

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.²⁹

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

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

- Is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming a victim of another act of dating violence;
- Has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or
- Is the parent or legal guardian of any minor child in the home and who seeks an injunction for protection against dating violence on behalf of the minor.³⁰

Sexual Violence and Repeat Violence

Sexual violence includes an incident of a specified sexual offense³¹ regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home and is the victim of sexual violence has standing in the circuit court to file a verified petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:

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

²⁸ “Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death by a person against any other person.

²⁹ Section 784.046(1)(d)1-3., F.S.

³⁰ Section 784.046(2)(b), F.S.

³¹ Such offenses include: sexual battery, a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. Section 784.046(1)(c), F.S.

respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.³²

Any person who is the victim of repeat violence, or the parent or legal guardian of a child who seeks an injunction for protection against repeat violence on behalf of the child, has standing to file a verified petition for an injunction for protection against repeat violence. For an injunction for protection against repeat violence, there must be two incidents of violence or stalking committed by the respondent.³³

Procedure for Filing Injunctions

A cause of action does not require that the petitioner be represented by an attorney.^{34, 35} The clerk of the court may not assess a fee for filing a petition^{36, 37} and no bond will be required by the court for entry of an injunction.^{38, 39} The clerk of the court must provide the petitioner with a certified copy of any injunction for protection entered by the court, however, the clerk must provide a minimum of two certified copies for an injunction for protection against domestic violence.^{40, 41}

The clerk of the court must provide a copy of the section,⁴² simplified forms, and clerical assistance to a victim of dating violence, sexual violence, or repeat violence who is not represented by counsel.⁴³

Additionally, a cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.^{44, 45}

Injunction Statewide Verification Systems

The FDLE implements and maintains a Domestic and Repeat Violence Injunction Statewide Verification System. The system electronically transmits information relating to domestic violence injunctions and repeat violence injunctions to and between criminal justice agencies.⁴⁶ Within 24 hours after the service of process of an injunction for protection against domestic violence upon the respondent, the law enforcement officer must electronically transmit the written proof of service. Additionally, the sheriff must make information relating to the

³² Section 784.046(2)(c), F.S.

³³ Section 784.046(2)(a), F.S.

³⁴ Section 741.30(1)(f), F.S.

³⁵ Section 784.046(2)(e), F.S.

³⁶ Section 741.30(2)(a), F.S.

³⁷ Section 784.046(3)(b), F.S.

³⁸ Section 741.30(2)(b), F.S.

³⁹ Section 784.046(3)(c), F.S.

⁴⁰ Section 741.30(2)(c)5., F.S.

⁴¹ Section 784.046(3)(d), F.S.

⁴² Section 784.046, F.S., Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

⁴³ Section 784.046(3)(a), F.S.

⁴⁴ Section 784.046(2)(d), F.S.

⁴⁵ Section 741.30(1)(b), F.S.

⁴⁶ Section 741.30(8)(b), F.S.

injunction available to other law enforcement agencies by electronically transmitting such information to the department.⁴⁷

Violation of an Injunction for Protection

A person commits a first degree misdemeanor if he or she willfully violates an injunction for protection by:^{48, 49}

- Refusing to vacate the dwelling that the parties share.
- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.
- Committing an act of domestic violence, dating violence, repeat violence, or sexual violence against the petitioner.
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner.
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allow indirect contact through a third party.
- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied.
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle.
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

A person who has two or more prior convictions for violation of an injunction commits a third degree felony if he or she commits a subsequent violation of any injunction against the same victim.^{50, 51}

For violations of injunctions for protection against domestic violence, regardless of criminal prosecution, the court must order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction unless the court makes written factual findings stating why a batterers' intervention program would be inappropriate.⁵² Additionally, a person commits a first degree misdemeanor if he or she violates a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.⁵³

Relocation Assistance for Victims of Domestic Violence

The Department of Legal Affairs may award a one-time payment of up to \$1,500 on any one claim and a lifetime maximum of \$3,000 to a victim of domestic violence who needs immediate

⁴⁷ Section 741.30(8)(c)3., F.S.

⁴⁸ Section 741.31(4)(a), F.S.

⁴⁹ Section 784.047(1), F.S.

⁵⁰ Section 741.31(4)(c), F.S.

⁵¹ Section 784.047(2), F.S.

⁵² Section 741.31(5), F.S.

⁵³ Section 741.31(4)(b), F.S.

assistance to escape from a domestic violence environment.⁵⁴ In order for such award to be granted:

- There must be proof that a domestic violence offense was committed;
- The domestic violence offense must be reported to the proper authorities;
- The victim's need for assistance must be certified by a certified domestic violence center in this state; and,
- The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.⁵⁵

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement statewide emergency communications and response capabilities using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.⁵⁶ The Emergency Communications Act prohibits the misuse of the 911, E911,⁵⁷ and NG911⁵⁸ 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.^{59, 60} In 1999, the concept of "Enhanced 911" or "E911" service was established in Florida law to describe 911 service provided to wireless telephone users.⁶¹ Today, under the Emergency Communications Number E911 Act,⁶² 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 services⁶³ 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

⁵⁴ Section 960.198(1), F.S.

⁵⁵ Section 960.198(2), F.S.

⁵⁶ Section 365.172(2)(a)-(b), F.S.

⁵⁷ "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.

⁵⁸ "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.

⁵⁹ Chapter 74-357, L.O.F.

⁶⁰ "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.

⁶¹ Chapter 99-367, L.O.F.

⁶² Chapter 2007-78, L.O.F.

⁶³ "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.

automatic number and location identification.⁶⁴ 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.⁶⁵

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.⁶⁶

Statewide Emergency Communications Plan

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

- The public agency⁶⁷ 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.⁶⁸

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.⁶⁹

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.⁷⁰ No emergency communications number E911 system can be established, and no present system can be expanded without prior approval of the Division.⁷¹

⁶⁴ Section 365.172(3)(i), F.S.

⁶⁵ Section 365.172(3)(aa), F.S.

⁶⁶ *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited February 15, 2026).

⁶⁷ “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.

⁶⁸ Section 365.171(4), F.S.

⁶⁹ *Id.*

⁷⁰ Section 365.171(5), F.S.

⁷¹ Section 365.171(9), F.S.

Statewide Emergency Communications Fund

It is the intent of the Legislature that emergency communication services be available throughout the state. The fees imposed should be expended by counties in support of this intent to the greatest extent feasible within the context of local service needs and fiscal capability.⁷²

The Emergency Communications Board (Board)⁷³ established under s. 365.172, F.S., is responsible for establishing and administering allocations from the fund dedicated to investing in public safety communications and technology for 911 and provide technical assistance and guidance to rural counties as needed.⁷⁴ Public safety funding must focus on, but is not limited to:

- Next Generation 911.
- Emergency services IP Network (ESInet).
- Computer-Aided Dispatch.
- PSAP technology to interface with:
 - Land Mobile Radio.
 - Smart city technology data.
 - In-building coverage.
 - Emergency communications broadband networks.
 - Cybersecurity.⁷⁵

Each voice communications services provider collects a fee and as part of its monthly billing process, must bill the fee as specified.⁷⁶ The fee may not be assessed on any pay telephone in the state.

III. Effect of Proposed Changes:

The bill, cited as the “Domestic Emergency and Batterers Reform and Accountability Act,” amends and creates several sections of law to address domestic violence.

Domestic Violence (Sections 5, 6, 7 & 8)

The bill amends s. 741.28, F.S., to redefine domestic violence to mean any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any of the following offenses if committed by a family or household member:

- Assault.
- Aggravated assault.
- Battery.
- Aggravated battery.
- Battery by strangulation.
- Domestic battery by strangulation.
- Sexual assault.

⁷² Section 365.171, F.S.

⁷³ Section 365.172, F.S.

⁷⁴ Section 365.172(5)(a), F.S.

⁷⁵ Section 365.172(5)(b), F.S.

⁷⁶ Section 365.172(8), F.S.

- Sexual battery.
- Stalking.
- Aggravated stalking.
- Child abuse.
- Aggravated child abuse.
- Kidnapping.
- False imprisonment.
- Violation of an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking.
- Criminal mischief, committed with the intent to intimidate, threaten, or harass, or as a means of coercive control.
- Installation or use of tracking devices or tracking applications.
- Sexual cyberharassment.
- Cyberstalking.
- Offenses against users of computers, computer systems, computer networks, and electronic devices.
- Cruelty or threat of cruelty to a family pet committed with the intent to intimidate, threaten, or harass, or as a means of coercive control.

The bill defines “coercive control” as a knowing pattern or course of conduct by a person against a family or household member that, in purpose or effect, unreasonably interferes with the free will, personal liberty, autonomy, economic security, or psychological safety of that person, whether or not physical force is used, and that is used to establish, maintain, or enforce power, domination, or dependency within the relationship.

The bill also defines “electronic monitoring” under this section as tracking the location of a person through the use of technology that is capable of determining or identifying the monitored person’s presence or absence at a particular location, including but not limited to:

- Radio frequency signaling technology that detects whether the monitored person is or is not at an approved location and notifies the monitoring agency of the time that the monitored person either leaves the approved location or tampers with or removes the monitoring device; or
- Active or passive GPS technology that detects the location of the monitored person and notifies the monitoring agency of the person’s location, and which may also be capable of notifying a victim or protected party if the monitored person enters within the restricted distance of a victim or protected party or within the restricted distance of a designated location.

The bill amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision to a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence. Further, a court is required to order electronic monitoring as a condition of probation in the following situations:

- The court finds there is clear and convincing evidence that the defendant poses a continuing threat to the victim;
- The defendant has previously violated an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking; or

- During the investigation, there is evidence of strangulation or other indications that warrant a higher level of concern for the well-being of the petitioner.

The bill creates s. 741.2801, F.S., to provide penalty enhancements to acts of domestic violence. A defendant who committed a charged offense that constitutes an act of domestic violence may receive an enhanced penalty. The enhancement is as follows:

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

The bill creates s. 741.282, F.S., to allow a state attorney to enter into a written agreement with a person to participate in a domestic violence deferred sentencing program. A person is eligible to participate if the person is charged with a misdemeanor offense of domestic violence and the person is a first-time domestic violence offender. The written deferred sentencing agreement must include all of the following conditions which must be accepted:

- The person must enter a plea of guilty or nolo contendere.
- The person agrees to attend and participate in a domestic violence deferred sentencing program.
- The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her participation in the deferred sentencing program.
- All terms necessary for successful completion of the deferred sentencing program.

Participants must:

- Appear before the court within 45 days after entering the program to determine the person's compliance with the conditions and requirements of the written agreement. The court is authorized to additional hearings to monitor the defendant's progress.
- Complete the program within one year after the person enters the program.
- Complete a batterers' intervention program within nine months after the person enters the program.
- Participate in clinical assessment conducted by a qualified professional to determine if the person has mental health or substance use issues.
 - If the person is determined to have mental health or substance use issues, the qualified professional must provide a treatment plan for the person and must provide weekly treatment progress reports to the court.
 - At the end of the program, the qualified professional must certify to the court that the person has complied with all requirements of the treatment plan.

The bill requires the state attorney to allow a defendant to withdraw his or her plea and the state attorney must enter a nolle prosequere upon successful completion of the program. If the state attorney finds the person has violated the program or did not successfully complete the program, the state attorney must notify the court and the court must set the case for sentencing.

The bill requires data relating to domestic violence offenses to be collected pursuant to s. 900.05, F.S., and allows for the state attorney to retain information relating to the defendant's participation in the deferred sentencing program.

The bill creates s. 741.285, F.S., to reclassify an offense of domestic violence if such offense occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled. The reclassification is as follows:

- A second degree misdemeanor is reclassified to a first degree misdemeanor.
- A first degree misdemeanor is reclassified to a third degree felony.
- A third degree felony is reclassified to a second degree felony.
- A second degree felony is reclassified to a first degree felony.
- A first degree felony is reclassified to a life felony.

Investigations (Section 10 & 13)

The bill amends ss. 741.29 and 784.046, F.S., to require the form that notifies victims of the legal rights and remedies available to include information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. The law enforcement officer must also provide the victim with a pamphlet which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

Injunctions & Relocation Assistance (Sections 11, 12, 13, 14, 15 & 16)

The bill amends s. 741.30, F.S., relating to domestic violence, to incorporate the new definition for domestic violence. Additionally, the Domestic and Repeat Violence Injunction Statewide Verification System is amended to include dating violence injunctions and sexual violence injunctions.

The bill adds the use of a family pet as means of coercive control to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. The bill specifies a family pet includes a service animal and an emotional support animal.

The bill amends ss. 741.31 and 784.047, F.S., to reduce the number of prior convictions for a violation of an injunction before the offense is enhanced to a third degree felony from two to one. Additionally, the bill removes the requirement for subsequent violations to be committed against the same victim listed in the petition.

The court may order electronic monitoring supervision for a respondent to an injunction for protection against domestic violence, repeat violence, sexual violence or dating violence for a period of one year if the respondent willfully violates the injunction and it remains in effect. The court may extend the order for electronic monitoring if the respondent violates the injunction or commits a new criminal offense. The respondent must pay for the electronic monitoring services.

The absence of criminal prosecution for a violation of injunction for domestic violence does not preclude the court from ordering electronic monitoring. If electronic monitoring is ordered, the

court must establish exclusion zones and include safety planning and informed consent for the petitioner.

The bill adds a question to the petitions for injunctions for protection against repeat violence, sexual violence, or dating violence to require a petitioner to declare whether the respondent has engaged in abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

The bill creates s. 784.0471, F.S., to reclassify a violation of an injunction for protection against dating violence, repeat violence, or sexual violence if such violation occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled. The reclassification is as follows:

- A second degree misdemeanor is reclassified to a first degree misdemeanor.
- A first degree misdemeanor is reclassified to a third degree felony.
- A third degree felony is reclassified to a second degree felony.
- A second degree felony is reclassified to a first degree felony.
- A first degree felony is reclassified to a life felony.

The bill amends s. 960.198, F.S., to increase the crime victim compensation awards to a one-time payment of up to \$2,500 on any one claim and a lifetime maximum of \$5,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Training on Domestic Violence, Dating Violence, and Strangulation Cases (Sections 3 & 4)

The bill amends s. 401.27, F.S., to add criteria to rules established by the DOH relating to the education and training criteria and examinations for the certification and recertification of emergency medical technicians and paramedics. The bill requires the DOH to approve a training program for emergency medical technicians and paramedics relating to domestic violence, dating violence, and strangulation.

Additionally, the bill requires an applicant for certification or recertification as an emergency medical technician or paramedic to have completed an approved training program relating to domestic violence, dating violence, and strangulation. Training is required in the following manner:

- Beginning December 1, 2026, emergency medical technicians and paramedics seeking initial certification must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases.
- Emergency medical technicians and paramedics certified before December 1, 2026, must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases during the refresher training program.

Such training is required biennially for renewal certification for paramedics as part of the 30 hours of continuing education units. An applicant who is trained outside of Florida, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation.

The bill amends s. 633.408, F.S., to require the Division of State Fire Marshal within the Department of Financial Services to establish, by rule, training for career and volunteer firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. Training is required in the following manner:

- Beginning December 1, 2026, career and volunteer firefighters seeking initial certification must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases.
- Career and volunteer firefighters certified before December 1, 2026, must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases during the continuing training program.

Statewide Emergency Communications Plan (Section 2)

The bill amends s. 365.171, F.S., to require the Division of Telecommunications within the DMS to develop, maintain, and incorporate into the statewide emergency communications plan a system or process to flag addresses at which a 911 call reported to local emergency services an alleged incident of domestic violence or dating violence has occurred. The system must correspond between all emergency services, including, but not limited to, law enforcement, firefighting, emergency medical services, poison control, suicide prevention, and emergency management services. An address must remain flagged in the system for at least one year after the 911 call was placed that initiated the flag. The one year time period resets after each call relating to an allegation of domestic violence or dating violence at the same address.

Further, the bill requires each county to integrate the system or process based on the county's resources and availability. Expenditure by counties of the fee authorized and imposed under s. 365.172, F.S., should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability.

The bill 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 Art. 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:

SB 682 is expected to have a significant negative fiscal impact to state expenditures.

The bill has a significant fiscal impact to the Department of Corrections. The bill requires the DOC to supervise the Domestic Violence Diversion Program. Currently, DOC is responsible for supervising felony offenders whereas misdemeanor diversion and community supervision are county responsibilities. DOC provides that the impact to administer this program would be significant and cites the need for additional certified correctional probation officers. Additionally, the bill expands electronic monitoring which will further require increased staffing. The DOC estimates that they would require, at minimum, 50 additional correctional probation officers for managing the diversion program caseload and for the increased monitoring demands. Thirdly, the bill would require programmatic updates to the Offender Based Information System (OBIS) and the Correctional Information Management System (CIMS); however, the cost to do this is indeterminate.⁷⁷

The bill will have a positive indeterminate impact on prison beds. The Legislature's Office of Economic and Demographics 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 on the Department of Corrections (DOC), meaning that the bill may increase the number of individuals admitted to prison. The EDR provides the following additional information regarding its estimate:

Per DOC, in FY 24-25, there were 9 new commitments to prison for a violation of an injunction against domestic violence and two new commitments for a violation of an injunction against dating violence, repeat violence, or sexual violence. It is not known

⁷⁷ The Florida Department of Corrections, *Agency Analysis for SB 682*.

how many additional commitments there would be by reducing prior violations to one, nor is it known how the expanded definition for domestic violence and other expansions to the injunction language would increase the number of commitments. It is also not known how many offenders committed domestic violence or violated a protective injunction against dating violence, repeat violence, or sexual violence during a state of emergency. Per DOC, in FY 24-25, there were 4,416 technical violators sentenced to prison. It is not known how many additional offenders there would be with the inclusion of electronic monitoring for those who committed domestic violence. Finally, data is not available for the number of domestic violence offenders committed to prison, and it is not known how many additional offenders there would be with the expanded list of offenses added to the definition of domestic violence.⁷⁸

The bill amends s. 960.198, F.S., to increase the amount that DLA may award for victims of domestic violence who may need immediate assistance to escape from a domestic violence environment. The DLA estimates a \$3.5 million fiscal impact to the Crimes Compensation Trust Fund due to the expansion of the definition of domestic violence and the increase in the compensation awards under s. 960.198, F.S. In addition, the DLA requests five claims analysts and one program administrator, at a cost of \$273,158, to address the additional workload associated with processing benefits claims.

The bill also creates additional requirements on the Department of Management Services, the Department of Health, and the Division of State Fire Marshal within the Department of Financial Services which can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 365.171, 401.27, 633.408, 741.28, 741.281, 741.29, 741.30, 741.31, 784.046, 784.047, 960.198, 921.0024, 943.0584, 943.171.

This bill creates the following sections of the Florida Statutes: 741.2801, 741.282, 741, 285, 784.0471.

⁷⁸ Office of Economic and Demographic Research, *SB 682 – Strike All Amendment 55922*, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on January 20, 2026:**

This Committee Substitute:

- Modifies the definition of domestic violence and defines “coercive control.”
- Creates enhanced sentencing for offenses that constitute domestic violence.
- Creates two new sections of law to provide reclassifications for domestic violence offenses and violations of protective injunctions that occur during a state of emergency.
- Changes the pretrial diversion program to a domestic violence deferred sentencing program and requires certain data collection.
- Modifies the specified amount for victim relocation assistance.
- Changes the date for required trainings for certifications and recertifications from July 1, 2026, to December 1, 2026.
- Specifies that training for emergency medical technicians, paramedics must include two hours of instruction on domestic violence, dating violence, and strangulation.
- Removes language allowing an investigating law enforcement officer or an FDLE liaison to follow up with a victim within 24 hours after an alleged incident of domestic violence or dating violence.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Martin

591-02057-26

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A bill to be entitled

An act relating to mandatory remand to custody upon conviction of dangerous crimes; providing a short title; creating s. 903.0472, F.S.; requiring a court to remand a person found guilty of a dangerous crime to custody immediately; requiring such person to remain in custody pending sentencing or further proceedings without the possibility of release on bond; prohibiting a court from granting postconviction bond or other release for a person found guilty of a dangerous crime; providing applicability; amending s. 907.041, F.S.; revising the definition of "dangerous crime" for purposes of pretrial detention; providing an effective date.

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

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

Section 2. Section 903.0472, Florida Statutes, is created to read:

903.0472 Mandatory remand to custody upon conviction of dangerous crimes.—

(1) Notwithstanding any provision in this chapter to the contrary, upon a finding of guilt of any person of a dangerous crime as defined in s. 907.041(5)(a), the court shall remand the person to custody immediately, and the person shall remain in custody pending sentencing or further proceedings without the possibility of release on bond.

(2) A court may not grant postconviction bond or other

Page 1 of 3

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release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime as defined in s. 907.041(5)(a).

(3) This section applies regardless of whether the person intends to appeal or has filed a notice of appeal.

(4) This section does not apply if the finding of guilt that formed the basis of the remand has been:

(a) Vacated;

(b) Reversed on appeal;

(c) Set aside by judgment of acquittal; or

(d) Otherwise nullified.

Section 3. Paragraph (a) of subsection (5) of section 907.041, Florida Statutes, is amended to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson;

2. Aggravated assault;

3. Aggravated battery;

4. Illegal use of explosives;

5. Child abuse or aggravated child abuse;

6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;

7. Aircraft piracy;

8. Kidnapping;

9. Homicide;

10. Manslaughter, including DUI manslaughter and BUI manslaughter;

Page 2 of 3

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59 11. Sexual battery;
60 12. Robbery;
61 13. Carjacking;
62 14. Lewd, lascivious, or indecent assault or act upon or in
63 presence of a child under the age of 16 years;
64 15. Sexual activity with a child, who is 12 years of age or
65 older but less than 18 years of age, by or at solicitation of
66 person in familial or custodial authority;
67 16. Burglary of a dwelling;
68 17. Stalking and aggravated stalking;
69 18. Act of domestic violence as defined in s. 741.28;
70 19. Home invasion robbery;
71 20. Act of terrorism as defined in s. 775.30;
72 21. Manufacturing any substances in violation of chapter
73 893;
74 ~~22. Attempting or conspiring to commit any such crime;~~
75 ~~23.~~ Human trafficking;
76 23.24. Trafficking in any controlled substance described in
77 s. 893.135(1)(c)4.;
78 24.25. Extortion in violation of s. 836.05; ~~and~~
79 25.26. Written threats to kill in violation of s. 836.10;
80 26. Any violation related to computer pornography or child
81 exploitation as described in s. 847.0135; and
82 27. Attempting or conspiring to commit any such crime.
83 Section 4. This act shall take effect July 1, 2026.

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 928

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Mandatory Remand to Custody upon Conviction of Dangerous Crimes

DATE: February 16, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 928 creates s. 903.0472, F.S., to require a court to remand a person found guilty of a dangerous crime to custody immediately. Such person must remain in custody pending sentencing or further proceedings without the possibility of release on bond.

Additionally, a court may not grant postconviction bond or other release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime.

This provision applies regardless of whether the person intends to appeal or has filed a notice of appeal, however it does not apply if the finding of guilt that formed the basis of the remand has been:

- Vacated;
- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified.

The bill amends s. 907.041, F.S., to revise the definition of “dangerous crimes” for purposes of pretrial detention to include computer pornography and child exploitation.

The bill does not have a fiscal impact on state revenues or expenditures but may have a positive jail bed impact to local detention facilities. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Post Conviction Relief

A person in custody may seek relief if they believe their judgment of conviction or sentence was imposed in violation of the U.S. Constitution or the laws of Florida. Either the defendant or the state may seek review in the next higher state court of a trial court's ruling on a collateral relief motion, and in non-capital cases there is no right to appointed counsel for such proceedings.¹

The procedural framework for post-conviction relief is governed largely by the Florida Rules of Criminal Procedure which permits motions to vacate, set aside, or correct a sentence on constitutional or legal grounds and generally must be filed within two years after the judgment and sentence become final.² This combination of statute and rules forms the core mechanism by which convicted persons in Florida can pursue collateral challenges to their convictions and sentences after direct appeal.

Bail on appeal – Supersedeas bond

In Florida, there is no general statutory right to bail or bond simply because a person has filed a post-conviction relief motion (e.g., a Rule 3.850 motion or similar collateral challenge); post-conviction motions themselves do not automatically entitle a convicted person to release on bond while the motion or appeal is pending.³

No person may be admitted to bail upon appeal from a conviction of a felony unless the defendant establishes that the appeal is taken in good faith, on grounds fairly debatable, and not frivolous. In no case will bail be granted if such person has previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony, and such person's civil rights have not been restored or if other felony charges are pending against the person and probable cause has been found that the person has committed the felony or felonies at the time the request for bail is made.⁴

In no case may an original appearance bond be continued for the appeal. To reflect the increased risk and probability of longer time considerations, there shall be a new undertaking of a bond for the appeal.⁵

If a person admitted to bail on appeal commits and is convicted of a separate felony while free on appeal, the bail on appeal must be revoked and the defendant committed.⁶

¹ Section 924.066, F.S.

² Fla. R. Crim. P. 3.850

³ Fla. R. Crim. P. 3.850

⁴ Section 903.132(1), F.S.

⁵ Section 903.132(3), F.S.

⁶ Section 903.131, F.S.

A trial or appellate court has the discretion to release a defendant who has been adjudicated guilty, for any non-capital offense, pending review of the conviction. A defendant may only be granted bail on appeal from a felony conviction if the defendant establishes the appeal is taken in good faith, on grounds fairly debatable, and not frivolous. A defendant is not eligible for bail if the defendant has:

- Previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony, and the person's civil rights have not been restored.
- Other pending felony charges and probable cause has been found that the person committed the felony or felonies at the time the request for bail was made.⁷

Pretrial Release

Bail and Surety Bond

The purpose of a bail determination in criminal proceedings is to ensure the appearance of a defendant at subsequent proceedings and to protect the community against unreasonable danger from the defendant.⁸ For the defendant to be released from jail, a court may require bail by a defendant to provide security, such as cash or a bond to ensure that he or she will return for trial and any other required court appearances.⁹

As an alternative to posting the entire bail amount, a defendant may provide a criminal surety bail bond¹⁰ executed by a bail bond agent. A cash bond is paid directly to the court for the total amount of the bond, in cash. If the arrestee does not appear after posting a cash bond, the money will be forfeited. After the final disposition of the case, bond money will be refunded, minus any unpaid court fees, costs, and criminal penalties.¹¹

Bail determination – Pretrial Release

When determining whether to release a defendant on bail or other conditions and what that bail or those conditions may be, the court shall consider:¹²

- The nature and circumstances of the offense charged.
- The weight of the evidence against the defendant.
- The defendant's family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.
- The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution or failure to appear at court proceedings.
- The nature and probability of danger which the defendant's release poses to the community.
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other

⁷ Fla. R. Crim. P. 3.691; See also *Younghans v. State*, 90 So. 2d 308 (Fla. 1956) (“All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great.”).

⁸ Section 903.046(1), F.S.

⁹ *Universal Bail Bonds v. State*, 929 So.2d 697, 699 (Fla. 3d DCA 2006).

¹⁰ Sections 903.011 and 903.105, F.S.

¹¹ Office of Program Policy Analysis and Government Accountability, County Pretrial Release Programs: Calendar Year 2021, Report No. 22-09 at 2 (December 2022) available at <https://oppaga.fl.gov/Documents/Reports/22-09.pdf> (last visited February 13, 2026).

¹² Section 903.046, F.S.

criminal or illicit activities. The burden of establishing the noninvolvement in or nonderivative from criminal or other illicit activity of such proffered funds, real property, property, or any proposed collateral or bond premium falls upon the defendant or other person proffering them to obtain the defendant's release.

- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.
- The street value of any drug or controlled substance connected to or involved in the criminal charge.
- The nature and probability of intimidation and danger to victims.
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.
- Whether the crime charged is a violation of ch. 874, F.S.,¹³ or alleged to be subject to enhanced punishment under ch. 874, F.S., or reclassification under s. 843.22, F.S.¹⁴
- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under ch. 316, F.S., is required to register as a sexual offender or a sexual predator.¹⁵
- Any other facts that the court considers relevant.¹⁶

The Legislature has created a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. A "dangerous crime" means any of the following:¹⁷

- Arson.
- Aggravated assault.
- Aggravated battery.
- Illegal use of explosives.
- Child abuse or aggravated child abuse.
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult.
- Aircraft piracy.
- Kidnapping.
- Homicide.
- Manslaughter.
- Sexual battery.
- Robbery.
- Carjacking.
- Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years.
- Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority.

¹³ Chapter 874, F.S., refers to gang-related offenses and criminal gang activity.

¹⁴ Section 903.046(2)(l), F.S., If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or reclassification, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

¹⁵ Section 903.046(2)(m), F.S. Such offender is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

¹⁶ Section 903.046(2)(a)-(m), F.S.

¹⁷ Section 907.041, F.S.

- Burglary of a dwelling.
- Stalking and aggravated stalking.
- Acts of domestic violence.
- Home invasion robbery.
- Act of terrorism.
- Manufacturing any substances.
- Attempting or conspiring to commit any such crime.
- Human trafficking.
- Trafficking in controlled substances.
- Extortion.
- Written threats to kill.

Computer Pornography

A person commits the offense of computer pornography, a third degree felony,¹⁸ who:

- Knowingly compiles, enters into, or transmits by use of computer;¹⁹
- Makes, prints, publishes, or reproduces by other computerized means;²⁰
- Knowingly causes or allows to be entered into or transmitted by use of computer;²¹ or
- Buys, sells, receives, exchanges, or disseminates

any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with a minor, or the visual depiction of such conduct.²²

Any person commits a third degree felony if he or she knowingly uses a computer online service, internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed to be a child, to commit any specified illegal act, or otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child;²³ or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act of sexual battery, lewdness or abuse of children, or to otherwise engage in any sexual conduct.²⁴

A person who:

¹⁸ A third degree felony is generally punishable by a term of imprisonment of 5 years and a \$5,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

¹⁹ Section 847.0135(2)(a), F.S.

²⁰ Section 847.0135(2)(b), F.S.

²¹ Section 847.0135(2)(c), F.S.

²² Section 847.0135(2)(d), F.S.

²³ Section 847.0135(3)(a), F.S.

²⁴ Section 847.0135(3)(b), F.S.

- Intentionally masturbates;²⁵
- Intentionally exposes the genitals in a lewd or lascivious manner;²⁶ or
- Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity

live over a computer online service, internet service, or local bulletin board service and who knows, should know, or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age, commits lewd or lascivious exhibition.²⁷

An offender 18 years of age or older who commits a lewd or lascivious exhibition using a computer commits a second degree felony.^{28, 29}

An offender less than 18 years of age who commits a lewd or lascivious exhibition using a computer commits a third degree felony.³⁰

III. Effect of Proposed Changes:

The bill names the Act “Missy’s Law.”

The bill creates s. 903.0472, F.S., to provide that a court must remand a person found guilty of a dangerous crime to custody. Such person must remain in custody pending sentencing or further proceedings without the possibility of release on bond.

A court may not grant postconviction bond or other release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime.

This provision applies regardless of whether the person intends to appeal or has filed a notice of appeal; however, it does not apply if the finding of guilt that formed the basis of the remand has been:

- Vacated;
- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified.

The bill amends s. 907.041, F.S., to revise the definition of “dangerous crimes” for purposes of pretrial detention, adding “any violation related to computer pornography or child exploitation” to the definition of enumerated offenses that constitute a dangerous crime.

The bill takes effect on July 1, 2026.

²⁵ Section 847.0135(5)(a)1., F.S.

²⁶ Section 847.0135(5)(a)2., F.S.

²⁷ Section 847.0135(5)(a)3., F.S.

²⁸ Section 847.0135(5)(b), F.S.

²⁹ A second degree felony is generally punishable by a term of imprisonment of not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

³⁰ Section 847.0135(5)(c), F.S.

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. 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 would not have an impact on the prison population. However, the bill denies bond or release for convicted felons prior to sentencing which lengthens their time served in jail thereby increasing jail bed demand within local detention facilities.³¹

VI. Technical Deficiencies:

None.

³¹ Office of Economic Development and Demographic Research, *CS/SB 928 - Mandatory Remand to Custody upon Conviction of Dangerous Crimes*, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 903.0472 of the Florida Statutes.

The bill substantially amends section 907.041 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 January 20, 2026:

The committee substitute:

- Revises the definition of “dangerous crimes” for purposes of pretrial detention to include any violation related to computer pornography or child exploitation.

- B. **Amendments:**

None.

By Senator Calatayud

38-00567B-26

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1 A bill to be entitled
 2 An act relating to the Antisemitism Task Force;
 3 creating s. 16.571, F.S.; creating the Antisemitism
 4 Task Force adjunct to the Office of Civil Rights
 5 within the Department of Legal Affairs for a specified
 6 purpose; requiring the department to provide
 7 administrative and staff support to the task force;
 8 providing for appointment and terms of task force
 9 members; providing for per diem and travel expenses;
 10 requiring the task force to meet quarterly;
 11 authorizing more frequent meetings at the call of the
 12 co-chairs; providing duties of the task force;
 13 requiring the task force to annually submit a report
 14 and policy recommendations to the Governor and the
 15 Legislature by a specified date; providing for future
 16 repeal; providing an effective date.
 17
 18 Be It Enacted by the Legislature of the State of Florida:
 19
 20 Section 1. Section 16.571, Florida Statutes, is created to
 21 read:
 22 16.571 Antisemitism Task Force.—
 23 (1) The Antisemitism Task Force, a task force as defined in
 24 s. 20.03(5), is created adjunct to the Office of Civil Rights
 25 within the Department of Legal Affairs for the express purpose
 26 of combating antisemitism in this state. Except as otherwise
 27 provided in this section, the task force shall operate in a
 28 manner consistent with s. 20.052. The department shall provide
 29 administrative and staff support relating to the functions of

Page 1 of 4

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

38-00567B-26

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30 the task force.
 31 (2) (a) The task force is composed of the following members:
 32 1. Three members appointed by the President of the Senate,
 33 one of whom must be a representative of a Jewish community
 34 organization in this state and one of whom must have expertise
 35 in combating antisemitism. The President of the Senate shall
 36 designate one of his or her appointees as co-chair of the task
 37 force.
 38 2. Three members appointed by the Speaker of the House of
 39 Representatives, one of whom must be a representative of a
 40 Jewish community organization in this state and one of whom must
 41 have expertise in combating antisemitism. The Speaker of the
 42 House of Representatives shall designate one of his or her
 43 appointees as co-chair of the task force.
 44 3. One member of the Senate, appointed by the Minority
 45 Leader of the Senate.
 46 4. One member of the House of Representatives, appointed by
 47 the Minority Leader of the House of Representatives.
 48 5. Two members appointed by the Governor, one of whom must
 49 have legal expertise in civil rights law.
 50 6. The Attorney General or his or her designee.
 51 7. The Commissioner of Education or his or her designee.
 52 8. The chair of the Florida Commission on Human Relations
 53 or his or her designee.
 54 9. One member appointed by the Florida Association of
 55 Counties.
 56 10. One member appointed by the Florida League of Cities.
 57 11. One member appointed by the Florida Prosecuting
 58 Attorneys Association.

Page 2 of 4

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38-00567B-26

20261072

12. One member appointed by the Florida Police Chiefs Association.

13. One member appointed by the Florida Association of District School Superintendents.

(b) Members of the task force shall serve 2-year terms. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(c) Members of the task force shall serve without compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.

(3) The task force shall hold its first meeting by August 1, 2026. The task force shall convene at least once quarterly but, at the call of the co-chairs, may meet more often as necessary to complete the duties prescribed in this section.

(4) The task force shall:

(a) Identify and acknowledge the growing threat of antisemitism in this state by conducting a comprehensive review of the prevalence of antisemitism within this state.

(b) Strengthen community relations by identifying and creating opportunities for new connections between state and local governments and local Jewish communities.

(c) Engage with local Jewish communities and provide public officials across this state with recommendations and support for combating antisemitism.

(d) Advise on training programs for law enforcement relating to the investigation and prosecution of hate crimes.

(e) Assess existing state programs relating to education in digital media literacy, including identifying educational gaps, studying education efficacy, and planning for enhanced

38-00567B-26

20261072

educational offerings.

(f) Identify best practices from efforts to combat antisemitism in other states and jurisdictions.

(g) Evaluate this state's hate crime statutes and consider whether amendments thereto would better protect residents from antisemitism.

(h) Recommend strategies, programs, and legislation to combat antisemitism in this state. The initial report provided pursuant to paragraph (i) shall examine antisemitism in schools and universities.

(i) Before January 31 of each year, submit a report and policy recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the chair of the Judiciary Committee of the Senate, and the chair of the Security and Threat Assessment Committee of the House of Representatives.

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

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

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 1072

INTRODUCER: Senators Calatayud and Pizzo

SUBJECT: Antisemitism Task Force

DATE: February 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>White</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2. <u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3. _____	_____	<u>FP</u>	_____

I. Summary:

SB 1072 creates the Antisemitism Task Force (Task Force) for the express purpose of combating antisemitism in Florida. To this end, the Task Force has a range of responsibilities, including providing assistance, conducting studies and assessments, and engaging with local Jewish communities. The Task Force must annually “submit a report and policy recommendations” to the Governor and legislative leaders.

The Task Force is composed of 18 members serving two-year terms and is adjunct to the Office of Civil Rights in the Department of Legal Affairs. The Department of Legal Affairs will provide administrative and staff support to the Task Force.

The Task Force is automatically repealed on October 2, 2029, unless reviewed and saved by the Legislature.

The bill may have an indeterminate fiscal impact on the Department of Legal Affairs. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

State Definition of Antisemitism

In 2024, the Legislature adopted a definition of “antisemitism” that closely mirrors the working definition used by the International Holocaust Remembrance Alliance in order to assist with the monitoring and reporting of antisemitic hate crimes and discrimination, and to make residents

aware of, and combat, such incidents.¹ However, the law “may not be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution or to conflict with federal or state antidiscrimination laws.”

As provided in s. 1.105, F.S., antisemitism is the certain perception of Jewish individuals which may be expressed as hatred toward such individuals. Rhetorical and physical manifestations of antisemitism are directed toward Jewish and non-Jewish individuals and their property and toward Jewish community institutions and religious facilities. Examples of antisemitism include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jewish individuals.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish individuals as such or the power of Jewish people as a collective, such as the myth of a worldwide Jewish conspiracy or of Jewish individuals controlling the media, economy, government, or other societal institutions.
- Accusing Jewish people as a collective of being responsible for real or imagined wrongdoing committed by a single Jewish person or group or for acts committed by non-Jewish individuals.
- Denying the fact, scope, and mechanisms, such as gas chambers, or the intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters and accomplices during the Holocaust.
- Accusing Jewish people as a collective, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jewish individuals worldwide, than to the interests of their respective nations.
- Denying Jewish people their right to self-determination, such as claiming that the existence of the State of Israel is a racist endeavor.
- Applying double standards by requiring of the Jewish State of Israel a standard of behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism, such as blood libel, to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jewish individuals collectively responsible for actions of the State of Israel.

Hate Crimes

A hate crime is a prejudice-motivated criminal act that in any way constitutes an expression of hatred toward the victim based on his or her personal characteristics. It is a crime in which the perpetrator intentionally selects the victim based on one of the following characteristics: race, religion, ethnicity, color, ancestry, sexual orientation, homeless status, advanced age, mental or physical disability, or gender and gender identity.²

¹ Chapter 2024-262, Laws of Fla.

² Section 887.19, F.S.; s. 775.085, F.S. (adding homelessness status, disability, and advanced age as protected categories); 34 U.S.C. s. 41305(b)(1) (adding gender and gender identity); Florida Department of Law Enforcement, *Uniform Crime Reports: Summary Reporting Guide Manual* (July 2023), at 104, available at <https://www.fdle.state.fl.us/getContentAsset/6755ee1e-aa49-4437-b8f1-c2e831c23fd5/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/UCR-Summary-Guide-Manual-JUL2023.pdf?language=en> (last visited Jan. 14, 2026); Florida Attorney

Evidencing Prejudice While Committing an Offense

Current law reclassifies the penalty for any felony or misdemeanor to the next highest degree if the commission of the offense evidence prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim, as follows:

- A misdemeanor of the second-degree is reclassified to a misdemeanor of the first-degree.
- A misdemeanor of the first-degree is reclassified to a felony of the third-degree.
- A felony of the third-degree is reclassified to a felony of the second-degree.
- A felony of the second-degree is reclassified to a felony of the first-degree.
- A felony of the first-degree is reclassified to a life felony.

Reporting of Hate Crimes

Under s. 877.19, F.S., the Florida Department of Law Enforcement (FDLE), all other state and local law enforcement agencies, and the Attorney General must collect and disseminate data on hate crimes committed in the state. Law enforcement agencies submit a monthly report to the FDLE concerning criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. The FDLE is required to compile and disseminate such information upon request to any local law enforcement agency, unit of local government, or state agency. Additionally, the Florida Attorney General publishes an annual summary of the compiled data.

Ultimately, it is up to the judgment of individual law enforcement officers and agencies to determine what the motivation of a particular crime is and whether that incident constitutes a hate crime the law enforcement agency must report to the state as a hate crime.³

Status on Hate Crimes and Antisemitism in Florida

Based on the Attorney General's summaries on hate crimes, there was a decrease in the number of reported hate crimes in 2024 compared to 2023.⁴ However, according to the Attorney General's 2023 report, there was a 94 percent increase in hate crimes against Jewish Floridians from 2022 to 2023.⁵ Of the 98 religion-based hate crimes in 2023, 70 were "anti-Jewish."⁶

General, *Hate Crimes in Florida 2023*, available at <https://www.myfloridalegal.com/sites/default/files/2023hatecrimesreportfinal.pdf> (last visited Jan. 14, 2026) [hereinafter 2023 Hate Crimes Report].

³ Florida Department of Law Enforcement, *Uniform Crime Reports: Summary Reporting Guide Manual* (July 2023), at 104, available at <https://www.fdle.state.fl.us/getContentAsset/6755ee1e-aa49-4437-b8f1-c2e831c23fd5/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/UCR-Summary-Guide-Manual-JUL2023.pdf?language=en> (last visited Jan. 14, 2026).

⁴ Compare the numbers in the 2024 reports with the numbers at page 8 of the 2023 report. See 2023 Hate Crimes Report; Attorney General, *Annual Summary of Data*, available at https://www.myfloridalegal.com/sites/default/files/annual_summary_of_data.pdf (last visited Jan. 14, 2025).

⁵ *Id.* at 2.

⁶ 2023 Hate Crimes Report at 25-26. Of those 70 anti-Jewish hate crimes reported, 38 were "destruction/damage/vandalism," 15 were intimidation, four were aggravated assault, four were "other larceny," four were "simple assault," two were "burglary/breaking & entering," one was robbery, one was "weapon law violations," and one was "theft from building."

The Anti-Defamation League’s most recent annual audit of antisemitic incidents showed that Florida saw a 24 percent decline in incidents of antisemitic assault, harassment, and vandalism in 2024 when compared to 2023. The nation, by comparison, saw a 5 percent increase.⁷

Advisory Bodies

Florida law provides for various types of “advisory bodies” that may be created within the executive branch, including a committee, task force, council, and advisory council.⁸ A task force is an advisory body appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem.⁹ A task force can only be created by statute when necessary and beneficial to the furtherance of a public purpose and must be in adjunct to an executive agency. The statute creating the task force must clearly define the body’s purpose.¹⁰

Task forces must keep the Legislature and public informed of the body’s purposes, memberships, activities, and expenses.¹¹ Unless otherwise exempted, all meetings of an advisory body are public meetings under s. 286.011, F.S. Minutes, including a record of all votes cast, must be maintained for all meetings.¹²

Membership and Travel Reimbursement

Members of an advisory body, unless expressly permitted otherwise by the State Constitution, are appointed for four year, staggered terms;¹³ and unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.¹⁴ The private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of a department, the executive director of a department, or a Cabinet officer.¹⁵

⁷ Daniel Frank, *ADL: A disturbing trend of Israel-related antisemitic incidents continues in Florida* | *Opinion*, MIAMI HERALD, Apr. 22, 2025, available at <https://www.miamiherald.com/opinion/op-ed/article304533011.html> (last visited Jan. 13, 2025). The author of the article, Daniel Frank, is Florida regional director for the Anti-Defamation League.

⁸ See s. 20.03, F.S. (defining committee, task force, council, and advisory council as advisory bodies).

⁹ Section 20.03, F.S.

¹⁰ Section 25.052, F.S. See s. 20.03, F.S., for the relevant definitions.

¹¹ Section 20.052(3), F.S. Advisory bodies annually provide a report, uploaded to a website maintained by the Executive Office of the Governor and available to the public, detailing the following:

- The statutory authority pursuant to the advisory body was created.
- A brief description of the purpose or objective of the advisory body.
- A list indicating the membership of each advisory body, the appointing authority for each member position, whether the member positions are filled or vacant, the term of each member position, and, if vacant, when the vacancy occurred.
- A list of the meeting dates and times of each advisory body for the preceding 3 fiscal years.
- A brief summary of the work plan for each advisory body for the current fiscal year and the next 2 fiscal years.
- The amount of appropriated funds and staff time used in each fiscal year to support each advisory body.
- A recommendation by the agency, with supporting rationale, to continue, terminate, or modify each advisory body.

¹² Section 20.052, F.S.

¹³ Section 20.052(4)(c), F.S.

¹⁴ Section 20.052(4)(d), F.S. See s. 112.061, F.S., for law on per diem and reimbursement for travel expenses.

¹⁵ Section 20.052(5)(a), F.S.

All travel covered by per diem must be authorized and approved by the head of the agency or a designated representative.¹⁶ Travel expenses must be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the agency.¹⁷ Travel expenses include reimbursement of transportation expenses, reimbursement of lodging expenses, and per diem and meal allowances.

Travelers are allowed either \$80 per diem for each day of travel or, if actual expenses exceed \$80, the amounts permitted for subsistence plus actual expenses for lodging at a single-occupancy rate.¹⁸ The allowable amounts for subsistence are \$6 for breakfast, \$11 for lunch, and \$19 for dinner.¹⁹

Sunset Provision

Law requires that a statute creating, or authorizing the creation of, an advisory body must contain a “sunset provision” that provides for the repeal of the advisory body on October 2 of the third year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.²⁰ The Legislature may not save the advisory body if it has served its purpose and is no longer necessary and beneficial to the furtherance of a public purpose.²¹

Office of Civil Rights in Department of Legal Affairs

The Florida Legislature established the Office of Civil Rights within the Department of Legal Affairs in 1991.²² The Office is empowered to enforce civil rights laws on behalf of the State of Florida through litigation, education, outreach, and legislative proposals. The Office additionally conducts hate crime training for law enforcement officers and develops training programs and presentations for schools.²³

Separation of Powers

The government of the State of Florida is organized according to the doctrine of the separation of powers. Article II, section 3 of the State Constitution, in particular, provides that the “powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.” Two fundamental prohibitions are contained in the separation of powers doctrine in Florida. The first is that no branch may encroach upon the powers of the other; the second is that no branch may delegate to another branch its constitutionally assigned power.²⁴

¹⁶ Section 112.061(3)(a), F.S.

¹⁷ Section 112.061(3)(b), F.S.

¹⁸ Section 112.061(6)(1)(a), F.S.

¹⁹ Section 112.061(6)(1)(b), F.S.

²⁰ Section 25.052(8), F.S.

²¹ Section 20.052(2), F.S.

²² See ch. 91-74, Laws of Fla.; s. 16.57, F.S. The creation of the Office of Civil Rights was based in part on a recommendation of the Racial and Ethnic Bias Study Commission of the Supreme Court for the purpose of bringing a state suit against individuals and agencies for harassment and brutality against minorities.

²³ Office of the Attorney General, *Office of Civil Rights*, <https://www.myfloridalegal.com/civil-rights> (last visited Jan. 14, 2026).

²⁴ *Chiles v. Children A, B, C, D, E, and F*, 589 So. 260 (Fla. 1991).

The State Constitution provides that the Legislature creates the policies and laws of the state²⁵ and the executive branch executes the laws²⁶ and policies established by the Legislature.

Generally, advisory bodies under ch. 20, F.S., do not “execute” laws; they, instead, typically *inform* (advise) the Legislature. In this way, the bodies typically do not enjoy any executive or legislative power.

Dual Office Holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.²⁷ The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.²⁸ This prohibition is intended to preserve the independence of each branch and prevent conflicts of interest. Neither the State Constitution nor the Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.²⁹ The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”³⁰ Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.³¹

A member of the Legislature—whether serving as a Senator or a Representative—is an officer and therefore subject to the prohibition on dual office holding.

The State Constitution provides an explicit exception from the dual office holding limitation: “any officer may be a member of a . . . statutory body having only advisory powers.” Typically, an advisory body created pursuant to ch. 20, F.S., only have advisory powers. Membership on such bodies, therefore, does not constitute an office for the purposes of the constitutional prohibition on dual office holding.

²⁵ Article III, section 1 of the State Constitution vests the “legislative power of the state” in the Legislature. Legislative power is further explained by the courts in *O.M. v. Dep’t of Children & Families*, 404 So. 3d 547, 552 (Fla. 3d DCA 2025); *Webb v. Hill*, 75 So. 2d 596, 605 (Fla. 1954); *State v. Barquet*, 262 So. 2d 431, 433 (Fla. 1972).

²⁶ The executive branch, through the governor, ensures that the “laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government.” FLA. CONST. art. IV, s. 4.

²⁷ FLA. CONST. art. II, s. 5(a).

²⁸ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

²⁹ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

³⁰ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

³¹ See Office of the Attorney General, *Dual Office-holding*,

<https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamplet.pdf> (last visited Mar. 23, 2025).

III. Effect of Proposed Changes:

The bill creates s. 16.571, F.S., establishing the Antisemitism Task Force (Task Force) for the express purpose of combating antisemitism in the state. The Task Force is adjunct to the Office of Civil Rights in the Department of Legal Affairs and is a task force as defined and discussed in ss. 20.03(5) and 20.052, F.S.³² The Department of Legal Affairs will provide administrative and staff support for the Task Force.

In addition to submitting an annual report, the Task Force is charged with:

- Identifying and acknowledging the growing threat of antisemitism in this state by conducting a comprehensive review of the prevalence of antisemitism within this state;
- Strengthening community relations by identifying and creating opportunities for new connections between state and local governments and local Jewish communities;
- Engaging with local Jewish communities and providing public officials across this state with recommendations and support for combating antisemitism;
- Advising on training programs for law enforcement relating to the investigation and prosecution of hate crimes;
- Assessing existing state programs relating to education in digital media literacy, including identifying educational gaps, studying education efficacy, and planning for enhanced educational offerings;
- Identifying best practices from efforts to combat antisemitism in other states and jurisdictions;
- Evaluating this state's hate crime statutes to consider whether amendments thereto would better protect residents from antisemitism; and
- Recommending strategies, programs, and legislation to combat antisemitism in this state.

The Task Force must annually provide a report and policy recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the chair of the Judiciary Committee of the Senate, and the chair of the Security and Threat Assessment Committee of the House of Representatives. These reports are due before January 31 of each year. The Task Force's first report must examine antisemitism in schools and universities.

The Task Force has 18 members who serve two-year terms without compensation but are entitled to per diem. The Task Force consists of the following,

- Three members appointed by the President of the Senate, including:
 - One appointee that represents a Jewish community organization in this state; and
 - One appointee that has expertise in combatting antisemitism.
- Three members appointed by the Speaker of the House of Representatives, including:
 - One appointee that represents a Jewish community organization in this state; and
 - One appointee that has expertise in combatting antisemitism.
- One member of the Senate, appointed by the Minority Leader of the Senate.
- One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives.

³² See *supra* notes 1-14 and accompanying text for discussion of ss. 20.03(5) and 20.052, F.S.

- Two members appointed by the Governor, one of whom must have legal expertise in civil rights law.
- The Attorney General or his or her designee.
- The Commissioner of Education or his or her designee.
- The chair of the Florida Commission on Human Relations or his or her designee.
- One member appointed by the Florida Association of Counties.
- One member appointed by the Florida League of Cities.
- One member appointed by the Florida Prosecuting Attorneys Association.
- One member appointed by the Florida Police Chiefs Association.
- One member appointed by the Florida Association of District School Superintendents.

The President of the Senate shall designate one of his or her appointees as co-chair of the Task Force; the other co-chair is designated by the Speaker of the House of Representatives from his or her appointees.

In accordance with s. 20.052, F.S., the bill includes a sunset provision, repealing the Task Force on October 3, 2029, unless reviewed and saved from repeal by reenactment by the Legislature.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the Department of Legal Affairs by adding members of the Task Force to the class of individuals entitled to per diem and travel reimbursements. The Department of Legal Affairs may further incur costs for providing administrative and staff support to the Task Force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 16.571 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Martin

33-00689D-26

20261332

1 A bill to be entitled
2 An act relating to career offender registration;
3 amending s. 322.141, F.S.; requiring a certain driver
4 license or identification marking for a career
5 offender; requiring a career offender to report to the
6 Department of Highway Safety and Motor Vehicles in a
7 certain month to obtain an updated or renewed driver
8 license or identification card; amending s. 775.261,
9 F.S.; providing and revising definitions; providing
10 that if a sanction is not imposed upon a career
11 offender, such offender is deemed to have been
12 released upon conviction; requiring a career offender
13 to report in person at the sheriff's office for
14 initial registration; revising the time of such
15 report; revising information and documentation
16 required upon initial registration; specifying that
17 information and documents are provided to the
18 Department of Law Enforcement through the sheriff's
19 office; specifying the manner in which changes to a
20 career offender's information must be reported;
21 requiring certain career offenders to report to the
22 Department of Highway Safety and Motor Vehicles and
23 obtain a driver license or identification card
24 containing a required marking within a certain period
25 of time; revising the information and documentation
26 certain career offenders must provide to the
27 Department of Highway Safety and Motor Vehicles when
28 reporting; requiring a career offender to report
29 changes to any information provided upon initial

Page 1 of 47

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33-00689D-26

20261332

30 registration within certain periods of time; requiring
31 the custodian of a jail to notify the Department of
32 Law Enforcement within a certain period of time if
33 such custodian has a career offender in his or her
34 custody and upon release of such offender; requiring
35 such custodian to take a digitized photograph of the
36 career offender and provide it to the Department of
37 Law Enforcement; requiring the custodian to notify the
38 Department of Law Enforcement if a career offender
39 escapes or dies; specifying the procedure for a career
40 offender to establish a residence after initial
41 registration; requiring the Department of Highway
42 Safety and Motor Vehicles to forward photographs and
43 certain information to the Department of Law
44 Enforcement and the Department of Corrections;
45 authorizing the Department of Highway Safety and Motor
46 Vehicles to release certain images to the Department
47 of Law Enforcement for purposes of public
48 notification; requiring that certain career offenders
49 report changes to certain information to the sheriff's
50 office within a certain period of time; requiring a
51 career offender to report an in-state travel residence
52 within a certain period of time; requiring a career
53 offender who vacates a residence and does not
54 establish another residence to report certain
55 information in person within a certain period of time;
56 requiring a career offender who remains at an address
57 that such offender previously reported he or she was
58 vacating to report such information in person within a

Page 2 of 47

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33-00689D-26

20261332

59 certain period of time; requiring the sheriff's office
 60 to report such information to the Department of Law
 61 Enforcement; removing a provision relating to the
 62 registration of a career offender at an office of the
 63 Department of Law Enforcement; revising procedures for
 64 establishing a residence outside this state; requiring
 65 a career offender to report previously unknown travel
 66 in person to the sheriff's office as soon as possible
 67 before departure; revising the entities to which the
 68 career offender must provide certain residence
 69 information; requiring annual reregistration of career
 70 offenders during a certain month; specifying
 71 information that a career offender must provide upon
 72 reregistration; requiring the sheriff's office to
 73 electronically submit to and update with the
 74 Department of Law Enforcement such information within
 75 a specified timeframe; requiring certain governmental
 76 entities to verify certain career offender information
 77 at least once per year; requiring local law
 78 enforcement agencies to report to the Department of
 79 Law Enforcement failure by a career offender to comply
 80 with registration requirements; providing that certain
 81 career offenders shall be considered for removal of
 82 registration requirements in certain circumstances;
 83 revising the location in which a career offender may
 84 petition for such removal; requiring notice to the
 85 Department of Law Enforcement of such petition within
 86 a certain time period; authorizing the Department of
 87 Law Enforcement to present evidence in opposition to

Page 3 of 47

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33-00689D-26

20261332

88 removal; revising the circumstances in which a sheriff
 89 or chief of police may notify the community of the
 90 presence of a career offender; prohibiting the
 91 Department of Law Enforcement from publicly displaying
 92 information about a vehicle owned by a person who is
 93 not required to register as a career offender;
 94 revising the manner in which career offender addresses
 95 are verified and reported by law enforcement agencies;
 96 expanding circumstances under which a failure to
 97 report can result in a criminal offense; providing
 98 that a career offender commits a separate offense for
 99 each failure to register or report a piece of
 100 information; expanding the jurisdictions in which a
 101 career offender may be prosecuted for an act or
 102 omission; specifying what events constitute actual
 103 notice of the duty to register; providing that the
 104 failure to immediately register upon the occurrence of
 105 such events is grounds for a subsequent charge of
 106 failure to register; restricting a career offender
 107 from claiming a lack of notice as a defense in certain
 108 circumstances; enhancing the penalty for assisting in
 109 career offender noncompliance; amending s. 944.608,
 110 F.S.; defining terms; requiring certain career
 111 offenders under the supervision of the Department of
 112 Corrections to provide certain information after
 113 sentencing; requiring the Department of Corrections to
 114 report to the Department of Law Enforcement any
 115 failure of a career offender to comply with
 116 registration requirements; requiring a career offender

Page 4 of 47

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33-00689D-26

20261332

117 to report to the sheriff's office any vehicle changes
 118 within a certain period of time; revising the
 119 information the Department of Corrections is required
 120 to provide to the Department of Law Enforcement
 121 relating to career offenders; requiring the custodian
 122 of a jail to notify the Department of Law Enforcement
 123 within a certain period of time if such custodian has
 124 a career offender in his or her custody and upon
 125 release of such offender; requiring such custodian to
 126 take a digitized photograph of the career offender and
 127 provide it to the Department of Law Enforcement;
 128 providing that a federal agency responsible for
 129 supervising a career offender may forward certain
 130 information about the offender to the Department of
 131 Law Enforcement; providing that such federal agency
 132 may indicate whether use of the information is
 133 restricted to law enforcement purposes only or may be
 134 used for purposes of public notification; requiring a
 135 certain driver license or identification marking for a
 136 career offender who is under supervision but is not
 137 incarcerated; expanding the jurisdictions in which a
 138 career offender may be prosecuted for an act or
 139 omission; specifying what events constitute actual
 140 notice of the duty to register; providing that the
 141 failure to immediately register upon the occurrence of
 142 such events is grounds for a subsequent charge of
 143 failure to register; restricting a career offender
 144 from claiming a lack of notice as a defense in certain
 145 circumstances; creating offenses and penalties for

33-00689D-26

20261332

146 assisting in career offender noncompliance with
 147 provisions relating to notification to the Department
 148 of Law Enforcement; specifying that such offenses and
 149 penalties do not apply if a career offender is
 150 incarcerated in or is in the custody of certain
 151 facilities; requiring annual reregistration of career
 152 offenders during a certain month; specifying
 153 information that a career offender must provide upon
 154 reregistration; providing penalties; requiring the
 155 sheriff's office to electronically submit to and
 156 update with the Department of Law Enforcement such
 157 information within a specified timeframe; amending s.
 158 944.609, F.S.; defining terms; providing legislative
 159 findings; specifying information the Department of
 160 Corrections must provide upon release of a career
 161 offender within a certain period of time; requiring
 162 the Department of Corrections or any law enforcement
 163 agency to notify the community of the presence of a
 164 sexual predator in the community when a career
 165 offender who is also designated as a sexual predator
 166 is in such community; providing an effective date.
 167
 168 Be It Enacted by the Legislature of the State of Florida:
 169
 170 Section 1. Subsections (3) and (4) of section 322.141,
 171 Florida Statutes, are amended to read:
 172 322.141 Color or markings of certain licenses or
 173 identification cards.—
 174 (3) All licenses for the operation of motor vehicles or

33-00689D-26

20261332

identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction, or who are designated as career offenders under s. 775.261 or s. 944.608, shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking "SEXUAL PREDATOR."

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking "943.0435, F.S."

(c) For a person designated as a career offender under s. 775.261 or s. 944.608, the marking "775.261, F.S."

(4) (a) Unless previously secured or updated, each sexual offender and sexual predator shall report to the department during the month of his or her reregistration as required under s. 775.21(8), s. 943.0435(14), or s. 944.607(13) in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

(b) Unless previously secured or updated as required by subsection (3), each career offender shall report to the department during the month of his or her birth in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

Section 2. Section 775.261, Florida Statutes, is amended to

33-00689D-26

20261332

read:

775.261 The Florida Career Offender Registration Act.—

(1) SHORT TITLE.—This section may be cited as "The Florida Career Offender Registration Act."

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

(a) "Career offender" means any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(b) "Chief of police" means the chief law enforcement officer of a municipality.

(c) "Community" means any county where the career offender lives or otherwise establishes or maintains a permanent, temporary, or transient ~~permanent~~ residence.

(d) "Department" means the Department of Law Enforcement.

(e) "Entering the county" includes being discharged from a correctional facility, jail, or secure treatment facility within the county or being under supervision within the county with a career-offender designation as specified in paragraph (a).

(f) "Permanent residence" means a place where the career offender abides, lodges, or resides for 3 ~~14~~ or more consecutive days that is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence under this paragraph, the first day that a career offender abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(g) "Professional license" means the document of authorization or certification issued by an agency of this state

33-00689D-26

20261332

for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business.

~~(h) 1. (g)~~ "Temporary residence" means:

1. a place where the career offender abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for 3 a period of 14 or more days in the aggregate during any calendar year that and which is not the person's career offender's permanent or transient residence. The term includes an in-state travel residence. ~~address.~~

2. For a career offender whose permanent residence is not in this state, the term also includes a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state. For the purpose of calculating a temporary residence under this paragraph, the first day that a career offender abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day. ~~or~~

2. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

~~3. A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender's permanent residence, including any out-of-state address.~~

(i) "Transient residence" means a county where the career

33-00689D-26

20261332

offender lives, remains, or is located for the purpose of abiding, lodging, or residing for a period of 3 or more days in the aggregate during a calendar year that is not the person's permanent or temporary residence. The term includes, but is not limited to, a place where the career offender sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a day under this paragraph, the first day that a career offender lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(j) "Vehicles owned" means any motor vehicle as defined in s. 320.01 which is registered, coregistered, leased, titled, or rented by a career offender; a rented vehicle that a career offender is authorized to drive; or a vehicle for which a career offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01 which is registered, coregistered, leased, titled, or rented by a person or persons residing at a career offender's permanent residence for 5 or more consecutive days.

(3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

(a) A career offender released on or after July 1, 2002, from a sanction imposed in this state must register as required under this section subsection (4) and is subject to community and public notification as provided under subsection ~~(11)~~ (5). If no sanction is imposed, the person is deemed to be released upon conviction. For purposes of this section, a sanction imposed in this state means includes, but is not limited to, a fine, probation, community control, parole, conditional release,

33-00689D-26

20261332

control release, or incarceration in a state prison, federal
prison, contractor-operated correctional facility, or local
 detention facility, and:

1. The career offender has not received a pardon for any
 felony or other qualified offense that is necessary for the
 operation of this paragraph; or

2. A conviction of a felony or other qualified offense
 necessary to the operation of this paragraph has not been set
 aside in any postconviction proceeding.

(b) This section does not apply to any person who has been
 designated as a sexual predator and who is required to register
 under s. 775.21 or who is required to register as a sexual
 offender under s. 943.0435 or s. 944.607. However, if a person
 is no longer required to register as a sexual predator under s.
 775.21 or as a sexual offender under s. 943.0435 or s. 944.607,
 the person must register as a career offender under this section
 if the person is otherwise designated as a career offender as
 provided in this section.

(c) A person subject to registration as a career offender
 is not subject to registration as a convicted felon under s.
 775.13. However, if the person is no longer required to register
 as a career offender under this section, the person must
 register under s. 775.13 if required to do so under that
 section.

(d) If a career offender is not sentenced to a term of
 imprisonment, the clerk of the court shall ensure that the
 career offender's fingerprints are taken and forwarded to the
 department within 48 hours after the court renders its finding
 that an offender is a career offender. The fingerprints shall be

33-00689D-26

20261332

clearly marked, "Career Offender Registration."

(4) INITIAL REGISTRATION.—Upon initial registration, a
career offender shall:

(a) ~~Report in person at A career offender must register~~
~~with the department by providing the following information to~~
~~the department, or to the sheriff's office:~~

1. In the county in which the career offender establishes
 or maintains a permanent, ~~or~~ temporary, or transient residence,
 within 48 hours ~~2 working days~~ after:

a. Establishing a permanent, ~~or~~ temporary, or transient
 residence in this state; or

b. ~~Within 2 working days after~~ Being released from the
 custody, control, or supervision of the Department of
 Corrections or from the custody of a contractor-operated
 correctional facility or local detention facility; or

2. In the county where he or she was convicted within 48
 hours after being convicted for a qualifying offense for
 registration under this section if the offender is not in the
 custody or control of, or under the supervision of, the
 Department of Corrections, or is not in the custody of a
 contractor-operated correctional facility or local detention
 facility.

(b)1. Provide his or her name; social security number;
~~age;~~ ~~race;~~ ~~sex;~~ ~~gender;~~ date of birth; height; weight; hair
and eye color; tattoos or other identifying marks; fingerprints;
palm prints; photograph; employment information, including
occupation, business name, employment address, and telephone
number; address of permanent or legal residence and address of
 any current temporary residence, within the state or out of

33-00689D-26

20261332

349 state, including a rural route address and ~~or~~ a post office box;
 350 if he or she has no permanent or temporary address, any
 351 transient residence within this state; address, location or
 352 description, and dates of any current or known future temporary
 353 residence within this state or out of state; the make, model,
 354 color, vehicle identification number (VIN), and license tag
 355 number of all vehicles owned; all home telephone numbers and
 356 cellular telephone numbers; ~~date and place of any employment,~~
 357 ~~date and place of each conviction;~~ ~~fingerprints,~~ and a brief
 358 description of the crime or crimes committed by the career
 359 offender. A ~~career offender may not provide~~ a post office box
 360 may not be provided in lieu of a physical residential address.
 361 The career offender shall also produce his or her passport, if
 362 he or she has a passport, and, if he or she is an alien, shall
 363 produce or provide information about documents establishing his
 364 or her immigration status. The career offender shall also
 365 provide information about any professional licenses he or she
 366 has.

367 2. If the career offender's place of residence is a motor
 368 vehicle, trailer, mobile home, or manufactured home, as those
 369 terms are defined in chapter 320, the career offender shall also
 370 provide to the department through the sheriff's office written
 371 notice of the vehicle identification number (VIN); the license
 372 tag number; the registration number; and a description,
 373 including color scheme, of the motor vehicle, trailer, mobile
 374 home, or manufactured home. If a career offender's place of
 375 residence is a vessel, live-aboard vessel, or houseboat, as
 376 those terms are defined in chapter 327, the career offender
 377 shall also provide to the department through the sheriff's

33-00689D-26

20261332

378 office written notice of the hull identification number; the
 379 manufacturer's serial number; the name of the vessel, live-
 380 aboard vessel, or houseboat; the registration number of the
 381 vessel, live-aboard vessel, or houseboat; and a description,
 382 including color scheme, of the vessel, live-aboard vessel, or
 383 houseboat.

384 3. Any change in any of the information required to be
 385 provided pursuant to this paragraph, including, but not limited
 386 to, any change in the career offender's permanent, temporary, or
 387 transient residence; name; home telephone numbers and cellular
 388 telephone numbers; employment information; and vehicles owned
 389 after the career offender reports in person at the sheriff's
 390 office must be reported in the manner provided in subsections
 391 (5)-(8).

392 (c) 2- Provide any other information determined necessary by
 393 the department, including criminal and corrections records;
 394 nonprivileged personnel and treatment records; and evidentiary
 395 genetic markers, when available. When

396 ~~(b)~~ If a career offender registers with the sheriff's
 397 office, the sheriff shall take a photograph, ~~and~~ a set of
 398 fingerprints, and palm prints of the career offender and forward
 399 the photographs, ~~and~~ fingerprints, and palm prints to the
 400 department, along with the information that the career offender
 401 is required to provide pursuant to this section. The sheriff
 402 shall promptly provide to the department the information
 403 received from the career offender.

404 (d) (c) Within 48 hours ~~2 working days~~ after the report
 405 registration required under this subsection ~~paragraph (a)~~, a
 406 career offender who is not incarcerated and who resides in the

33-00689D-26

20261332

community, including a career offender under the supervision of the Department of Corrections pursuant to s. 944.608, shall report register in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with s. 322.141(3) was previously secured or updated under s. 944.608 and shall present proof of registration. At the driver license office, the career offender shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The career offender shall identify himself or herself as a career offender who is required to comply with this section and shall provide proof that the career offender reported as required in this subsection. The career offender shall provide any of the information specified in this subsection, if requested. The career offender shall submit to the taking of a photograph for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of career offenders, provide his or her place of permanent or temporary residence, including a rural route address or a post office box, and submit to the taking of a photograph for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of career offenders. The career offender may not provide a post office box in lieu of a physical residential address. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the career offender shall also provide to the Department of Highway Safety and Motor Vehicles

33-00689D-26

20261332

~~the vehicle identification number; the license tag number; the motor vehicle registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a career offender's place of residence is a vessel, live aboard vessel, or houseboat, as defined in chapter 327, the career offender shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live aboard vessel, or houseboat.~~

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must be in compliance with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the career offender, including a set of fingerprints.

(5) MAINTAINING REGISTRATION.-

(a)(d) Each time a career offender's driver license or identification card is subject to renewal, and, without regard to the status of the career offender's driver license or identification card, within 48 hours ~~2 working days~~ after any change of the career offender's residence or change in the career offender's name by reason of marriage or other legal process, the career offender must report in person to a driver license office, and shall be subject to the requirements specified in paragraph (4)(d) ~~(e)~~. The Department of Highway

33-00689D-26

20261332

Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by career offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the department for purposes of public notification of career offenders as provided in this section and ss. 775.26 and 944.609. A career offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (4)(d) and this subsection shall report any change in the career offender's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the career offender resides or is located. The reporting requirements under this paragraph do not negate the requirement for a career offender to obtain a Florida driver license or an identification card as required in this section.

(b) A career offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(c) A career offender shall register all changes to his or her home telephone numbers and cellular telephone numbers, including added and deleted numbers, and all changes to employment information, including the creation of a new business if self-employed, in person at the sheriff's office, or in person at the Department of Corrections if the career offender is in the custody or control, or under the supervision, of the Department of Corrections. All changes required to be reported

33-00689D-26

20261332

under this paragraph must be reported within 48 hours after the change.

(d) If the career offender is in the custody of a local jail, the custodian of the local jail shall notify the department within 3 business days after intake of the career offender for any reason and upon release. The custodian of the local jail shall also take a digitized photograph of the career offender while the career offender remains in custody and shall provide the digitized photograph to the department. The custodian shall notify the department if the career offender escapes from custody or dies.

(6) ESTABLISHING A RESIDENCE WITHIN THIS STATE AFTER INITIAL REGISTRATION.-

(a) Each time a career offender's driver license or identification card is subject to renewal, and, without regard to the status of the career offender's driver license or identification card, within 48 hours after any change in the career offender's permanent, temporary, or transient residence, the career offender must report in person to a driver license office and shall be subject to the requirements specified in paragraph (4)(d). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by career offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the department for purposes of public notification of career offenders as provided in this section and ss. 775.26 and 944.609. A career offender who is unable to

33-00689D-26

20261332

523 secure or update a driver license or an identification card with
 524 the Department of Highway Safety and Motor Vehicles as provided
 525 in paragraph (4)(d) and this subsection shall report any change
 526 in the career offender's permanent, temporary, or transient
 527 residence within 48 hours after the change in person to the
 528 sheriff's office in the county where the career offender resides
 529 or is located. The reporting requirements under this paragraph
 530 do not negate the requirement for a career offender to obtain a
 531 Florida driver license or an identification card as required in
 532 this section. This paragraph does not apply to an in-state
 533 travel residence.

534 (b) A career offender shall report an in-state travel
 535 residence within 48 hours after establishing the residence. The
 536 report shall be made in person at the sheriff's office in the
 537 county in which the career offender is located, or in person at
 538 the Department of Corrections if the career offender is in the
 539 custody or control, or under the supervision of, the Department
 540 of Corrections.

541 (c) A career offender who vacates a permanent, temporary,
 542 or transient residence and fails to establish or maintain
 543 another permanent, temporary, or transient residence shall,
 544 within 48 hours after vacating the permanent, temporary, or
 545 transient residence, report in person to the sheriff's office of
 546 the county in which he or she is located. The career offender
 547 shall specify the date upon which he or she intends to or did
 548 vacate such residence. The career offender must provide or
 549 update all of the registration information required under
 550 paragraph (4)(b). The career offender must provide an address
 551 for the residence or other place where he or she is or will be

33-00689D-26

20261332

552 located during the time in which he or she fails to establish or
 553 maintain a permanent, temporary, or transient residence.

554 (d) A career offender who remains at a permanent,
 555 temporary, or transient residence after reporting his or her
 556 intent to vacate such residence shall, within 48 hours after the
 557 date upon which the career offender indicated he or she would or
 558 did vacate such residence, report in person to the agency to
 559 which he or she reported pursuant to paragraph (c) for the
 560 purpose of reporting his or her address at such residence. When
 561 the sheriff receives the report, the sheriff shall promptly
 562 provide the information to the department. An offender who makes
 563 a report as required under paragraph (c) but fails to make a
 564 report as required under this paragraph commits a felony of the
 565 second degree, punishable as provided in s. 775.082, s. 775.083,
 566 or s. 775.084.

567 (7) ESTABLISHING A NON-FLORIDA RESIDENCE.-

568 ~~(e) If the career offender registers at an office of the~~
 569 ~~department, the department must notify the sheriff and, if~~
 570 ~~applicable, the police chief of the municipality, where the~~
 571 ~~career offender maintains a residence within 48 hours after the~~
 572 ~~career offender registers with the department.~~

573 (a)-(f) A career offender who intends to establish a
 574 permanent, temporary, or transient residence in another state or
 575 jurisdiction other than the State of Florida shall report in
 576 person to the sheriff of the county of current residence at
 577 least 48 hours or the department within 2 working days before
 578 the date he or she intends to leave this state to establish
 579 residence in another state or jurisdiction other than the State
 580 of Florida. Any travel that is not known by the career offender

33-00689D-26

20261332

581 48 hours before he or she intends to establish a residence in
 582 another state or jurisdiction must be reported in person to the
 583 sheriff's office as soon as possible before departure. If the
 584 career offender is under the supervision of the Department of
 585 Corrections, the career offender shall notify the supervising
 586 probation officer of his or her intent to transfer supervision,
 587 satisfy all transfer requirements pursuant to the Interstate
 588 Compact for Supervision of Adult Offenders, as provided in s.
 589 949.07, and abide by the decision of the receiving jurisdiction
 590 to accept or deny transfer. The career offender must provide to
 591 the sheriff ~~or department~~ the address, municipality, county, and
 592 state or jurisdiction of intended residence. The sheriff shall
 593 promptly provide to the department the information received from
 594 the career offender. The failure of a career offender to provide
 595 his or her intended place of residence is punishable as provided
 596 in subsection (13) ~~(8)~~.

597 (b)(g) A career offender who indicates his or her intent to
 598 establish a permanent, temporary, or transient residence ~~reside~~
 599 in another a state or jurisdiction other than the State of
 600 Florida and later decides to remain in this state shall, within
 601 48 hours 2-working-days after the date upon which the career
 602 offender indicated he or she would leave this state, report in
 603 person to the sheriff's office ~~sheriff or the department,~~
 604 ~~whichever agency is the agency~~ to which the career offender
 605 reported the intended change of permanent, temporary, or
 606 transient residence and report, ~~of~~ his or her intent to remain
 607 in this state. ~~If the sheriff is notified by the career offender~~
 608 ~~that he or she intends to remain in this state,~~ The sheriff
 609 shall promptly report this information to the department. A

33-00689D-26

20261332

610 career offender who reports his or her intent to establish a
 611 permanent, temporary, or transient residence ~~reside~~ in another a
 612 state or jurisdiction other than the State of Florida, but who
 613 remains in this state without reporting to the sheriff ~~or the~~
 614 ~~department~~ in the manner required by this paragraph, commits a
 615 felony of the second degree, punishable as provided in s.
 616 775.082, s. 775.083, or s. 775.084.

617 (8) ANNUAL REREGISTRATION REQUIREMENT.—

618 (a) A career offender must report in person each year
 619 during the month of the career offender's birthday to the
 620 sheriff's office in the county in which he or she maintains a
 621 permanent, temporary, or transient residence or is otherwise
 622 located to reregister.

623 (b) The sheriff's office may determine the appropriate
 624 times and days for reporting by the career offender, which must
 625 be consistent with the reporting requirements of this
 626 subsection. Reregistration must include any changes to the
 627 following information:

628 1. Name; social security number; race; sex; date of birth;
 629 height; weight; hair and eye color; tattoos or other identifying
 630 marks; fingerprints; palm prints; photograph; employment
 631 information, including occupation, business name, employment
 632 address, and telephone number; address of permanent residence
 633 and address of any current temporary residence, within the state
 634 or out of state, including a rural route address and a post
 635 office box; if he or she has no permanent or temporary address,
 636 any transient residence within this state; address, location or
 637 description, and dates of any current or known future temporary
 638 residence within the state or out of state; the make, model,

33-00689D-26

20261332

color, vehicle identification number (VIN), and license tag number of all vehicles owned; and all home telephone numbers and cellular telephone numbers. A post office box may not be provided in lieu of a physical residential address. The career offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The career offender shall also provide information about any professional licenses he or she has.

2. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the career offender shall also provide the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the career offender's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the career offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(c) The sheriff's office shall electronically submit to and update with the department, in a manner prescribed by the department, all such information provided by the career offender within 2 business days after the career offender provides it to the sheriff's office.

(9) VERIFICATION.—County and local law enforcement

33-00689D-26

20261332

agencies, in conjunction with the department, shall verify the addresses of career offenders who are not under the care, custody, control, or supervision of the Department of Corrections at least one time per calendar year, and may verify the addresses of career offenders who are under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a career offender to comply with registration requirements.

~~(h)1.~~ The department shall maintain online computer access to the current information regarding each registered career offender. The department must maintain hotline access so that state, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

2. The department's career offender registration list, containing the information described in subparagraph (a)1., is a public record. The department may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. When the department provides information regarding a career offender to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a career offender cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a career offender to facilitate the

33-00689D-26

20261332

697 ~~commission of a crime.~~

698 ~~3. The department shall adopt guidelines as necessary~~
 699 ~~regarding the registration of a career offender and the~~
 700 ~~dissemination of information regarding a career offender as~~
 701 ~~required by this section.~~

702 ~~(10)(i)~~ RELIEF FROM REGISTRATION.—A career offender must
 703 maintain registration with the department for the duration of
 704 his or her life, unless the career offender has received a full
 705 pardon or has had a conviction set aside in a postconviction
 706 proceeding for any offense or offenses that ~~meet~~ meets the
 707 criteria for classifying the person as a career offender for
 708 purposes of registration. However, a ~~registered~~ career offender
 709 shall be considered for removal of the requirement to register
 710 as a career offender only if he or she ~~who~~ has been lawfully
 711 released from confinement, supervision, or sanction, whichever
 712 is later, for at least 20 years and has not been arrested for
 713 any felony or misdemeanor offense since release.

714 (a) If the career offender meets the criteria in this
 715 subsection, the career offender may, for the purpose of removing
 716 the requirement for registration as a career offender, petition
 717 the criminal division of the circuit court of the circuit in
 718 which the ~~registered~~ career offender designation initially
 719 occurred ~~resides~~ for the purpose of removing the requirement for
 720 registration as a career offender.

721 (b) The court may grant or deny such relief if the
 722 ~~registered~~ career offender demonstrates to the court that he or
 723 she has not been arrested for any crime since release and the
 724 court is otherwise satisfied that the ~~registered~~ career offender
 725 is not a current or potential threat to public safety. The

33-00689D-26

20261332

726 department and the state attorney in the circuit in which the
 727 petition is filed must be given notice of the petition at least
 728 3 weeks before the hearing on the matter. The department and the
 729 state attorney may present evidence in opposition to the
 730 requested relief or may otherwise demonstrate the reasons why
 731 the petition should be denied. If the court denies the petition,
 732 the court may set a future date at which the ~~registered~~ career
 733 offender may again petition the court for relief, subject to the
 734 standards for relief provided in this subsection ~~paragraph~~.

735 (c) The department shall remove a person from
 736 classification as a career offender for purposes of registration
 737 if the person provides to the department a certified copy of the
 738 court's written findings or order that indicates that the person
 739 is no longer required to comply with the requirements for
 740 registration as a career offender.

741 ~~(11)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.—

742 (a) Law enforcement agencies may inform the community and
 743 the public of the presence of a career offender in the
 744 community. Upon notification of the presence of a career
 745 offender, the sheriff of the county or the chief of police of
 746 the municipality where the career offender establishes or
 747 maintains a permanent, ~~or~~ temporary, or transient residence may
 748 notify the community and the public of the presence of the
 749 career offender in a manner deemed appropriate by the sheriff or
 750 the chief of police.

751 (b) The sheriff or the police chief may coordinate the
 752 community and public notification efforts with the department.
 753 Statewide notification to the public is authorized, as deemed
 754 appropriate by local law enforcement personnel and the

33-00689D-26

20261332

755 department.

756 (c)1. The department is responsible for the online
 757 maintenance of the current information regarding each career
 758 offender. The department must maintain hotline access for state,
 759 local, and federal law enforcement agencies to obtain
 760 instantaneous locator file and criminal characteristics
 761 information on release and registration of career offenders for
 762 the purposes of monitoring, tracking, and prosecution. The
 763 photograph and fingerprints need not be stored in a computerized
 764 format.

765 2. The department's career offender registration list is a
 766 public record. The department may disseminate this public
 767 information by any means deemed appropriate, including operating
 768 a toll-free telephone number for this purpose. When the
 769 department provides information regarding a career offender to
 770 the public, department personnel must advise the person making
 771 the inquiry that positive identification of a person believed to
 772 be a career offender cannot be established unless a fingerprint
 773 comparison is made, and that it is illegal to use public
 774 information regarding a career offender to facilitate the
 775 commission of a crime.

776 3. The department shall adopt guidelines as necessary
 777 regarding the registration of a career offender and the
 778 dissemination of information regarding a career offender as
 779 required by this section. However, the department may not
 780 display on or disseminate through the Internet public registry
 781 maintained by the department any information regarding a vehicle
 782 that is owned by a person who is not required to register as a
 783 career offender.

33-00689D-26

20261332

784 ~~(6) VERIFICATION. The department and the Department of~~
 785 ~~Corrections shall implement a system for verifying the addresses~~
 786 ~~of career offenders. The sheriff of each county shall annually~~
 787 ~~verify the addresses of career offenders who are not under the~~
 788 ~~care, custody, control, or supervision of the Department of~~
 789 ~~Corrections. The sheriff shall promptly provide the address~~
 790 ~~verification information to the department in an electronic~~
 791 ~~format. The address verification information must include the~~
 792 ~~verifying person's name, agency, and phone number, the date of~~
 793 ~~verification, and the method of verification, and must specify~~
 794 ~~whether the address information was verified as correct,~~
 795 ~~incorrect, or unconfirmed.~~

796 (12)(7) IMMUNITY. The department, the Department of Highway
 797 Safety and Motor Vehicles, the Department of Corrections, any
 798 law enforcement agency in this state, and the personnel of those
 799 departments; an elected or appointed official, public employee,
 800 or school administrator; or an employee, agency, or any
 801 individual or entity acting at the request or upon the direction
 802 of any law enforcement agency is immune from civil liability for
 803 damages for good faith compliance with the requirements of this
 804 section or for the release of information under this section and
 805 shall be presumed to have acted in good faith in compiling,
 806 recording, reporting, or releasing the information. The
 807 presumption of good faith is not overcome if a technical or
 808 clerical error is made by the department, the Department of
 809 Highway Safety and Motor Vehicles, the Department of
 810 Corrections, the personnel of those departments, or any
 811 individual or entity acting at the request or upon the direction
 812 of any of those departments in compiling or providing

33-00689D-26

20261332

information, or if information is incomplete or incorrect because a career offender fails to report or falsely reports his or her current place of permanent, ~~or~~ temporary, or transient residence.

~~(13)(b)~~ PENALTIES.—

(a) Except as otherwise specifically provided, a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address, and telephone number of previously reported employment; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of failure to register or report

33-00689D-26

20261332

changes to the required information specified in this paragraph constitutes a separate offense.

(b) A career offender who commits any act or omission in violation of this section, s. 944.608, or s. 944.609 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the career offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender, in the county in which he or she was designated a career offender, in the county where the career offender was released from incarceration, or in the county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

(c) An arrest on charges of failure to register when the career offender has been provided and advised of his or her statutory obligations to register under this section, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A career offender's failure to register immediately as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A career offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A career offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the

33-00689D-26

20261332

871 duty to register. Registration following such arrest, service,
 872 or arraignment is not a defense and does not relieve the career
 873 offender of criminal liability for the failure to register.

874 (d) (b) Any person who misuses public records information
 875 concerning a career offender, as defined in this section, or a
 876 career offender, as defined in s. 944.608 or s. 944.609, to
 877 secure a payment from such career offender; who knowingly
 878 distributes or publishes false information concerning such a
 879 career offender which the person misrepresents as being public
 880 records information; or who materially alters public records
 881 information with the intent to misrepresent the information,
 882 including documents, summaries of public records information
 883 provided by law enforcement agencies, or public records
 884 information displayed by law enforcement agencies on websites or
 885 provided through other means of communication, commits a
 886 misdemeanor of the first degree, punishable as provided in s.
 887 775.082 or s. 775.083.

888 ~~(9) PROSECUTIONS FOR ACTS OR OMISSIONS. A career offender~~
 889 ~~who commits any act or omission in violation of this section, s.~~
 890 ~~944.608, or s. 944.609 may be prosecuted for the act or omission~~
 891 ~~in the county in which the act or omission was committed, the~~
 892 ~~county of the last registered address of the career offender,~~
 893 ~~the county in which the conviction occurred for the offense or~~
 894 ~~offenses that meet the criteria for designating a person as a~~
 895 ~~career offender, or in the county in which he or she was~~
 896 ~~designated a career offender.~~

897 (14) (10) PENALTIES FOR ASSISTING IN CAREER OFFENDER
 898 NONCOMPLIANCE. Any It is a misdemeanor of the first degree,
 899 punishable as provided in s. 775.082 or s. 775.083, for a person

33-00689D-26

20261332

900 who has reason to believe that a career offender is not
 901 complying, or has not complied, with the requirements of this
 902 section and who, with the intent to assist the career offender
 903 in eluding a law enforcement agency that is seeking to find the
 904 career offender to question the career offender about, or to
 905 arrest the career offender for, his or her noncompliance with
 906 the requirements of this section, ~~te:~~

907 (a) Withholds ~~Withhold~~ information from, or does not fail
 908 ~~te~~ notify, the law enforcement agency about the career
 909 offender's noncompliance with the requirements of this section
 910 and, if known, the whereabouts of the career offender;

911 (b) Harbors ~~Harbor~~ or attempts ~~attempt~~ to harbor, or
 912 assists ~~assist~~ another person in harboring or attempting to
 913 harbor, the career offender;

914 (c) Conceals ~~Conceal~~ or attempts ~~attempt~~ to conceal, or
 915 assists ~~assist~~ another person in concealing or attempting to
 916 conceal, the career offender; or

917 (d) Provides ~~Provide~~ information to the law enforcement
 918 agency regarding the career offender which the person knows to
 919 be false information,

920
 921 commits a felony of the third degree, punishable as provided in
 922 s. 775.082, s. 775.083, or s. 775.084.

923 Section 3. Section 944.608, Florida Statutes, is amended to
 924 read:

925 944.608 Notification to Department of Law Enforcement of
 926 information on career offenders.—

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

928 (a) "Career offender" means a person who is in the custody

33-00689D-26

20261332

or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of, a contractor-operated correctional facility, and who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(b) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.261.

(c) "Professional license" has the same meaning as provided in s. 775.261.

(d) "Vehicles owned" has the same meaning as provided in s. 775.261.

(2) If a career offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the career offender's fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the career offender. The fingerprints shall be clearly marked "Career Offender Registration."

(3) A career offender, as described in this section, who is under the supervision of the department but is not incarcerated must register with the department within 3 business days after sentencing and provide information as required by this subsection.

(a) The career offender shall provide his or her name; date of birth; ~~of birth;~~ social security number; race; ~~sex gender;~~ date of birth; height; weight; hair and eye color; tattoos or other identifying marks; employment information required to be provided pursuant to s. 775.261; and permanent or legal

33-00689D-26

20261332

residence and address of temporary residence within the state or out of state while the career offender is under supervision in this state, including any rural route address and a ~~or~~ post office box; if no permanent or temporary address, any transient residence within this state; and address, location or description, and dates of any current or known future temporary residence within this state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; and all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 775.261. The career offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The career offender shall also provide information about any professional licenses he or she has. The department shall verify the address of each career offender in the manner described in s. 775.261. The department shall report to the Department of Law Enforcement any failure by a career offender to comply with any registration requirements.

(b) A career offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(4) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any career offender and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in

33-00689D-26

20261332

the department's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

(5) The information provided to the Department of Law Enforcement must include:

(a) The information obtained from the career offender under subsection (3);

(b) The career offender's most current address and ~~place of~~ permanent, ~~and~~ temporary, ~~or transient~~ residence or residences within the state or out of state, the address, location or description, and dates of any known future temporary residence within this state or out of state while the career offender is under supervision in this state, ~~including the name of the county or municipality in which the career offender permanently or temporarily resides~~ and, if known, the intended place of permanent, ~~or~~ temporary, ~~or transient~~ residence or residences and the address, location or description, and dates of any current or known future temporary residence within this state or out of state upon satisfaction of all sanctions;

(c) The legal status of the career offender and the scheduled termination date of that legal status;

(d) The location of, and local telephone number for, any Department of Corrections' office that is responsible for supervising the career offender; and

(e) A digitized photograph of the career offender, which must have been taken within 60 days before the career offender is released from the custody of the department or a contractor-operated correctional facility or within 60 days after the onset of the department's supervision of any career offender who is on

33-00689D-26

20261332

probation, community control, conditional release, parole, provisional release, or control release. If the career offender is in the custody ~~or control of, or under the supervision of,~~ a contractor-operated correctional facility, the facility shall take a digitized photograph of the career offender within the time period provided in this paragraph and shall provide the photograph to the department.

(6) (a) The department shall notify the Department of Law Enforcement if the career offender escapes, absconds, or dies while in the custody or control of, or under the supervision of, the department.

(b) If any information provided by the department changes during the time the career offender is under the department's custody, control, or supervision, including any change in the career offender's name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (4).

(7) If the career offender is in the custody of a local jail, the custodian of the local jail shall notify the Department of Law Enforcement within 3 business days after intake of the offender for any reason and upon release, and shall forward the information to the Department of Law Enforcement. The custodian of the local jail shall also take a digitized photograph of the career offender while the career offender remains in custody and shall provide the digitized photograph to the Department of Law Enforcement.

(8) If the career offender is under federal supervision, the federal agency responsible for supervising the career

33-00689D-26

20261332

offender may forward to the Department of Law Enforcement any information regarding the career offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the Department of Law Enforcement for purposes of public notification.

~~(9)(7)~~ A career offender, as described in this section, who is under the supervision of the department but who is not incarcerated shall, in addition to the registration requirements provided in subsection (3), register and obtain a distinctive driver license or identification card in the manner provided in s. 775.261 ~~s. 775.261(4)(e)~~, unless the career offender is a sexual predator, in which case he or she shall register as required under s. 775.21, or is a sexual offender, in which case he or she shall register as required in s. 943.0435 or s. 944.607. A career offender who fails to comply with the requirements of s. 775.261 ~~s. 775.261(4)~~ is subject to the penalties provided in s. 775.261(13) ~~s. 775.261(8)~~.

~~(10)(a)(8)~~ The failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(b)~~ A career offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the career offender, in the county in which the conviction occurred

33-00689D-26

20261332

for the offense or offenses that meet the criteria for designating a person as a career offender, in the county in which he or she was designated a career offender, in the county where the career offender was released from incarceration, or in the county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

~~(c)~~ An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 775.261, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A career offender's failure to register immediately as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A career offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall register immediately as required by this section. A career offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

~~(d)~~ Registration following such arrest, service, or arraignment is not a defense and does not relieve the career offender of criminal liability for the failure to register.

~~(11)(9)~~ The department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, personnel of those departments, and any individual or entity acting at the

33-00689D-26

20261332

request or upon the direction of those departments are immune from civil liability for damages for good faith compliance with this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, personnel of those departments, or any individual or entity acting at the request or upon the direction of those departments in compiling, recording, reporting, or providing information, or, if the information is incomplete or incorrect because the information has not been provided by a person or agency required to provide the information, or because the information was not reported or was falsely reported.

(12) Any person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the career offender;

(b) Harbors or attempts to harbor, or assists another person in harboring or attempting to harbor, the career offender;

(c) Conceals or attempts to conceal, or assists another

33-00689D-26

20261332

person in concealing or attempting to conceal, the career offender; or

(d) Provides information to the law enforcement agency regarding the career offender which the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the career offender is incarcerated in or is in the custody of a state correctional facility, a contractor-operated correctional facility, a local jail, or a federal correctional facility.

(13)(a) A career offender must report in person each year during the month of the career offender's birthday to the sheriff's office in the county in which he or she maintains a permanent, temporary, or transient residence or is otherwise located to reregister.

(b) The sheriff's office may determine the appropriate times and days for reporting by the career offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; race; sex; date of birth; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph; employment information required to be provided pursuant to s. 775.261; address of permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or

33-00689D-26

20261332

1161 temporary address, any transient residence within this state;
 1162 address, location or description, and dates of any current or
 1163 known future temporary residence within the state or out of
 1164 state; the make, model, color, vehicle identification number
 1165 (VIN), and license tag number of all vehicles owned; and all
 1166 home telephone numbers and cellular telephone numbers required
 1167 to be provided pursuant to s. 775.261. A post office box may not
 1168 be provided in lieu of a physical residential address. The
 1169 career offender shall also produce his or her passport, if he or
 1170 she has a passport, and, if he or she is an alien, shall produce
 1171 or provide information about documents establishing his or her
 1172 immigration status. The career offender shall also provide
 1173 information about any professional licenses he or she has.

1174 2. If the career offender's place of residence is a motor
 1175 vehicle, trailer, mobile home, or manufactured home, as those
 1176 terms are defined in chapter 320, the career offender shall also
 1177 provide the vehicle identification number (VIN); the license tag
 1178 number; the registration number; and a description, including
 1179 color scheme, of the motor vehicle, trailer, mobile home, or
 1180 manufactured home. If the career offender's place of residence
 1181 is a vessel, live-aboard vessel, or houseboat, as those terms
 1182 are defined in chapter 327, the career offender shall also
 1183 provide the hull identification number; the manufacturer's
 1184 serial number; the name of the vessel, live-aboard vessel, or
 1185 houseboat; the registration number of the vessel, live-aboard
 1186 vessel, or houseboat; and a description, including color scheme,
 1187 of the vessel, live-aboard vessel, or houseboat.

1188 3. Any career offender who fails to report in person as
 1189 required at the sheriff's office, who fails to respond to any

33-00689D-26

20261332

1190 address verification correspondence from the department within 3
 1191 weeks after the date of the correspondence, or who knowingly
 1192 provides false registration information by act or omission
 1193 commits a felony of the third degree, punishable as provided in
 1194 s. 775.082, s. 775.083, or s. 775.084.

1195 (c) The sheriff's office shall, within 2 working days,
 1196 electronically submit and update all information provided by the
 1197 career offender to the Department of Law Enforcement in a manner
 1198 prescribed by the Department of Law Enforcement.

1199 Section 4. Section 944.609, Florida Statutes, is amended to
 1200 read:

1201 944.609 Career offenders; notification upon release.—

1202 (1) As used in this section, the term:

1203 (a) "Career offender" means a person who is in the custody
 1204 or control of, or under the supervision of, the department or is
 1205 in the custody or control of, or under the supervision of a
 1206 contractor-operated correctional facility, who is designated as
 1207 a habitual violent felony offender, a violent career criminal,
 1208 or a three-time violent felony offender under s. 775.084 or as a
 1209 prison releasee reoffender under s. 775.082(9).

1210 (b) "Permanent residence," "temporary residence," and
 1211 "transient residence" have the same meaning as provided in s.
 1212 775.261.

1213 (c) "Professional license" has the same meaning as provided
 1214 in s. 775.261.

1215 (d) "Vehicles owned" has the same meaning as provided in s.
 1216 775.261.

1217 (2) The Legislature finds that certain career offenders, by
 1218 virtue of their histories of offenses, present a threat to the

33-00689D-26

20261332

1219 public and to communities. Career offenders have a reduced
 1220 expectation of privacy because of the public's interest in
 1221 public safety and in the effective operation of government. The
 1222 Legislature finds that requiring these career offenders to
 1223 register for the purpose of tracking the career offenders and
 1224 providing for notifying the public and a community of the
 1225 presence of a career offender are important aids to law
 1226 enforcement agencies, the public, and communities if the career
 1227 offender engages again in criminal conduct. Registration is
 1228 intended to aid law enforcement agencies in timely apprehending
 1229 a career offender. Registration is not a punishment, but merely
 1230 a status. Notification to the public and communities of the
 1231 presence of a career offender aids the public and communities in
 1232 avoiding being victimized by the career offender. The
 1233 Legislature intends to require the registration of career
 1234 offenders and to authorize law enforcement agencies to notify
 1235 the public and communities of the presence of a career offender.

1236 (3) (a) The department must provide information regarding
 1237 any career offender who is being released after serving a period
 1238 of incarceration for any offense, as follows:

1239 1. The department must provide the career offender's name,
 1240 any change in the career offender's name by reason of marriage
 1241 or other legal process, and any alias, if known; the
 1242 correctional facility from which the career offender is
 1243 released; the career offender's social security number, race,
 1244 ~~sex~~ gender, date of birth, height, weight, and hair and eye
 1245 color; tattoos or other identifying marks; address of any
 1246 planned permanent residence or temporary residence, within this
 1247 state or out of state, including a rural route address and a

33-00689D-26

20261332

1248 post office box; if no permanent or temporary address, any
 1249 transient residence within this state; address, location or
 1250 description, and dates of any current or known future temporary
 1251 residence within this state or out of state; date and county of
 1252 sentence and each crime for which the career offender was
 1253 sentenced; a copy of the career offender's fingerprints, palm
 1254 prints, and a digitized photograph taken within 60 days before
 1255 release; the date of release of the career offender; employment
 1256 information, if known, required to be provided pursuant to s.
 1257 775.261; all home telephone numbers and cellular telephone
 1258 numbers required to be provided pursuant to s. 775.261;
 1259 information about any professional licenses the career offender
 1260 has, if known; and passport information, if he or she has a
 1261 passport, and, if he or she is an alien, information about the
 1262 documents establishing his or her immigration status and the
 1263 career offender's intended residence address, if known. The
 1264 department shall notify the Department of Law Enforcement if the
 1265 career offender escapes, absconds, or dies. If the career
 1266 offender is in the custody of a contractor-operated correctional
 1267 facility, the facility shall take the digitized photograph of
 1268 the career offender within 60 days before the career offender's
 1269 release and provide this photograph to the Department of
 1270 Corrections and also place it in the career offender's file. If
 1271 the career offender is in the custody of a local jail, the
 1272 custodian of the local jail shall notify the Department of Law
 1273 Enforcement within 3 business days after intake of the offender
 1274 for any reason and upon ~~of the career offender's~~ release, and
 1275 provide to the Department of Law Enforcement the information
 1276 specified in this paragraph and any information specified in

33-00689D-26

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1277 subparagraph 2. which the Department of Law Enforcement
1278 requests.

1279 2. The department may provide any other information deemed
1280 necessary, including criminal and corrections records and
1281 nonprivileged personnel and treatment records, when available.

1282 (b) The department must provide the information described
1283 in subparagraph (a)1. to:

1284 1. The sheriff of the county where the career offender was
1285 sentenced;

1286 2. The sheriff of the county and, if applicable, the police
1287 chief of the municipality, where the career offender plans to
1288 reside;

1289 3. The Department of Law Enforcement;

1290 4. When requested, the victim of the offense, the victim's
1291 parent or legal guardian if the victim is a minor, the lawful
1292 representative of the victim or of the victim's parent or
1293 guardian if the victim is a minor, or the next of kin if the
1294 victim is a homicide victim; and

1295 5. Any person who requests such information,

1296
1297 either within 6 months prior to the anticipated release of a
1298 career offender or as soon as possible if a career offender is
1299 released earlier than anticipated. All such information provided
1300 to the Department of Law Enforcement must be available
1301 electronically as soon as the information is in the agency's
1302 database and must be in a format that is compatible with the
1303 requirements of the Florida Crime Information Center.

1304 (c) Upon request, the department must provide the
1305 information described in subparagraph (a)2. to:

33-00689D-26

20261332__

1306 1. The sheriff of the county where the career offender was
1307 sentenced; and

1308 2. The sheriff of the county and, if applicable, the police
1309 chief of the municipality, where the career offender plans to
1310 reside,

1311
1312 either within 6 months prior to the anticipated release of a
1313 career offender or as soon as possible if a career offender is
1314 released earlier than anticipated.

1315 (d) Upon receiving information regarding a career offender
1316 from the department, the Department of Law Enforcement, the
1317 sheriff, or the chief of police shall provide the information
1318 described in subparagraph (a)1. to any individual who requests
1319 such information and may release the information to the public
1320 in any manner deemed appropriate, unless the information is
1321 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of
1322 the State Constitution.

1323 (4) This section authorizes the department or any law
1324 enforcement agency to ~~may~~ notify the community and the public of
1325 a career offender's presence in the community. However, with
1326 respect to a career offender who has been found to be a sexual
1327 predator under s. 775.21, the Department of Law Enforcement or
1328 any other law enforcement agency must inform the community and
1329 the public of the sexual predator's ~~career offender's~~ presence
1330 in the community, as provided in s. 775.21.

1331 (5) An elected or appointed official, public employee,
1332 school administrator or employee, or agency, or any individual
1333 or entity acting at the request or upon the direction of any law
1334 enforcement agency, is immune from civil liability for damages

33-00689D-26

20261332

1335 resulting from the good faith compliance with the requirements
1336 of this section or the release of information under this
1337 section.

1338 Section 5. This act shall take effect October 1, 2026.

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 1332

INTRODUCER: Senator Martin

SUBJECT: Career Offender Registration

DATE: February 17, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Favorable
2.	Kolich	Harkness	ACJ	Pre-meeting
3.			FP	

I. Summary:

SB 1332 amends ss. 775.261, 944.608, and 944.609, F.S., to make changes to registration requirements for career offenders. Many of the changes to these sections increase registration requirements, and create similar requirements contained in the sexual predator and sexual offender registry. The bill, in part:

- Requires initial registration in person at the sheriff's office within 48 hours of establishing a residence or release.
- Expands the list of required information to include addresses, phone numbers, employment, vehicles, professional licenses, and immigration status.
- Requires annual reregistration during the offender's birth month at the sheriff's office.
- Redefines "permanent residence," "temporary residence and transient residence."
- Requires reporting of in-state travel residences within 48 hours of establishment.
- Requires reporting of changes to phone numbers and employment within 48 hours.
- Requires local jail custodians to notify the Florida Department of Law Enforcement (FDLE) within three business days after intake or release of a career offender.
- Requires the Department of Corrections (DOC) to report noncompliance and provide updated information and digitized photographs to the FDLE.
- Requires federal agencies supervising career offenders to share information with the FDLE and indicate whether it may be used for public notification.
- Requires law enforcement agencies to verify offender addresses at least annually and report noncompliance to the FDLE.
- Provides that each failure to register or report required information constitutes a separate offense, punishable as a third degree felony.¹

¹ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

The bill amends s. 322.141, F.S., to require a career offender to obtain the marking of “775.261,” on their driver license or identification card.

The bill may have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2026.

II. Present Situation:

Florida Career Offender Registration

The Florida Career Offender Registration Act,² was signed into law in 2002, and as of January 1, 2003, a select group of convicted felons who present a threat to the public and to communities, are required to register their residences with law enforcement and a state registry maintained by the FDLE, the Career Offender Application for Statewide Tracking (COAST). These offenders, by virtue of their histories of offenses, present a threat to the public and to communities. Registration is not a punishment, but merely a status. Currently, there are over 20,000 Florida career offenders, with approximately 6,800 residing in Florida communities and 1,200 offenders that have absconded or have an unknown location.³

Section 775.261, F.S., defines “career offender” as any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender⁴ or as a prison releasee reoffender.⁵ Career offenders are subject to registration requirements intended to assist law enforcement in monitoring and tracking offenders who pose a heightened risk to public safety.

Residency

“Permanent Residence” means a place where the career offender abides, lodges, or resides for 14 or more consecutive days.⁶

“Temporary residence”⁷ means:

- A place where the career offender abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the career offender’s permanent address;
- For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state; or

² Section 775.261, F.S.

³ Florida Department of Law Enforcement (FDLE), *Legislative Bill Analysis SB 1332*, October 1, 2026 (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

⁴ Section 775.084, F.S.

⁵ Section 775.082(9), F.S.

⁶ Section 775.261(1)(f), F.S.

⁷ Section 775.261(1)(g), F.S.

- A place where the career offender routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the career offender's permanent residence, including any out-of-state address.

Registration

Career offenders are required to complete an initial registration with the FDLE or the sheriff's office in the county where they maintain a permanent or temporary residence within two working days after establishing a residence or within two working days after release from custody or supervision. At registration, offenders provide identifying information such as name, date of birth, physical description, fingerprints, photograph, and residential address.⁸

After initial registration, subsequent reporting requirements include reporting in person to a driver license office of the Department of Highway Safety and Motor Vehicles (DHSMV) within two working days to obtain or update a driver license or identification card that reflects the offender's status. Career offenders must also report any changes in residence, name, employment, or vehicle ownership within two working days, and provide proof of registration when updating their license or identification card.⁹

The FDLE maintains a public registry of career offenders, and law enforcement agencies may notify the community of an offender's presence.¹⁰ Failure to register a residence or comply with reporting requirements constitutes a third-degree felony.¹¹

III. Effect of Proposed Changes:

The bill makes multiple changes to the Florida Career Offender Registration Act, to make the registration requirements for career offenders similar to those for sexual offenders and sexual predators.

License Designation – Section 322.141, F.S.

The bill amends s. 322.141, F.S., to require that a person who is designated as a career offender under s. 775.261, F.S., or s. 944.608, F.S., have a marking on the front of their driver license or identification card notating "775.261, F.S." which is the Florida Career Offender Registration Act.

Unless previously secured or updated, each career offender must report in person within 48 hours to the driver license office of the DHSMV during the month of his or her birth in order to obtain an updated or renewed driver license or identification card with the notation of "775.261, F.S."

⁸ Section 775.261(4)(a), F.S.

⁹ Section 775.261(4)(d), F.S.

¹⁰ Section 775.261(5), F.S.

¹¹ A third degree felony is generally punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

The Florida Career Offender Registration Act – Section 775.261, F.S.***Definitions***

The bill amends s. 775.261(2), F.S., by revising and clarifying definitions of “permanent residence” and “temporary residence.” Under the bill, the definitions specify how days are calculated for each type of residence.

The bill changes the definition of career offender residences by reducing the length of time to establish a residence (permanent or temporary) from 14 days to three days.

“Permanent residence” means a place where the person abides, lodges, or resides for three or more consecutive days. For the purpose of calculating a permanent residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of three or more days in the aggregate during a calendar year that is not the career offender’s permanent or transient residence. An in-state travel residence is a temporary residence. For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state is also a temporary residence. For the purpose of calculating a temporary residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill defines “in-state travel residence” to mean a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

“Transient residence” means a county where the career offender lives, remains, or is located for the purpose of abiding, lodging, or residing for a period of three or more days in the aggregate during a calendar year that is not the person’s permanent or temporary residence. The term includes, but is not limited to, a place where the career offender sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a day under this paragraph, the first day that a career offender lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill provides a definition for “professional license” to mean the document of authorization or certification issued by an agency of this state for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business.

The bill defines “vehicles owned” to mean any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a career offender; a rented vehicle that a career offender is authorized to drive; or a vehicle for which a career offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01, F.S., which is

registered, co-registered, leased, titled, or rented by a person or persons residing at a career offender's permanent residence for five or more consecutive days.

Criteria for Registration

The bill amends s. 775.261(3), F.S., to clarify that a career offender released on or after July 1, 2002, is deemed to be released upon conviction, if no sanction is imposed. The bill adds "federal prison" to and removes "a fine" from the list of sanctions.

Initial Registration

The bill amends s. 775.261(4), F.S., to specify that upon initial registration, a career offender must report in person to the sheriff's office. The bill removes the ability of a career offender to register with the FDLE, and requires that registrations occur in person:

- Within 48 hours of being released in the county he or she establishes residency from custody, control, or supervision of:
 - The Florida Department of Corrections (DOC); or
 - A local detention facility
- In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration if the offender is not in the custody or control of, or under the supervision of, the DOC, or is not in the custody of a contractor-operated correctional facility or local detention facility.

The bill adds the following to the list of information that a career offender must provide upon registration:

- Sex.
- Tattoos or other identifying marks.
- Fingerprints.
- Palm prints.
- Employment information.
- Address of permanent or legal residence and address of any current temporary residence within the state or out of state.
- If he or she has no permanent or temporary address, any transient residence within this state;
- The address, location or description, and dates of any current or known future temporary residence within Florida or out of state.
- The make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned.
- Home and cellular telephone numbers.

If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status. The career offender must provide information about any professional licenses he or she has.

If the career offender's place of residence is a motor vehicle, trailer, mobile home, manufactured home, vessel, liveaboard vessel, or houseboat, the career offender must provide the specified information to the FDLE *through the sheriff's office*.

The career offender must report any change in any of the required information.

The bill adds palm prints to the list of items a sheriff must obtain upon registration and specifies that the sheriff's office must promptly provide to the FDLE the information received from the career offender.

Maintaining Registration

The bill also provides that a career offender who is unable to secure or update a driver license or an identification card with the DHSMV must report any change in the career offender's name within 48 hours after the change to the sheriff's office in the county where he or she resides or is located.

A career offender must report in person to the sheriff's office within 48 hours after any change in vehicles owned.

A career offender must register all changes to his or her home and cellular telephone numbers, including added and deleted numbers, and all changes to employment information, including the creation of a new business if self-employed, *in person at the sheriff's office*, or in person at the DOC if the career offender is in the custody or control, or under the supervision, of the DOC.

If a career offender is in the custody of the local jail, the custodian of the local jail must notify the FDLE within three business days after intake and upon release. The custodian must provide the FDLE with a digitized photograph of the career offender and notify the FDLE if the career offender dies or escapes from custody.

Establishing A Residence in This State After Registration

The bill amends s. 775.261(6), F.S., to specify that a career offender report in person to a driver license office:

- Each time a career offender's driver license or identification card is subject to renewal; and
- Without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent or temporary residence.

The DHSMV is required to forward to the FDLE and to the DOC all photographs and information provided by career offenders.

A career offender who is unable to secure or update a driver license or an identification card with the DHSMV is also required to report any change in the career offender's permanent, temporary or transient residence within 48 hours after the change, in person, to the sheriff's office in the county where the offender resides. The career offender still must obtain a Florida driver license or an identification card as required in this section.

A career offender must report an in-state travel residence within 48 hours after establishing the residence. The report must be made *in person at the sheriff's office in the county in which the career offender is located*, or in person at the DOC if the career offender is in the custody or control, or under the supervision, of the DOC.

A career offender who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary or transient residence must, within 48 hours after vacating the permanent, temporary or transient residence, report in person to the sheriff's office of the county in which he or she is located to provide specified information.

A career offender who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence must, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff must promptly convey the information to the department. An offender who makes a report notifying the sheriff's office that they intended to or did vacate a residency, but does not vacate and fails to make a subsequent report, commits a second degree felony.¹²

Establishing a Non-Florida Residence

The bill amends s. 775.261(7), F.S., to specify that any career offender that intends to establish a *permanent, temporary, or transient* residence in another state or jurisdiction other than Florida must report in person to the sheriff of the county of current residence at least 48 hours before the date he or she intends to leave the state.

The bill amends s. 775.261(7), F.S., to specify that any travel that is not known by the career offender 48 hours before he or she intends to establish a residence in another state or jurisdiction must be reported in person to the sheriff's office as soon as possible before departure.

The bill provides that if a career offender reports his or her intent to establish residency in another state or jurisdiction other than Florida, but remains in the state without reporting to the sheriff, he or she commits a second degree felony.

Annual Reregistration Requirement

The bill creates s. 775.261(8), F.S., to specify that each year during the month of the career offender's birthday, a career offender must report in person to the sheriff's office in the county in which he or she maintains a permanent, temporary, or transient residence or is otherwise located to reregister. Reregistration must include changes to any of the following:

- Name.
- Social security number.
- Race.
- Sex.
- Date of birth.
- Height.
- Weight.
- Hair and eye color.
- Tattoos or other identifying marks.
- Fingerprints.

¹² A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

- Palm prints.
- Photograph.
- Employment information.
- Address of permanent residence and address of any current temporary residence within the state or out of state.
- If he or she has no permanent or temporary address, any transient residence within this state.
- The address, location or description, and dates of any current or known future temporary residence within Florida or out of state.
- The make, model, color, VIN, and license tag number of all vehicles owned.
- Home and cellular telephone numbers.

If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status. The career offender must provide information about any professional licenses he or she has.

The bill specifies that a post office box may not be provided in lieu of a physical address. If the career offender's place of residence is a motor vehicle, trailer, mobile home, manufactured home, vessel, liveaboard vessel, or houseboat, the career offender must provide the specified information to the FDLE *through the sheriff's office*.

The sheriff's office must electronically submit all such information provided by the career offender within two business days after the career offender provides it to the sheriff's office.

Verification

The bill creates s. 775.261(9), F.S., to specify that county and local law enforcement agencies, in conjunction with the FDLE, must, at a minimum, verify annually the addresses of career offenders who are not under the care, custody, control, or supervision of the DOC, and may verify the addresses of career offenders who are under the care, custody, control, or supervision of the DOC. Local law enforcement agencies must report to the FDLE any failure by a career offender to comply with registration requirements.

Relief from Registration

The bill amends s. 775.261, F.S., to specify that a career offender be considered for removal of the requirement to register only if he or she has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since that release. Such a career offender may petition the criminal division of the circuit court of the circuit in which the registered career offender designation initially occurred for the purpose of removing the requirement for registration as a career offender.

The bill requires, in addition to the state attorney in the circuit in which the petition is filed, the FDLE to be given notice of the hearing on the matter and may present evidence in opposition to the relief.

Community and Public Notification

The bill provides that the FDLE is responsible for the online maintenance of the current information regarding each registered career offender. The FDLE must maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for the purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

The bill specifies that the career offender registration list is a public record and the FDLE may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. The department must adopt guidelines as necessary regarding the registration of a career offender and the dissemination of information regarding a career offender as required by this section.

Penalties

The bill provides additional career offender registration violations to include:

- Failure to make a required report in connection with vacating a permanent residence; and
- Failure to respond to address verification correspondence or knowingly providing false registration information.

The bill specifies that each instance of failure to register or report changes to the required information specified constitutes a separate offense. A career offender who violates s. 944.608, F.S., or s. 944.609, F.S., may be prosecuted in the county:

- Where the act or omission was committed;
- Of the last registered address of the career offender;
- In which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender;
- In which he or she was designated a career offender;
- Where the career offender was released from incarceration; or
- Of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

Penalties for Assisting Career Offender in Noncompliance

The bill increases the offense for assisting a career offender in noncompliance from a first degree misdemeanor to a third degree felony.¹³

¹³ A third degree felony is generally punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

Notification on Career Offenders – Section 944.608, F.S.

The bill amends s. 944.608, F.S., to provide that the terms “permanent residence,” “temporary residence,” “transient residence,” “professional license,” and “vehicles owned,” have the same meaning as provided in s. 775.261, F.S.

A career offender who is under the supervision of the DOC, but is not incarcerated, must register with the DOC within three business days after sentencing and provide specified information. The bill adds the following to the list of information that must be provided:

- Sex.
- Employment information required to be provided pursuant to s. 775.261, F.S.
- All home and cellular telephone numbers required to be provided pursuant to s. 775.261, F.S.
- The make, model, color, VIN, and license tag number of all vehicles owned.
- Address, location or description, and dates of any current or known future temporary residence within this state or out of state.
- If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status.
- The career offender must provide information about any professional licenses he or she has.

Career Offenders In Custody

If a career offender is in the custody of a local jail, the custodian of the local jail shall notify the FDLE within three business days after intake of the offender for any reason and upon release of the offender. The custodian of the local jail must also take a digitized photograph of the career offender while the offender remains in custody and must provide the digitized photograph to the FDLE.

If the career offender is under federal supervision, the federal agency responsible for supervising the career offender may forward to the FDLE any information regarding the career offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the FDLE for purposes of public notification.

Penalties

The bill amends s. 944.608(10)(b), F.S., to specify that a career offender who commits any act or omission in violation of this section may be prosecuted in the county:

- Where the act or omission was committed.
- Of the last registered address of the career offender.
- In which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- In which he or she was designated a career offender.
- Where the career offender was released from incarceration.
- Of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

The bill amends s. 944.608(12), F.S., to provide that it is a third degree felony¹⁴ for any person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section. The following are the prohibited acts that can lead to such a felony charge:

- Withholding information from, or failing to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the career offender.
- Harboring or attempting to harbor, or assisting another person in harboring or attempting to harbor, the career offender.
- Concealing or attempting to conceal, or assisting another person in concealing or attempting to conceal, the career offender.
- Providing information to the law enforcement agency regarding the career offender which the person knows to be false information.

The bill amends s. 944.609, F.S., to provide that career offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

The bill adds the following information that the DOC must provide on any career offender who is being released from incarceration:

- Tattoos or other identifying marks.
- The address of any planned permanent residence or temporary residence, any transient residence within this state.
- The address, location or description, and dates of any current or known future temporary residence within this state or out of state.
- Palm prints.
- Employment information.
- All home and cellular telephone numbers.
- Passport information, if the career offender has a passport.
- Information about the documents establishing residency, if the career offender is an alien.
- The career offender must provide information about any professional licenses he or she has.

The bill takes effect on October 1, 2026.

¹⁴ A third degree felony is generally punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. 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 on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per DOC, in Fiscal Year (FY) 2024-2025, there were 38 new commitments to prison for failing to register or report changes to required information under s. 775.261, F.S. It is not known how many of these would include separate offenses under the new language. There were no new commitments for not reporting that they decided to remain in this state after indicating their intent to reside in a state or jurisdiction other than the State of Florida.

- Per FDLE, in FY 2024-2025, there was one arrest and no guilty convictions or adjudications withheld under the first degree misdemeanor for when someone assists a career offender in noncompliance.
- Per DOC, in FY 2024-2025, there were no new commitments under s. 944.608, F.S., when a career offender fails to take of a digitized photograph, or to otherwise comply with the requirements for the notification to the Department of Law Enforcement of information on career offenders. It is not known how the expanded requirements or the new felonies would increase the pool of offenders.
- Per DOC, in FY 2024-2025, the incarceration rate for a Level 1, third degree felony was 9.7 percent and the incarceration rate for a Level 4, second degree felony was 27.4 percent.¹⁵

The FDLE provides that they require technological updates to the Career Offender Application for Statewide Tracking (COAST) to allow for additional reporting requirements. Additionally, proposed changes will also require FDLE to update the career offender public website, the CJNet website, and training materials. FDLE will also plan to notify non-incarcerated career offenders of the legislative changes via a mailout, budget allowing.¹⁶ The department advised that this impact is minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.141, 775.261, 944.608, and 944.609.

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.

¹⁵ Office of Economic and Demographic Research, *SB 1332- Career Offender Registration (Similar CS/HB 931)* available at <https://edr.state.fl.us/Content/conferences/criminaljusticeimpact/SB1332.pdf> (last visited Feb. 16, 2026),

¹⁶ FDLE, *SB 1332 – Career Offender Registration*.

By the Committee on Judiciary; and Senator Grall

590-02464-26

20261632c1

1 A bill to be entitled
 2 An act relating to ideologies inconsistent with
 3 American principles; creating s. 2.05, F.S.; defining
 4 the terms "religious law" and "foreign law";
 5 prohibiting the application of certain law in
 6 adjudicatory proceedings in a manner that violates a
 7 constitutional right; providing applicability;
 8 amending s. 775.30, F.S.; defining the term "domestic
 9 terrorist organization"; amending s. 775.32, F.S.;
 10 defining the term "domestic terrorist organization";
 11 amending s. 775.33, F.S.; defining the term "domestic
 12 terrorist organization"; providing that a person who
 13 knowingly provides or attempts or conspires to provide
 14 material support or resources to a domestic terrorist
 15 organization commits a specified felony; providing
 16 criminal penalties; providing, for purposes of
 17 prosecution under specified provisions, that a person
 18 is deemed to commit such felony if certain conditions
 19 are met; amending s. 775.34, F.S.; defining the terms
 20 "designated foreign terrorist organization" and
 21 "domestic terrorist organization"; providing that a
 22 person who willfully becomes a member of a domestic
 23 terrorist organization and serves under the direction
 24 or control of such organization with a specified
 25 intent commits a specified felony; providing criminal
 26 penalties; amending s. 874.03, F.S.; revising the
 27 definition of the term "terrorist organization" to
 28 include a foreign terrorist organization and a
 29 domestic terrorist organization; creating s.

Page 1 of 18

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590-02464-26

20261632c1

30 943.03102, F.S.; authorizing the Chief of Domestic
 31 Security to designate an organization a foreign
 32 terrorist organization or a domestic terrorist
 33 organization if certain criteria are met; requiring
 34 the Chief of Domestic Security to maintain a list of
 35 such organizations; requiring the Chief of Domestic
 36 Security to review each designation within a specified
 37 timeframe; requiring the Chief of Domestic Security to
 38 provide specified written notice to the Governor and
 39 Cabinet within a certain timeframe before making a
 40 designation; authorizing the Governor and Cabinet to
 41 approve or reject the designation by a majority vote;
 42 requiring the Chief of Domestic Security to publish
 43 such designation in the Florida Administrative
 44 Register within a specified timeframe after approval
 45 of the designation by the Governor and Cabinet;
 46 authorizing a designated organization to seek judicial
 47 review within a specified timeframe in a specified
 48 court; authorizing the enhancement of certain
 49 penalties; authorizing a designated organization to
 50 petition for removal of such designation in certain
 51 circumstances; authorizing the Governor and Cabinet,
 52 by a majority vote, to remove such designation;
 53 prohibiting state agencies, political subdivisions,
 54 and public school districts from expending certain
 55 public funds to support an organization designated as
 56 a foreign terrorist organization or a domestic
 57 terrorist organization; requiring the Department of
 58 Law Enforcement to adopt rules; amending s. 1002.421,

Page 2 of 18

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590-02464-26

20261632c1

59 F.S.; revising eligibility and obligations of private
 60 schools that participate in the state school choice
 61 scholarship program; amending s. 1004.06, F.S.;
 62 prohibiting certain institutions from expending public
 63 funds to promote, support, or maintain programs or
 64 campus activities that advocate for foreign terrorist
 65 organizations or domestic terrorist organizations;
 66 authorizing the State Board of Education or the Board
 67 of Governors, as applicable, to withhold specified
 68 funding from certain institutions; amending s.
 69 1006.61, F.S.; requiring public postsecondary
 70 educational institutions to report specified
 71 information relating to certain students in certain
 72 circumstances; authorizing immediate expulsion of such
 73 student from the institution under certain
 74 circumstances; defining the terms "domestic terrorist
 75 organization" and "foreign terrorist organization";
 76 reordering and amending s. 1009.01, F.S.; defining the
 77 terms "domestic terrorist organization" and "foreign
 78 terrorist organization"; amending ss. 1009.23 and
 79 1009.24, F.S.; requiring that certain students of
 80 Florida College System institutions and state
 81 universities, respectively, be immediately expelled
 82 and assessed a certain out-of-state fee; amending s.
 83 1009.26, F.S.; providing that certain students of
 84 school districts and Florida College System
 85 institutions are ineligible for specified fee waivers;
 86 creating s. 1009.8963, F.S.; prohibiting students who
 87 have been determined to have promoted designated

590-02464-26

20261632c1

88 foreign terrorist organizations or domestic terrorist
 89 organizations from being awarded certain public
 90 institution funds; providing an effective date.
 91
 92 Be It Enacted by the Legislature of the State of Florida:
 93
 94 Section 1. Section 2.05, Florida Statutes, is created to
 95 read:
 96 2.05 Application of religious or foreign law.-
 97 (1) For purposes of this section, the term:
 98 (a) "Foreign law" means a legal code or formal system of
 99 law of a foreign country or nation, or of an international
 100 organization.
 101 (b) "Religious law" means a legal code or formal system of
 102 law associated with a religion and based on the sacred texts or
 103 traditions of such religion. The term includes Sharia law.
 104 (2) Notwithstanding subsection (1), the terms "religious
 105 law" and "foreign law" do not include any of the following:
 106 (a) The natural law or natural rights, as such law or
 107 rights are understood within the legal tradition of this state
 108 or the United States.
 109 (b) A provision of the United States Constitution or a
 110 constitution of any one of the several states.
 111 (c) A provision of domestic federal or state law.
 112 (d) The common law, including the common law as described
 113 in s. 2.01.
 114 (e) A provision of law of a Native American tribe within a
 115 state or territory of the United States.
 116 (3) A court, an administrative law judge, a hearing

590-02464-26

20261632c1

officer, an agency, or an arbitration panel or tribunal may not enforce a provision of religious law or foreign law against a person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution.

(4) This section does not apply to adjudication of ecclesiastical matters of a religious organization, including the selection, appointment, discipline, or removal of clergy or interpretation of doctrine.

Section 2. Subsections (1) and (3) of section 775.30, Florida Statutes, are amended to read:

775.30 Terrorism; defined; penalties.—

(1) As used in this chapter and the Florida Criminal Code, the term:

(a) ~~terms~~ "Terrorism" or "terrorist activity" means ~~mean~~ an activity that:

~~1. (a)~~ Involves:

~~a.1-~~ A violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

~~b.2-~~ A violation of s. 815.06; and

~~2. (b)~~ Is intended to:

~~a.1-~~ Intimidate, injure, or coerce a civilian population;

~~b.2-~~ Influence the policy of a government by intimidation or coercion; or

~~c.3-~~ Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

(b) "Domestic terrorist organization" means an organization

590-02464-26

20261632c1

designated as a domestic terrorist organization by the Chief of Domestic Security under s. 943.03102.

(3) A person who ~~violates~~ ~~commits a violation of~~ subsection (2), ~~resulting which results~~ in death or serious bodily injury, commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "serious bodily injury" means an injury to a person which creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or an organ.

Section 3. Present paragraphs (c), (d), and (e) of subsection (1) of section 775.32, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, a new paragraph (c) is added to that subsection, and subsections (2), (3), and (4) of that section are amended, to read:

775.32 Use of military-type training provided by a ~~designated foreign terrorist organizations~~ organization.—

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

(c) "Domestic terrorist organization" means an organization designated as a domestic terrorist organization by the Chief of Domestic Security under s. 943.03102.

(2) A person who has received military-type training from a designated foreign terrorist organization or domestic terrorist organization may not use, attempt to use, or conspire to use such military-type training with the intent to unlawfully harm another person or damage a critical infrastructure facility.

(3) A person who violates ~~commits a violation of~~ subsection (2) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

590-02464-26

20261632c1

(4) A person who violates ~~commits a violation of~~ subsection (2), ~~resulting which results~~ in the death of, or serious bodily injury to, a person, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Present paragraphs (b) through (e) of subsection (1) of section 775.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, a new paragraph (b) is added to that subsection, and subsections (3) and (5) of that section are amended, to read:

775.33 Providing material support or resources for terrorism or to terrorist organizations.—

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

(b) “Domestic terrorist organization” means an organization designated as a domestic terrorist organization by the Chief of Domestic Security under s. 943.03102.

(3) A person who knowingly provides material support or resources to a designated foreign terrorist organization or domestic terrorist organization, or attempts or conspires to do so, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. To violate this subsection, a person must have knowledge that the organization is a designated foreign terrorist organization or domestic terrorist organization or that the organization has engaged in or engages in terrorism or terrorist activity.

(5) (a) For purposes of prosecution under subsection (2) or subsection (3), a person is deemed to provide material support or resources by providing personnel if the person knowingly provides, attempts to provide, or conspires to provide himself or herself or another person to:

590-02464-26

20261632c1

1. Work under the direction and control of a designated foreign terrorist organization or domestic terrorist organization, or a person engaged in, or intending to engage in, an act of terrorism; or

2. Organize, manage, supervise, or otherwise direct the operations of a designated foreign terrorist organization or domestic terrorist organization, or a person engaged in, or intending to engage in, an act of terrorism.

(b) An individual who acts entirely independently of the designated foreign terrorist organization or domestic terrorist organization, or the person engaged in, or intending to engage in, an act of terrorism, to advance the organization's or person's goals or objectives is not working under the direction and control of the designated foreign terrorist organization or domestic terrorist organization, or person engaged in, or intending to engage in, an act of terrorism.

Section 5. Section 775.34, Florida Statutes, is amended to read:

775.34 Membership in a designated foreign terrorist organization.—

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

(a) “Designated foreign terrorist organization” has the same meaning as provided in s. 775.32.

(b) “Domestic terrorist organization” has the same meaning as in s. 943.03102.

(2) A person who willfully becomes a member of a designated foreign terrorist organization or domestic terrorist organization and serves under the direction or control of that organization with the intent to further the illegal acts of the

590-02464-26

20261632c1

organization commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~As used in this section, the term "Designated foreign terrorist organization" has the same meaning as provided in s. 775.32.~~

Section 6. Subsection (7) of section 874.03, Florida Statutes, is amended to read:

874.03 Definitions.—As used in this chapter:

(7) "Terrorist organization" means any organized group engaged in or organized for the purpose of engaging in terrorism as defined in s. 775.30. The term includes a foreign terrorist organization and a domestic terrorist organization, as designated by the Chief of Domestic Security under s. 943.03102. This definition does not ~~shall not be construed to~~ prevent prosecution under this chapter of individuals acting alone.

Section 7. Section 943.03102, Florida Statutes, is created to read:

943.03102 Designation of terrorist organizations.—

(1) (a) In order to ensure the safety of this state and the safety of the residents of this state, the Chief of Domestic Security may designate an organization:

1. A domestic terrorist organization if the Chief of Domestic Security finds that the organization meets the following criteria:

a. The organization is based or operates in this state or in the United States.

b. The organization engages in terrorist activities that:

(I) Involve acts dangerous to human life which violate state or federal law; and

(II) Are intended to:

590-02464-26

20261632c1

(A) Intimidate or coerce a civilian population;

(B) Influence the policy of a government by intimidation or coercion; or

(C) Affect the conduct of a government by mass destruction, assassination, or kidnapping.

c. The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

2. A foreign terrorist organization if the Chief of Domestic Security finds that the organization meets the following criteria:

a. The organization is designated as a foreign terrorist organization by the United States Secretary of State pursuant to s. 219 of the Immigration and Nationality Act.

b. The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

(b) The Chief of Domestic Security shall maintain a list of organizations that he or she designates as domestic terrorist organizations or foreign terrorist organizations.

(c) At least once every 5 years, the Chief of Domestic Security shall review each designation made under paragraph (a) which labels an organization a domestic terrorist organization or a foreign terrorist organization.

(2) (a) At least 7 days before making a designation under subsection (1), the Chief of Domestic Security shall provide written notice to the Governor and Cabinet of his or her intent to designate an organization as a foreign terrorist organization or a domestic terrorist organization, which notice must be accompanied by written findings regarding the basis for such designation.

590-02464-26

20261632c1

291 (b) Upon receipt of written notice made pursuant to
 292 paragraph (a), the Governor and Cabinet may, by a majority vote,
 293 approve or reject a designation made by the Chief of Domestic
 294 Security under subsection (1).

295 (c) Within 7 days after approval by the Governor and
 296 Cabinet of a designation made by the Chief of Domestic Security
 297 under subsection (1), the Chief of Domestic Security shall
 298 publish the designation in the Florida Administrative Register.

299 (d) Within 30 days after publication of a designation in
 300 the Florida Administrative Register, the organization designated
 301 as a foreign terrorist organization or a domestic terrorist
 302 organization, or any member of such organizations, may challenge
 303 such designation in the Circuit Court of the Second Judicial
 304 Circuit in and for Leon County.

305 (e) Any criminal penalty imposed against a terrorist
 306 organization may be enhanced as provided by law.

307 (3) (a) An organization designated as a domestic terrorist
 308 organization or a foreign terrorist organization may petition
 309 the department, at any time, for the removal of such
 310 designation.

311 (b) At any time, the Governor and Cabinet may, by a
 312 majority vote, remove a designation made by the Chief of
 313 Domestic Security under subsection (1).

314 (4) A state agency, political subdivision, or public school
 315 district authorized to expend state-appropriated funds or levy
 316 ad valorem taxes may not expend such funds or taxes to support
 317 an organization, or a member of an organization, designated as a
 318 domestic terrorist organization or a foreign terrorist
 319 organization.

590-02464-26

20261632c1

320 (5) The department shall adopt rules to implement this
 321 section.

322 Section 8. Paragraph (t) is added to subsection (1) of
 323 section 1002.421, Florida Statutes, to read:

324 1002.421 State school choice scholarship program
 325 accountability and oversight.—

326 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 327 school participating in an educational scholarship program
 328 established pursuant to this chapter must be a private school as
 329 defined in s. 1002.01 in this state, be registered, and be in
 330 compliance with all requirements of this section in addition to
 331 private school requirements outlined in s. 1002.42, specific
 332 requirements identified within respective scholarship program
 333 laws, and other provisions of Florida law that apply to private
 334 schools, and must:

335 (t) Prohibit:

336 1. Employment of, or contracting with;

337 2. Ownership or operation by; or

338 3. Acceptance of funds from a person or an entity that is
 339 affiliated with or in any way controlled by:

340 a. A designated foreign terrorist organization, as defined
 341 in s. 775.32(1), or a member of such an organization;

342 b. A criminal gang or a criminal gang member as defined in
 343 s. 874.03;

344 c. A terrorist organization as defined in s. 874.03;

345 d. A transnational crime organization, as defined in s.
 346 874.03, or a member of such an organization;

347 e. A domestic terrorist organization as defined in s.
 348 775.32;

590-02464-26

20261632c1

349 f. A person or an entity that has:
 350 (I) Provided material support or resources, as defined in
 351 s. 775.33(1), to; or
 352 (II) Received such support or resources from a designated
 353 foreign terrorist organization or a domestic terrorist
 354 organization, as defined in s. 775.32, or a criminal gang,
 355 terrorist organization, or transnational crime organization, as
 356 defined in s. 874.03; or
 357 g. A person or an entity that has demonstrated a pattern or
 358 practice of supporting or advocating for terrorism as defined in
 359 s. 775.30(1).
 360
 361 The department shall suspend the payment of funds to a private
 362 school that knowingly fails to comply with this subsection, and
 363 shall prohibit the school from enrolling new scholarship
 364 students, for 1 fiscal year and until the school complies. If a
 365 private school fails to meet the requirements of this subsection
 366 or has consecutive years of material exceptions listed in the
 367 report required under paragraph (q), the commissioner may
 368 determine that the private school is ineligible to participate
 369 in a scholarship program.
 370 Section 9. Subsection (2) of section 1004.06, Florida
 371 Statutes, is amended to read:
 372 1004.06 Prohibited expenditures.—
 373 (2) (a) A Florida College System institution or, state
 374 university, Florida College System institution direct-support
 375 organization, or state university direct-support organization
 376 may not expend any state or federal funds to promote, support,
 377 or maintain any programs or campus activities that:

Page 13 of 18

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590-02464-26

20261632c1

378 1. ~~(a)~~ Violate s. 1000.05; ~~or~~
 379 2. ~~(b)~~ Advocate for diversity, equity, and inclusion, or
 380 promote or engage in political or social activism, as defined by
 381 rules of the State Board of Education and regulations of the
 382 Board of Governors; or
 383 3. Advocate for a foreign terrorist organization or a
 384 domestic terrorist organization as designated by the Chief of
 385 Domestic Security under s. 943.03102.
 386 (b) The State Board of Education or the Board of Governors,
 387 as applicable, may withhold performance-based funding of a
 388 Florida College System institution or state university that
 389 violates subparagraph (a)3.
 390 (c) Student fees to support student-led organizations are
 391 allowed ~~permitted~~ notwithstanding any speech or expressive
 392 activity by such organizations which would otherwise violate
 393 this subsection, provided that the public funds must be
 394 allocated to student-led organizations pursuant to written
 395 policies or regulations of each Florida College System
 396 institution or state university, as applicable. Use of
 397 institution facilities by student-led organizations is allowed
 398 ~~permitted~~ notwithstanding any speech or expressive activity by
 399 such organizations which would otherwise violate this
 400 subsection, provided that such use must be granted to student-
 401 led organizations pursuant to written policies or regulations of
 402 each Florida College System institution or state university, as
 403 applicable.
 404 Section 10. Section 1006.61, Florida Statutes, is amended
 405 to read:
 406 1006.61 Participation by students in disruptive activities,

Page 14 of 18

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590-02464-26

20261632c1

and promotion of foreign terrorist organizations, at public postsecondary educational institution; penalties.—

(1) Any person who accepts the privilege extended by the laws of this state of attendance at any public postsecondary educational institution shall, by attending such institution, be deemed to have given his or her consent to the policies of that institution, the State Board of Education, and the Board of Governors regarding the State University System, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

(2) After it has been determined that a student of a state institution of higher learning has participated in disruptive activities, such student may be immediately expelled from the institution for a minimum of 2 years.

(3)(a) Pursuant to 8 C.F.R. s. 214.3(g)(2), a public postsecondary educational institution must report information relating to the current status of a student attending the institution on a student visa if the student has been determined to have promoted a designated foreign terrorist organization or domestic terrorist organization.

(b) If a student of public postsecondary educational institution has been determined to have promoted a designated foreign terrorist organization or domestic terrorist organization, such student will be immediately expelled from the institution.

(c) As used in this subsection, the terms "domestic terrorist organization" and "foreign terrorist organization" mean an organization so designated by the Chief of Domestic

590-02464-26

20261632c1

Security under s. 943.03102.

Section 11. Section 1009.01, Florida Statutes, is reordered and amended to read:

1009.01 Definitions.—the term:

(1) "Domestic terrorist organization" means an organization so designated by the Chief of Domestic Security under s. 943.03102.

(2) "Foreign terrorist organization" means an organization so designated by the Chief of Domestic Security under s. 943.03102.

(3) "Out-of-state fee" means the additional fee for instruction charged by a public postsecondary educational institution in this state to a student who does not qualify for the in-state tuition rate pursuant to s. 1009.21. A charge for any other purpose may not be included in this fee.

(4)~~(1)~~ "Tuition" means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose may ~~shall~~ not be included in ~~within~~ this fee.

~~(2) "Out-of-state fee" means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate pursuant to s. 1009.21. A charge for any other purpose shall not be included within this fee.~~

(5)~~(3)~~ "Tuition differential" means the supplemental fee charged to a student by a public university in this state pursuant to s. 1009.24(16).

Section 12. Present subsection (22) of section 1009.23,

590-02464-26 20261632c1

465 Florida Statutes, is redesignated as subsection (23), and a new
466 subsection (22) is added to that section, to read:

467 1009.23 Florida College System institution student fees.—

468 (22) A student who has been determined to have promoted a
469 designated foreign terrorist organization or domestic terrorist
470 organization during any term of enrollment must be immediately
471 expelled from the institution and assessed the out-of-state fee
472 established in subsection (3).

473 Section 13. Subsection (22) is added to section 1009.24,
474 Florida Statutes, to read:

475 1009.24 State university student fees.—

476 (22) A student who has been determined to have promoted a
477 designated foreign terrorist organization or domestic terrorist
478 organization during any term of enrollment must be immediately
479 expelled from the institution and assessed the out-of-state fee
480 established in subsection (4).

481 Section 14. Subsection (22) is added to section 1009.26,
482 Florida Statutes, to read:

483 1009.26 Fee waivers.—

484 (22) A student who has been determined to have promoted a
485 designated foreign terrorist organization or domestic terrorist
486 organization during any term of enrollment is ineligible for any
487 fee waiver under this section.

488 Section 15. Section 1009.8963, Florida Statutes, is created
489 to read:

490 1009.8963 Prohibition on awarding of scholarships, grants,
491 and other aid.—A student who has been determined to have
492 promoted a designated foreign terrorist organization or domestic
493 terrorist organization during any term of enrollment may not be

590-02464-26 20261632c1

494 awarded any institutional or state grants, financial aid,
495 scholarships, or tuition assistance under this chapter.

496 Section 16. This act shall take effect July 1, 2026.

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 1632

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Ideologies Inconsistent with American Principles

DATE: February 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1632 protects the state from ideologies inconsistent with American principals. The bill seeks to protect those principles by:

- Prohibiting a court or tribunal from enforcing a provision of religious law or foreign law against any person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution;
- Providing that a domestic terrorist organization is subject to the same laws and restrictions that currently apply to a foreign terrorist organization;
- Providing that the current criminal penalty for joining a foreign terrorist organization applies to the act of joining, supporting or assisting a domestic terrorist organization;
- Allowing the Chief of Domestic Security (within FDLE), with the approval of the Governor and Cabinet, to designate a qualifying organization to be a domestic terrorist organization or a foreign terrorist organization;
- Prohibiting the state and its subdivisions from expending any monies to support a terrorist organization;
- Providing that a private school accepting vouchers may not contract with, and the school may not be owned or operated by a person affiliated with, a terrorist organization or criminal organization;
- Providing that a state university or college may not advocate for a terrorist organization, and that the state may withhold performance-based funding as a penalty for such advocacy; and

- Requiring a college or university to report to the U.S. Department of Homeland Security if a student is promoting terrorism. The student must be expelled, and the student loses the benefit of in-state tuition, fee waiver, scholarship, financial aid, and tuition assistance.

The bill is estimated to have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

American Principles – In General

This bill seeks to promote American principles and protect those principles from the people who would advocate against them in a harmful manner. American principles are not defined or listed in one source, and the details of those principles is a discussion far beyond the scope of this analysis. One might say that American principles are found in our laws, our interpretation of those laws, and the collective morality of our people. The first broad statement of American principles was in the Declaration of Independence, which provides in part:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.¹

The United States Constitution starts with a similar statement expressing American principles:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.²

Foreign Laws in the Court System

It may seem odd to learn that a Florida court may refer to and even enforce a foreign civil law. It is, however, so common that law students take a course entitled “Conflict of Laws” that teaches the concepts of how to apply foreign law.³ The term “foreign law” is somewhat confusing, in that technically the law of another state in the union is also considered a foreign law.

For instance, if an automobile accident occurred in Thomasville, Georgia, a lawsuit regarding that accident would normally be filed in Georgia. If, however, the at-fault driver lives in

¹ United States of America, *Declaration of Independence*, July 4, 1776.

² United States of America, *Constitution – Preamble*, September 17, 1887.

³ See, e.g., FSU College of Law, *Conflict of Laws*. “This course examines the legal problems that arise when an occurrence or a case cuts across state or national boundaries: jurisdiction of courts, enforceability of foreign judgments, and choice of applicable law. The focus is on the policies, the rules of law, and the constitutional requirements in private interstate law.”

Published at <https://law.fsu.edu/courses/conflict-laws>.

Tallahassee, the laws regarding jurisdiction of a court provide that a plaintiff can elect to file the lawsuit where the accident occurred or where the defendant resides. If the plaintiff elects to sue the defendant in Leon County court, the Leon County court may use conflict of laws principles that provide that the law of a foreign state, Georgia, determines the applicable traffic laws and fault for the accident.

Florida courts honor the concept of “comity,” which is the principle that “the courts of one state or jurisdiction will give effect to the laws and judicial decisions of another state, not as a matter of obligation, but out of deference and respect.”⁴ “[T]he rules of comity may not be departed from, unless in certain cases for the purpose of necessary protection of our own citizens, or of enforcing some paramount rule of public policy.”⁵ The concept is found in the United States Constitution, which provides: “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.”⁶

Most cases in the courts are not decided under the foreign law of another nation, they are decided by local, state and federal laws that conform to the constitutions of the United States and Florida. The law of a foreign country’s jurisdiction or system may, however, be recognized in Florida in a variety of circumstances.

The statutes provide that a “court may take judicial notice of . . . laws of foreign nations and of an organization of nations.”⁷ However, even if recognized, the laws of foreign nations are not necessarily enforced unless there is a reason to do so, usually by prior agreement of the parties. Where the parties have used their freedom to enter into a contract and to include in that contract an agreement to use a foreign law, one may argue that this still follows American principles.

If an agreement includes a choice of law clause providing that it will be governed and construed in accordance with the laws of another nation, the choice of law clause may be enforceable, even if the law to be applied is different than Florida law.⁸ For instance, Florida courts may enforce a prenuptial contract according to the law of the place where it was entered into unless enforcement would be contrary to public policy or unconstitutional.⁹ In *Akileh v. Elchahal*,¹⁰ the court enforced the parties’ Islamic ante-nuptial agreement, arguably a religious arrangement, since it complied with Florida contract law and the court found nothing in the contract unconscionable. However, if a foreign law frustrates the public policy of this state or is not established with specificity as a matter of fact,¹¹ it will not be enforced. On the other hand, where the husband sought to enforce a Danish prenuptial agreement which left nothing to the wife in

⁴ *Hopkins v. Lockheed Aircraft Corp.*, 201 So. 2d 743 (Fla. 1967).

⁵ *State Farm Mut. Auto. Ins. Co., v. Roach*, 945 So. 2d 1160, 1164 (Fla. 2006).

⁶ U.S. CONST., art. IV, s. 1 (capitalization in original).

⁷ Section 90.202, F.S.

⁸ *McNamara v. McNamara*, 40 So.3d 78, 80 (Fla. 5th DCA 2010).

⁹ *Gessler v. Gessler*, 273 F.2d 302 (5th Cir. 1959).

¹⁰ 666 So.2d 246 (Fla. 2d DCA 1996).

¹¹ See *Courtlandt Corp. v. Whitmer*, 121 So.2d 57 (Fla. 2d DCA 1960); cf. *Hieber v. Hieber*, 151 So.2d 646 (Fla. 3d DCA 1963) (law of foreign state).

the event of divorce, the court refused because “to do so would bring harm to a Florida citizen or would frustrate an established public policy of this state.”¹²

Florida courts may also defer to ecclesiastical law. The First Amendment prevents courts from resolving internal church disputes that would require adjudication of questions of religious doctrine. . . . It is not within the judicial function and judicial competence of civil courts to determine which of two competing interpretations of scripture are correct. Instead, civil courts must defer to the interpretations of religious doctrine made by the highest ecclesiastical tribunal. Thus, the First Amendment provides churches with the power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.¹³

Current Florida statutes address these issues. Law in the family law context includes the “Uniform Premarital Agreement Act,” which provides that premarital agreements, including their choice of law provisions, are generally enforceable.¹⁴ Court orders from a support or dissolution of marriage proceeding in another jurisdiction are generally valid and enforceable in Florida courts pursuant to the Uniform Interstate Family Support Act.¹⁵ A request to apply the law of a foreign country to a family law case in Florida is void if the foreign law contravenes the strong public policy of this state or if the law is unjust or unreasonable.¹⁶

In the general civil law, a Florida court may recognize a legitimate money judgment from another country and may enforce collection of the judgment. The Uniform Out-of-Country Foreign Money-Judgment Recognition Act governs the registration and enforcement of a civil judgment entered by a court in a foreign country that the judgment creditor is trying to enforce against a Florida resident or against Florida property.¹⁷

The Act provides that an out-of-country foreign judgment is not conclusive if:

- The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
- The foreign court did not have personal jurisdiction over the defendant; or
- The foreign court did not have jurisdiction over the subject matter.¹⁸

An out-of-country foreign judgment need not be recognized if:

- The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend;
- The judgment was obtained by fraud;
- The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state;
- The judgment conflicts with another final and conclusive order;

¹² *Gustafson v. Jensen*, 515 So.2d 1298 (Fla. 3d DCA 1987).

¹³ *Malicki v. Doe*, 814 So. 2d 347, 355–56 (Fla. 2002) (internal quotes and citations omitted).

¹⁴ See s. 61.079, F.S.

¹⁵ Section 88.6041, F.S. See generally ch. 88, F.S.; *Keeton v. Keeton*, 807 So.2d 186 (Fla.1st DCA 2002) (holding that property settlement agreement was enforceable in Florida with Kentucky law controlling), and *Blitz v. Florida Dept. of Revenue ex rel. Maxwell*, 898 So.2d 121, 125 (Fla. 4th DCA 2005).

¹⁶ Section 61.0401, F.S.

¹⁷ Section 55.601-.607, F.S.

¹⁸ Section 55.605(1), F.S.

- The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or
- In the case of jurisdiction based only on personal service:
 - The foreign court was a seriously inconvenient forum for the trial of the action;
 - The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state;
 - The cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States unless the court sitting in this state before which the matter is brought first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the United States Constitution and the State Constitution;
 - The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or
 - The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.¹⁹

Terrorism – In General

Acts of terrorism are currently prohibited by numerous federal and state laws. At its most basic level, a terrorist uses violence, whether actual or threatened, in an attempt to change society and government to conform to the terrorist's ideals of how society and government should operate. The terrorist intends to interfere with the American principles of freedom, principles such as the freedom to live, the freedom to be protected from harm, the freedom to travel, the freedom to associate with others, the freedom to speak out for peaceful change, and the freedom to quietly live pursuant to our own beliefs so long as we do not harm others.

The state criminal code definition of terrorism is the commission of a criminal act that is violent or dangerous to human life and that is intended to intimidate, injure or coerce the civilian population, or to influence or coerce a government, or otherwise affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.²⁰

Terrorism – Recruitment and Promotion in the Education System

“The long-term survival of terrorist organizations relies on their ability to attract new members and maintain an ongoing terrorist recruitment cycle. The numbers of terrorist organization members may decrease due to counterterrorism operations or defections, forcing the leaders of those groups to seek new members. Preventing terrorist recruitment is one of the most effective and least lethal methods of countering terrorism, and yet it is often overlooked by those combating terrorism.”²¹

“Young people are a vital source of support for many terrorist groups, with roles ranging from cooks to armed fighters. But the ways young people are recruited vary widely across contexts. In

¹⁹ Section 55.605(2), F.S.

²⁰ Section 775.30, F.S.

²¹ Yayla, *Prevention of Recruitment to Terrorism*, ch. 13 of Handbook of Terrorism Prevention and Preparedness, International Centre for Counter-Terrorism, <https://icct.nl/handbook-terrorism-prevention-and-preparedness>.

many cases, young people join terrorist groups because they are duped, trafficked, kidnapped, or forcibly recruited. Others join terrorist groups voluntarily owing to the appeal of a group-based identity; perceptions of exclusion, grievances, or cultural threats; the promise of economic stability; prospects of fame, glory, or respect; and personal connections, including family and friendship networks.”²²

College campuses are often targeted by terrorist organizations for recruitment activities. For instance, the “influence of Hamas and its associated networks on US campuses represents a strategic adaptation that exploits academic freedom and civil liberties to further its extremist agenda.”²³

In the current state fiscal year, the Legislature appropriated \$31.5 billion to education, representing 27.4% of the total expenditures.²⁴ Nearly half of the state’s general revenue funding is used for education.²⁵

Chief of Domestic Security

The executive director of the Department of Law Enforcement, or a member of the department designated by the executive director, is the Chief of Domestic Security.²⁶ Current duties of the Chief of Domestic Security include:

- Coordinating the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.
- Prepare recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.
- Coordinate the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

III. Effect of Proposed Changes:

Limiting How a Court may Apply Foreign Laws

The bill creates s. 2.05, F.S., to address the application of religious law or foreign law. The bill applies to all areas in which a court might refer to religious law or foreign law and to all judicial officers and others who make legal decisions. It provides that a court, an administrative law judge, a hearing officer, an agency, or an arbitration panel or tribunal may not enforce a provision of religious law or foreign law against a person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution.

²² Darden, *Tackling Terrorists’ Exploitation of Youth*, p.1 (2019), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/tackling-terrorists-exploitation-of-youth/Tackling-Terrorists-Exploitation-of-Youth.pdf>.

²³ George Washington University, *Hamas’s Influence on US Campuses: A Study of Networks, Strategies, and Ideological Advocacy*, p. 21 (2024), https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2024-11/Pamphlet_compressed.pdf.

²⁴ The Florida Legislature, *Fiscal Analysis in Brief, 2025 Legislative Session*, p. 2.

²⁵ *Id.* at 5. Actual GR funding is \$22,780.6 billion or 45.3%.

²⁶ Section 943.0311(1), F.S.

The specific circumstances for the enforcement of a foreign law or religious law that might violate a person's constitutional rights seem most likely to arise from a contractual choice of law clause.

The bill defines the following terms:

- “Foreign law” to mean a legal code or formal system of law of a foreign country or nation, or of an international organization.
- “Religious law” to mean a legal code or formal system of law associated with a religion and based on the sacred texts or traditions of such religion. The term includes Sharia law.

There are exceptions to the terms “religious law” and “foreign law” which have the effect that the following laws are not regulated or limited by this bill:

- The natural law or natural rights, as such law or rights are understood within the legal tradition of this state or the United States.
- A provision of the United States Constitution or a constitution of any one of the several states.
- A provision of domestic federal or state law.
- The common law, including the common law as described in s. 2.01, F.S.
- A provision of law of a Native American tribe within a state or territory of the United States.

The bill also creates an exception to provide that the statute does not apply to adjudication of ecclesiastical matters of a religious organization, including the selection, appointment, discipline, or removal of clergy or an interpretation of doctrine.

Expanding the Scope of Terrorism-Related Criminal Offenses

The bill expands numerous felony offenses related to terrorism by a foreign terrorist organization to also make unlawful the same act if the offense is committed in relation to a domestic terrorist organization. A “domestic terrorist organization” means an organization designated as a domestic terrorist organization by the Chief of Domestic Security under s. 943.03102, F.S. The expanded offenses are:

- The current second degree felony offense for using terrorist training provided by a foreign terrorist organization with the intent to harm, and the related first degree felony if the act results in serious bodily injury or death to a person, in s. 775.32, F.S., is amended to also criminalize that same conduct if related to a domestic terrorist organization. The same penalties apply.
- The current first degree felony offense for providing material support or resources to a foreign terrorist organization in s. 775.33, F.S., is amended to also criminalize providing support to a domestic terrorist organization. The same penalties apply.
- The current second degree felony applicable where a person willfully becomes a member of a foreign terrorist organization with the intent to engage in terrorism, in s. 775.34, F.S., is amended to also criminalize the act of willfully joining a domestic terrorist organization with the intent to engage in terrorism. The same penalties apply.

The bill also clarifies the criminal laws on gangs at ch. 874, F.S., to change references to terrorism to instead reference foreign or domestic terrorism.

Designation as a Terrorist Organization

The bill creates s. 943.03102, F.S., regarding designation of a terrorist organization, removal of the designation, and the effect of designation.

The Chief of Domestic Security may designate an organization as a domestic terrorist organization, with the approval of the Governor and Cabinet, if the Chief finds that the organization meets the following criteria:

- The organization is based in or operates in this state or in the United States.
- The organization engages in terrorist activities that:
 - Involve acts dangerous to human life which violate state or federal law; and
 - Are intended to:
 - Intimidate or coerce a civilian population;
 - Influence the policy of a government by intimidation or coercion; or
 - Affect the conduct of a government by mass destruction, assassination, or kidnapping.
- The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

The Chief of Domestic Security may designate an organization as a foreign terrorist organization if the Chief finds that the organization meets the following criteria:

- The organization is designated as a foreign terrorist organization by the United States Secretary of State pursuant to s. 219 of the Immigration and Nationality Act.
- The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

The bill requires the Chief of Domestic Security to maintain a list of organizations that have been designated as a domestic terrorist organization or a foreign terrorist organization. At least once every 5 years, the Chief of Domestic Security must review each designation that has labeled an organization a domestic terrorist organization or a foreign terrorist organization.

Prior to making an initial designation, the Chief of Domestic Security must provide to the Governor and Cabinet written notice at least 7 days prior to the designation of his or her intent to designate an organization as a foreign terrorist organization or a domestic terrorist organization. The notice must be accompanied by written findings regarding the basis for such designation. The Governor and Cabinet may, by a majority vote, approve or reject a designation.

Within 7 days after approval by the Governor and Cabinet of a designation made by the Chief of Domestic Security, the Chief must publish the designation in the Florida Administrative Register. Within 30 days after publication of a designation in the Florida Administrative Register, the organization designated as a foreign terrorist organization or a domestic terrorist organization, or any member of the designated organization, may challenge the designation in the Circuit Court of the Second Judicial Circuit in and for Leon County.

An organization designated as a domestic terrorist organization or a foreign terrorist organization may petition the Department of Law Enforcement, at any time, for the removal of such

designation. At any time, the Governor and Cabinet may, by a majority vote, remove a designation.

In addition to the other effects upon an organization that is designated, the bill provides that a state agency, political subdivision, or public school district authorized to expend state-appropriated funds or levy ad valorem taxes may not expend such funds or taxes to support an organization, or a member of an organization, designated as a domestic terrorist organization or a foreign terrorist organization.

The bill directs the Department of Law Enforcement to adopt rules to implement the designation of an organization.

Addressing Terrorism Links to Educational Institutions

Private Schools Accepting School Choice Vouchers

The bill amends s. 1002.421, F.S., to add an additional requirement that a private school must meet in order to qualify to participate in the school choice scholarship program. A private school participating in an educational scholarship program must prohibit employment of, contracting with, ownership or operation by, or acceptance of funds from a person or an entity that is affiliated with or in any way controlled by:

- A designated foreign terrorist organization, or a member of such an organization;
- A criminal gang or a criminal gang member;
- A terrorist organization;
- A transnational crime organization or a member of such an organization;
- A domestic terrorist organization;
- A person or an entity that has provided material support or resources to, or received such support or resources from, a designated foreign terrorist organization, a domestic terrorist organization, a criminal gang, a terrorist organization, or a transnational crime organization; or
- A person or an entity that has demonstrated a pattern or practice of supporting or advocating for terrorism.

Universities and Colleges

The bill amends s. 1004.06, F.S., to add that a Florida College System institution, state university, Florida College System institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that advocate for a foreign terrorist organization or a domestic terrorist organization. The State Board of Education or the Board of Governors, as applicable, may withhold performance-based funding of a Florida College System institution or state university that violates this restriction.

Postsecondary Students Found to be Promoting Terrorism

The bill requires that a postsecondary educational institution take the following actions upon finding that a student attending the institution pursuant to a student visa has promoted a foreign or domestic terrorist organization:

- Report the status of the student to the Department of Homeland Security;
- Immediately expel the student;
- Assess the student the out-of-state tuition fee;
- Disqualify the student from receiving any form of fee waiver; and
- Disqualify the student from receiving any form of grant, financial aid, scholarship or tuition assistance.

The bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill does not define what it means to “promote” terrorism so it is possible that this bill may implicate First Amendment principles. On the other hand, the courts have allowed prosecution of individuals associated with a known terrorist organization who were providing training in nonviolent advocacy.²⁷

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person promoting terrorism might incur significant costs and loss of income due to this bill. A postsecondary student promoting terrorism could lose scholarships, grants, and the like while incurring fees that will be owed to the institution.

²⁷ *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) (ruling that individuals advocating for a designated foreign terrorist organization were providing material support to a terrorist organization and were not protected by the First Amendment).

C. Government Sector Impact:

The Legislature's Office of Economic and Demographics 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 on the Department of Corrections (DOC), meaning that the bill may increase the number of individuals admitted to prison. The EDR provides the following additional information regarding its estimate:

Per DOC, in FY 24-25, there were no new commitments to prison for the felonies impacted by the expanded statutory language under this bill. The magnitude of the impact on the prison population from the addition of domestic terrorist organization is not known, nor is it known how the labeling of such groups by the Chief of Domestic Security would influence the number of offenders associated with domestic and foreign terrorist organizations potentially being incarcerated.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.30, 775.32, 775.33, 775.34, 874.03, 1002.421, 1004.06, 1006.61, 1009.01, 1009.23, 1009.24, and 1009.26.

This bill creates the following sections of the Florida Statutes: 2.05, 943.03102, and 1009.8963.

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

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

CS by Judiciary on February 3, 2026:

The committee substitute changes the definition of a terrorist organization by changing an “or” to “and” to limit the scope of the definition, thereby reflecting the historical and traditional definition of terrorist; replaces references to the “Cabinet” with references to the “Governor and Cabinet,” thereby referring to the traditional voting body (and reflecting that technically the Governor is not a member of Cabinet); and corrects a cross-reference.

²⁸ Office of Economic and Demographic Research, *CS/SB 1632 – Ideologies Inconsistent with American Principles* (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

B. Amendments:

None.

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

By the Committee on Judiciary; and Senator Grall

590-02463-26

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A bill to be entitled

An act relating to public records and meetings; amending s. 943.03102, F.S.; providing an exemption from public records requirements for certain information held by the Chief of Domestic Security and any information in a certain notification which would reveal information critical to state or national security; providing an exemption from public meetings requirements for portions of meetings which would reveal such exempt information; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 943.03102, Florida Statutes, as created by SB 1632, 2026 Regular Session, is amended to read:

943.03102 Designation of terrorist organizations.—

(2)(a)1. At least 7 days before making a designation under subsection (1), the Chief of Domestic Security shall provide written notice to the Governor and Cabinet of his or her intent to designate an organization as a foreign terrorist organization or a domestic terrorist organization, which notice must be accompanied by written findings regarding the basis for such designation.

2.a. Any information held by the Chief of Domestic Security and any information in the notification by the Chief of Domestic

Page 1 of 3

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590-02463-26

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Security to the Governor and Cabinet which would reveal information critical to state or national security is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. Any portion of a meeting which would reveal information made exempt under sub-subparagraph a. is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

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

Section 2. (1) The Legislature finds that it is a public necessity that any information held by the Chief of Domestic Security and any information in the notification of the intent to designate an organization as a domestic terrorist organization or a foreign terrorist organization by the Chief of Domestic Security to the Governor and Cabinet which would reveal information critical to state or national security be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such information is critical for the security interests of this state and of the United States, and the release of such information could endanger or do irreparable harm to the interests of this state and of the United States.

(2) Further, the Legislature finds that it is a public necessity that any portion of a meeting which would reveal such information be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution for the same reasons.

Page 2 of 3

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590-02463-26

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59 (3) Consequently, the Legislature finds that it is a public
60 necessity to exempt such information from public records and
61 public meetings requirements to safeguard information critical
62 to state or national security and to safeguard the interests of
63 this state and of the United States.

64 Section 3. This act shall take effect on the same date that
65 SB 1632 or similar legislation takes effect, if such legislation
66 is adopted in the same legislative session or an extension
67 thereof and becomes a law.

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 1634

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Public Records and Meetings/Chief of Domestic Security

DATE: February 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2. <u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3. _____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1634 creates public records and public meeting exceptions related the designation of certain organizations as a domestic terrorist organization or a foreign terrorist organization as provided in CS/SB 1632.

The bill protects from public disclosure records which would reveal information critical to state or national security. The bill also creates a public meetings exemption to provide that any portion of a meeting which would reveal information critical to state or national security is exempt.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records and public meeting exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill provides the effective date is the same date that SB 1632, or similar legislation, if adopted, takes effect.

II. Present Situation:

Chief of Domestic Security

The executive director of the Department of Law Enforcement, or a member of the department designated by the executive director, is the Chief of Domestic Security.¹ Current duties of the Chief of Domestic Security include:

- Coordinating the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.
- Preparing recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.
- Coordinating the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

CS/SB 1632, the linked substantive bill, adds new duties relating to terrorist organizations. The bill requires the Chief to recommend to the Governor and Cabinet that certain organizations be designated as a domestic terrorist organization or a foreign terrorist organization. The Chief must also maintain current lists, periodically review the designations, and administer appeals of a decision to designate an organization.

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.² 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.³

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.⁴ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁵ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

¹ Section 943.0311(1), F.S.

² FLA. CONST. art. I, s. 24(a).

³ *Id.*

⁴ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

⁵ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁶

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

⁶ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁶ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁷ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.¹⁸

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., known as the “Government in the Sunshine Law,”¹⁹ or the “Sunshine Law,”²⁰ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²¹ The board or commission must provide the public reasonable notice of such meetings.²² Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²³ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁴ Failure to abide by open meetings requirements will invalidate any resolution, rule

¹² See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

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

¹⁶ FLA. CONST., art. I, s. 24(b).

¹⁷ *Id.*

¹⁸ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁹ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

²⁰ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²¹ Section 286.011(1)-(2), F.S.

²² *Id.*

²³ Section 286.011(6), F.S.

²⁴ Section 286.011(2), F.S.

or formal action adopted at a meeting.²⁵ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁶

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of each house of the Legislature.²⁷ The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁸ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁹

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³⁰ (the Act), prescribe a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.³³

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.³⁴ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁵
- 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;³⁶ or

²⁵ Section 286.011(1), F.S.

²⁶ Section 286.011(3), F.S.

²⁷ FLA. CONST., art. I, s. 24(c).

²⁸ *Id.*

²⁹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

³⁰ Section 119.15, F.S.

³¹ 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.

³² 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.

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process. 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 required.³⁸ 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.³⁹

III. Effect of Proposed Changes:

CS/SB 1634 amends s. 943.03102, F.S. (which is created in CS/SB 1632), to create a public records exemption for any information held by the Chief of Domestic Security and any information in the notification by the Chief of Domestic Security to the Governor and Cabinet which would reveal information critical to state or national security.

The bill also creates a public meetings exemption to provide that any portion of a meeting which would reveal information made exempt because it is part of the notification and is critical to state or national security is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

The bill contains the Legislative findings justifying the necessity for these exemptions.

The bill takes effect the same date that SB 1632 or similar legislation takes effect, if adopted and becomes a law (SB 1632 takes effect upon becoming a law).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 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

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ See generally s. 119.15, F.S.

³⁹ Section 119.15(7), F.S.

exemption to the public records or open meetings requirements. This bill creates public records exemptions and a public meeting exemption; therefore, it requires a two-thirds vote.

Public Necessity Statement

Article I, section 24(a) of the State Constitution and Article I, section 24(b) of the State Constitution require a bill creating or expanding an exemption to the public records or open meetings requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemptions.

Breadth of Exemption

Article I, section 24(c), of the State Constitution requires exemptions to the public records and open meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the bill is to protect information critical to state or national security. The bill does not appear to be broader than necessary to accomplish its purpose.

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:

A companion bill CS/SB 1632 creates section 943.03102 of the Florida Statutes. This bill substantially amends that section to include public records and public meetings exemptions.

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

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

CS by Judiciary on February 3, 2026:

The amendment made technical changes to replace references to the “Cabinet” with the “Governor and Cabinet” and to replace blanks with references to the linked substantive bill CS/SB 1632.

B. Amendments:

None.